

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
MAY 14, 2024

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, May 14, 2024 for the purpose of conducting a REGULAR MEETING. President of Council David Bortolotto called the meeting to order at 7:00 p.m.

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| PRESENT: | Matthew Castelli | Mayor |
| | David Bortolotto | President of Council |
| | Tim Ali | Councilman At Large |
| | Bill Meany | Councilman Ward 1 |
| | Matthew McGregor | Councilman Ward 2 |
| | Mike Ference | Councilman Ward 3 |
| | John Zakel | Councilman Ward 4 |
| | Mary Ann Meola | Clerk of Council |

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| STAFF | | |
| ATTENDING: | Santo Incorvaia | Law Director |
| | Jason Stewart | Finance Director |
| | Jim Herron | Service Director |
| | Chuck Bichara | Economic Development Director |
| | Mark Elliott | Recreation Director |
| | Briant Galgas | Fire Chief |

ABSENT: Councilman Dan Sage

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of April 23, 2024, minutes of the special meeting of May 6, 2024 and minutes of the executive session meeting of May 6, 2024. Seconded by Mr. McGregor. APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

Certificate of estimated property tax revenue from the county auditor regarding Southwest General Hospital levy, revised May 7, 2024. FILE AS RECORD

Text amendment request dated April 23, 2024 from Breaking Through Intensive Treatment. REFER TO ZONING COMMITTEE

Text amendment request dated April 29, 2024 from Dean Van Dress. REFER TO ZONING COMMITTEE

AUDIENCE PARTICIPATION

Ms. Paula Givens, 3534 Door Street, Toledo, said she is a cannabis attorney that represents a couple cannabis companies in Ohio that have licensed dispensaries. She said as you know, adult use passed in November, thereafter a moratorium was passed here. Ms. Givens said right now, we know a little more than we did. She said she is here to ask council if the moratorium that was imposed was because you are certain that this is not a community where you want to allow it, or if the moratorium was put into place because more information was needed. Ms. Givens said they have a piece of property in ward one and would like to place a cannabis dispensary there. She said it would be a dual use, medical and adult use cannabis dispensary, that would serve medical patients and individuals over 21. Ms. Givens said she would supervise the compliance of that facility. She said they can come into a community and demonstrate that these businesses can operate in a safe manner. Ms. Givens said if someone got back to her and communicated that it wasn't that we didn't want it in our community, but we would like more information, she would be happy to make a presentation that was

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2 planned. She said she could provide more information for your consideration and
3 would be happy to speak with our safety director, economic development director
4 and law director. Ms. Givens said the state law doesn't require you to allow this
5 use, this is at your discretion. She said you can allow as many as you want. Ms.
6 Givens said she thinks the big fear of a lot of communities was that if they were
7 slightly opened to it, that there would be a rush of businesses. She said what isn't
8 in the state law and in the rules, allows communities to do what they want. Ms.
9 Givens said the municipalities have all of the control here. She said she would go
10 through the long list of benefits if you are interested in learning of them. Ms.
11 Givens said 3.6 percent of every purchase goes directly to the municipality. She
12 said the retail jobs are also decent paying jobs. Ms. Givens said they are a good
13 community partner, as well as, a security and safety partner. She said they would
14 be one of the most secure facilities in your community, even more secure than a
15 pharmacy, far more secure than a vape shop and exceptionally more secure than a
16 bank. Ms. Givens said Mr. Incorvaia has her email address and phone number.
17 She would welcome the opportunity to come back if there was an openness to
18 learn more.
19 Mr. McGregor said he would be interested to have Ms. Givens attend a public
20 health and safety committee meeting to provide for more information.

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24 APPOINTMENTS AND CONFIRMATIONS

25 None.

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28 ORDINANCES, RESOLUTIONS AND MOTIONS

29 CITY PARKS, RECREATION & SERVICES COMMITTEE – MR. ALI
30 CHAIRMAN

31 No legislation.

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34 FINANCE, TAXATION & ASSESSMENTS COMMITTEE – MR.
35 BORTOLOTTO, CHAIRMAN

36 Mr. Bortolotto introduced ORDINANCE NO. 2024-35, An Ordinance to make ORD. 2024-35
37 supplemental appropriations for current expenditures and expenses for the City of ADOPTED
38 Middleburg Heights for the calendar year 2024 and MOVED TO ADOPT. SUPPLEMENTAL
39 Seconded by Mr. Zakel. APPROPRIATIONS

40 Mr. Bortolotto said this was discussed at the finance committee meeting. He said
41 this has to do with pole replacements and the Smith Road Streetscape.

42 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-35 ADOPTED

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45 Mr. Bortolotto introduced ORDINANCE NO. 2024-36, An Ordinance authorizing ORD. 2024-36
46 the mayor and economic development director to enter into a contract with TRC ADOPTED
47 Environmental Corporation and MOVED TO ADOPT. Seconded by Mr. CONTRACT: TRC
48 Ference. ENVIRONMENTAL

49 Mr. Bortolotto said this was also discussed at the finance committee meeting. He
50 said TRC Corporation will provide environmental consulting services to the city
51 in support of Brownfields cleanup funding through the NOACA Revolving Loan
52 Fund Grant. Mr. Bortolotto said these consultants will help the city obtain a
53 grant for the asbestos and environmental remediation of the former Sears site.

54 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-36 ADOPTED

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58 Mr. Bortolotto introduced RESOLUTION NO. 2024-37, A Resolution accepting RES. 2024-37
59 the consortium bid of Cargill, Inc. – Salt, Road Safety for treated sodium chloride ADOPTED
60 for the 2024-2025 season (11/1/2024 – 10/31/2025) and MOVED TO ADOPT. ACCEPT CONSORTIUM
61 Seconded by Mr. McGregor. BID: CARGILL
62 (TREATED SODIUM
CHLORIDE)

Mr. Bortolotto said this was discussed in committee. He said the range for this is
\$71.05 per ton for dump delivery and \$78.33 per ton for piler delivery.

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Mr. Ali asked Mr. Herron if it was possible to get an ingredient list on the treated sodium chloride.

Mr. Herron said he had provided that earlier, but he could get it again.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-37 ADOPTED

Mr. Bortolotto introduced RESOLUTION NO. 2024-38, A Resolution accepting the consortium bid of Cargill, Inc. – Salt, Road Safety for untreated sodium chloride for the 2024/2025 season (11/1/2024 – 10/31/2025) and MOVED TO ADOPT. Seconded by Mr. Meany.

RES. 2024-38
ADOPTED
ACCEPT CONSORTIUM
BID: CARGILL
(UNTREATED
SODIUM CHLORIDE)

Mr. Bortolotto said this was also discussed at the finance committee meeting. He said the untreated sodium chloride is \$54.30 per ton for dump delivery and \$61.58 per ton for piler delivery.

Mr. Ference said with the mild winters that we have, he would like to see these salt companies hold the line on their pricing a little bit for the coming years. He said it is disappointing when we have such little use, the demand is down but the price keeps going up.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-38 ADOPTED

LEGISLATION & RULES COMMITTEE – MR. ZAKEL, CHAIRMAN

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 RESOLUTION NO. 2024-39, A Resolution authorizing the mayor and finance director to enter into a contract with Tri Mor Corporation for the 2024 Street Repair Program Phase 2 – Arrowhead Trail Reconstruction and MOVED TO ADOPT. Seconded by Mr. Zakel.

RES. 2024-39
ADOPTED
CONTRACT: TRI MOR
CORPORATION
(STREET REPAIR
PHASE 2 -
ARROWHEAD TRAIL)

Mr. Meany said this was discussed last night at the streets committee meeting. He said this bid was awarded to Tri Mor Corporation for \$1,185,328.50. Mr. Meany said this will be for the reconstruction of Arrowhead Trail from Gerald to Bartholomew.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-39 ADOPTED

Mr. Meany introduced RESOLUTION NO. 2024-40, A Resolution accepting the bid of J.D. Striping & Services, Inc. for pavement markings and MOVED TO ADOPT. Seconded by Mr. McGregor.

RES. 2024-40
ADOPTED
ACCEPT BID:
J.D. STRIPING &
SERVICES, INC.
(PAVEMENT
MARKINGS)

Mr. Meany said this bid is being awarded to J.D. Striping & Services, Inc. for \$104,194.52.

Mr. Ali asked how many bids were received.

Mr. Herron said three bids were received.

Mr. Ali asked if J.D. Striping was awarded the bid last year.

Mr. Herron said they have done the striping for the last six years.

Mr. Ali asked what the price difference was from last year to this year.

Mr. Herron said last year it was \$108,000, and added that this contract is a two year contract.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-40 ADOPTED

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ZONING & BUILDING CODE COMMITTEE – MR. FERENCE, CHAIRMAN

Mr. Ference made a motion establishing a \$500 application fee for a zoning code text amendment. Seconded by Mr. McGregor.

MOTION 2024-17
ESTABLISH \$500
APPLICATION FEE
FOR A ZONING CODE
TEXT AMENDMENT

Mr. Ference said this is basically an applicant asking to make a change in the standing zoning code, without actually changing the code but amending the language in the code. He said there would be a \$500 application fee to have that considered.

ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

Mayor Castelli referred to RESOLUTION NO. 2024-33, A Resolution selecting Mayor Kirsten Holzheimer Gail to represent County Mayors on the 9-1-1 Program Review Committee and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

RES. 2024-33
ADOPTED
SELECT MAYOR
KIRSTEN HOLZHEIMER
GAIL (9-1-1 PROGRAM
REVIEW COMMITTEE)

Mayor Castelli said this was discussed previously, and said it is an unusual situation in regards to the Cuyahoga County 9-1-1 plan, which obviously we are part of. He said our Mayors Association has a representative that typically they would vote from our Mayors Association to put on the committee, but the way this is written requires the legislatures of the communities to appoint a mayor on the committee. Mayor Castelli said Mayor Holzheimer Gail has served periodically as a backup on this committee, and our Mayors Association, including himself, are supporting her to be placed on the committee going forward.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-33 ADOPTED

Mayor Castelli referred to RESOLUTION NO. 2024-34, A Resolution adopting the Cuyahoga County 9-1-1 Plan and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

RES. 2024-34
ADOPTED
ADOPT CUYAHOGA
COUNTY 9-1-1 PLAN

Mayor Castelli said this is basically our community adopting the Cuyahoga County 9-1-1 Plan.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-34 ADOPTED

Mayor Castelli introduced ORDINANCE NO. 2024-41, An Ordinance amending codified sections: 111.02, 111.03, 121.01, 121.02, 123.045, 123.16, 123.22, 123.23, 127.01, 127.13, 129.13, 131.08, 133.045, 133.08, 135.02, 135.04, 135.05, 135.06, 135.07, 135.11, 135.12, 135.15, 138.01, 141.01, 181.025 and 181.04; establishing sections: 123.201, 127.171, 127.19 and 127.20; and repealing sections: 121.03, 121.05, 121.06, 121.07, 123.07, 123.08, 123.09, 123.10, 123.11, 123.13, 123.14, 123.17, 123.21, 123.231, 130.01 through 130.04, 135.03, 135.10, 138.04, 139.17 and 139.18 and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2024-41
ADOPTED
AMEND, ESTABLISH
AND REPEAL VARIOUS
CODIFIED SECTIONS

Mayor Castelli said this is a cleanup ordinance that was discussed. He said our finance director and HR consultants are going to be working on updated job descriptions. Mayor Castelli said there are 30 plus years of outdated jobs and titles and said we are trying to clean that up as we move forward with current job descriptions for our staff members.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-41 ADOPTED

Mayor Castelli introduced ORDINANCE NO. 2024-42, An Ordinance amending the pay grade assignments for certain municipal employees and officers and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2024-42
ADOPTED
AMEND PAY GRADE
ASSIGNMENTS

Mayor Castelli said this ordinance goes along with the first ordinance to clean up pay grade assignments, making sure positions are lined appropriately with the pay grade.

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2 Mr. Stewart said they are simply mirroring the titles to the codified sections to the
3 pay grade chart.

4 ROLL CALL: YEAS 6, NAYS, ORDINANCE NO. 2024-42 ADOPTED

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6 COUNCIL COMMITTEE REPORTS

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

8 No report.

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

11 Mr. Bortolotto asked for a moment of silence for Officer Jacob Derbin who was
12 killed in the line of duty this week.

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15 Legislation & Rules Committee – Mr. Zakel, Chairman

16 Mr. Zakel said he would like to thank one of our residents who put on a great food
17 truck that came into Indian Creek last Wednesday. He said they had a nice
18 community gathering with a line for the two hours that they were there. Mr.
19 Zakel said they are going to do that every month until October.

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

23 Mr. McGregor said the safety committee will meet on Monday, June 10th. He
24 said they will meet here at city hall, and then go over to the fire station to see the
25 upgrades and renovations, etc. Mr. McGregor said if you have other agenda items
26 to please let him know.

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29 Public Improvements Committee – Mr. Sage, Chairman

30 No report.

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

34 Mr. Meany said his committee will meet on Monday, June 10th after the safety
35 committee meeting. He said the time is to be determined, but he thought it would
36 be at 7:00 p.m. Mr. Meany said the minutes from the committee meeting last
37 night were emailed to everyone this afternoon.

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

41 Mr. Ference said they met on May 6th and minutes have been distributed. He said
42 the next zoning committee meeting will be on Monday, June 3rd.

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44 MAYOR'S REPORT

45 Mayor Castelli said Original Steak will be opening up in the Heinen's Plaza with
46 a ribbon cutting on Friday, May 17th at 2:00 p.m. He said they look forward to
47 having some great Philly Cheesesteaks.

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50 LAW DIRECTOR

51 Mr. Incorvaia asked that council consider before adjournment going into
52 executive session. He asked for a motion to convene into executive session for the
53 following purposes; to consider the purchase of property for public purposes
54 pursuant to ORC Section 121.22(G)(2); to consider the sale of real property
55 pursuant to ORC Section 121.22(G)(2); and to consider confidential information
56 related to negotiations with other political subdivisions respecting requests for
57 economic development assistance pursuant to ORC Section 121.22(G)(8).

58 On behalf of Mr. Incorvaia, Mr. Bortolotto made a motion to go into executive
59 session in regards to the details that were just explained. Seconded by Mr.
60 Ference.

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62 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED

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FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott said the spring programming is winding down, while they gear up for summer. He said they recently mailed out information to members of council regarding the Summer in the City. Mr. Elliott said the outdoor pool will open Memorial Day weekend. He said opening day for baseball and softball will be May 28th. Mr. Elliott said school is out a little earlier this year on May 30th, so you will see a lot of the school kids from the elementary and middle schools out here during the day.

ECONOMIC DEVELOPMENT DIRECTOR

No report.

SERVICE DIRECTOR

No report.

FIRE CHIEF

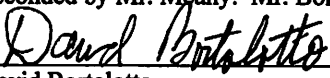
No report.

Start Executive Session: 7:30 p.m.

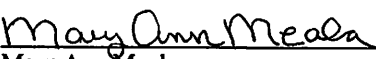
Following the Executive Session, Mr. Bortolotto reconvened the Special Meeting of Council at 8:22 p.m.

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| PRESENT: | Matthew Castelli | Mayor |
| | David Bortolotto | President of Council |
| | Tim Ali | Councilman-At-Large |
| | Bill Meany | Councilman Ward 1 |
| | Michael Ference | Councilman Ward 3 |
| | John Zakel | Councilman Ward 4 |
| | Mary Ann Meola | Clerk of Council |
| | Santo Incorvaia | Law Director |
| | Jason Stewart | Finance Director |
| | Chuck Bichara | Economic Development Director |
| | Jim Herron | Service Director |

There being no further business, Mr. Bortolotto made a motion to adjourn. Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 8:22 p.m.



David Bortolotto
President of Council



Mary Ann Meola
Clerk of Council