

CITY OF MIDDLEBURG HEIGHTS, OHIO

Council Agenda

May 28, 2024

7:00 P.M. REGULAR MEETING

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of May 14, 2024
Minutes of the Executive Meeting of May 14, 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

MAY 28, 2024

PAGE 2

2024 PENDING LEGISLATION

RESOLUTION NO. 2024-23 - 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. (First Reading – April 9, 2024, Revised – April 15, 2024, Second Reading – April 23, 2024)

ORDINANCE NO. 2024-24 - 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. (First Reading – April 9, 2024, Second Reading – April 23, 2024)

RESOLUTION NO. 2024-25 - INTRODUCED BY MAYOR CASTELLI

A Resolution in support of the passage of the Health Center Renewal Levy. (First Reading – April 9, 2024, Second Reading – April 23, 2024)

UN-NUMBERED LEGISLATION

INTRODUCED BY MAYOR CASTELLI

A Resolution accepting the bid of Perk Company, Inc. for the Smith Road Streetscaping.

INTRODUCED BY MAYOR CASTELLI

A Resolution authorizing the mayor, or his designee, to file an application for the Ohio Department of Natural Resources Natureworks Grant for the Central Park Nature Play Area.

INTRODUCED BY MAYOR CASTELLI

An Ordinance prohibiting adult-use cannabis operations, including cultivators, processors and dispensaries in the City of Middleburg Heights pursuant to Chapter 3780 of the Ohio Revised Code and declaring an emergency,

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2024-

Introduced By: Mayor Matthew Castelli

A RESOLUTION ACCEPTING THE BID OF PERK COMPANY, INC. FOR THE SMITH ROAD STREETSCAPING

WHEREAS, pursuant to legal advertisement duly made, sealed bids were received on May 7, 2024, for the **Smith Road Streetscaping**, in accordance with specifications on file in the office of the City Engineer; and

WHEREAS, the City Engineer is recommending acceptance of the bid of Perk Company, Inc., 3740 Carnegie Avenue, Building A, Suite 301, Cleveland, OH 44115 for the Smith Road Streetscaping in the amount of \$7,062,824.34 and is determined to be the lowest and best bid, therefore.

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

Section 1: That the bid of Perk Company, Inc., 3740 Carnegie Avenue, Building A, Suite 301, Cleveland, OH 44115 for the Smith Road Streetscaping in the amount of \$7,062,824.34 being the lowest and best bid submitted pursuant to legal advertisement and specifications on file in the office of the City Engineer, be and the same is hereby accepted.

Section 2: That the Mayor and Finance Director are hereby authorized to enter into a contract with Perk Company, Inc. in accordance with Section 1 of this Resolution.

Section 3: That there is hereby appropriated from the Street/Infrastructure Improvement Fund \$4,585,497.47 to implement this Resolution.

Section 4: 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	_____	_____
Zakel	_____	_____

CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2024-

Introduced By: Mayor Matthew Castelli

A RESOLUTION

**AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO FILE AN APPLICATION
FOR THE OHIO DEPARTMENT OF NATURAL RESOURCES NatureWorks
GRANT FOR THE CENTRAL PARK NATURE PLAY AREA**

WHEREAS, as part of the NatureWorks program, the Ohio Department of Natural Resources (ODNR) awards grants to support new outdoor recreation projects in local communities across the state; and

WHEREAS, these grants help to improve and upgrade outdoor spaces for citizens of Ohio with the development of playgrounds, natural playscapes, trails, restrooms, dog parks, baseball fields, basketball courts, tennis and pickleball courts, splash pads, and picnic shelters; and

WHEREAS, the City of Middleburg Heights desires financial assistance under the NatureWorks Grant Program for a Central Park Nature Play Area.

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

Section 1: That the Mayor, or his designee, is hereby authorized to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.

Section 2: 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	_____	_____
Zakel	_____	_____

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2024-

Introduced By: Mayor Matthew Castelli

**AN ORDINANCE
PROHIBITING ADULT-USE CANNABIS OPERATIONS, INCLUDING
CULTIVATORS, PROCESSORS AND DISPENSARIES IN THE CITY OF
MIDDLEBURG HEIGHTS PURSUANT TO CHAPTER 3780 OF THE OHIO
REVISED CODE
AND DECLARING AN EMERGENCY**

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, which legalized adult-use marijuana; and

WHEREAS, Ohio Revised Code Chapter 3780 Adult Use Cannabis Control, became effective on December 7, 2023; and

WHEREAS, Ohio Revised Code Section 3780.25 authorizes the legislative authority of a municipal corporation to prohibit or limit the number of cannabis operations within its jurisdiction; and

WHEREAS, the Council and the Mayor of the City of Middleburg Heights determine that adult-use marijuana operators, including cultivators, processors and dispensaries, do not promote and provide for the public peace, health, safety, convenience, comfort, prosperity and general welfare of its residents, and pursuant to the authority provided in O.R.C. 3780.25, the Council of the City of Middleburg Heights wishes to prohibit adult-use cannabis operators, including cultivators, processors and dispensaries within the City of Middleburg Heights.

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

Section 1: That pursuant to the authority granted to the Council of the City of Middleburg Heights in Ohio Revised Code Section 3780.25, this Council hereby determines that it is necessary to prohibit all cannabis operations, including cultivation, processing, and dispensing within its jurisdiction under Ohio Revised Code Chapter 3780, within the City of Middleburg Heights.

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 necessary for the immediate preservation of the public peace, property, health, safety, and welfare in the City and for the usual daily operation of the City for the further reason that the State has identified a date by which licenses will be available and it is important to ensure that residents, as well as adult-use marijuana operators are aware of said prohibition in the City. 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	_____	_____