

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
SEPTEMBER 10, 2024

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, September 10, 2024 for the purpose of conducting a REGULAR MEETING. President of Council David Bortolotto called the meeting to order at 7:02 p.m.

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|----------|------------------|----------------------|
| PRESENT: | Matthew Castelli | Mayor |
| | David Bortolotto | President of Council |
| | Tim Ali | Councilman At Large |
| | Dan Sage | Councilman At Large |
| | Bill Meany | Councilman Ward 1 |
| | Mike Ference | Councilman Ward 3 |
| | John Zakel | Councilman Ward 4 |
| | 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 |
| | Briant Galgas | Fire Chief |

ABSENT: Councilman Matthew McGregor

PLEDGE OF ALLEGIANCE

Mr. Bortolotto said he would like to say a few words regarding a colleague and friend that we all lost. He said Raymond "RJ" Wohl, beloved husband of 37 years to Gloria, loving father of Rachel Wohl, Brian Wohl (Erin) and Stephanie Wohl. Cherished Pappa to Emmitt and Camryn Wohl. Mr. Bortolotto said Ray was the retired Berea Municipal Clerk of Courts, but most importantly to us he was a former councilman and president of council here in Middleburg Heights. He said he was a member of many masonic organizations and a proud U.S. Army Veteran. Mr. Bortolotto said RJ never did not make a friend in anyone he met. He said Ray was truly a remarkable individual whose presence was larger than life. Mr. Bortolotto said for those of you that knew him, he had incredible way of brightening our lives. He was his known for his generosity, unwavering support and extraordinary spirit. Mr. Bortolotto said Ray touched countless lives with his kindness and wisdom. He said he was a stellar human being. Mr. Bortolotto said Ray leaves behind a legacy of compassion and integrity that will be remembered and cherished, not only by his family but also by a multitude of his close friends. He said Ray was a dear friend of his, and many of us, and will truly be missed. Mr. Bortolotto asked for a moment of silence.

MINUTES

Motion by Mr. Ali to approve the minutes of the special meeting of July 22, 2024 and the minutes of the executive session meeting of July 22, 2024. Seconded by Mr. Meany. MINUTES APPROVED

ROLL CALL: YEAS 6, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

Memorandum from Planning Commission recommending approval of Ordinance No. 2024-48, amending zoning code sections 1129.07 and 1143.04. FILE AS RECORD

Notice to Legislative Authority requesting liquor permit transfer from Two Bucks to Flaming Margaritas LLC. MOTION 2024-23
RETURN LIQUOR
TRANSFER REQUEST
WITHOUT OBJECTION
(FLAMING
MARGARITAS LLC)

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1 Mr. Bortolotto made a motion to return the liquor transfer request without
2 objection. Seconded by Mr. Sage.

3 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED
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6 Notice to Legislative Authority requesting liquor permit transfer to Umi Sushi.
7 Mr. Bortolotto made a motion to return the liquor transfer request without
8 objection. Seconded by Mr. Meany.

9 ROLL CALL: YEAS 6, NAYS 0, MOTION APPROVED
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MOTION 2024-24
RETURN LIQUOR
TRANSFER REQUEST
WITHOUT OBJECTION
(UMI SUSHI)

11
12 Mr. Bortolotto made a presentation of a Proclamation to a long-time friend and
13 neighbor of his, Sue Grzybowski. He also welcomed Dr. Jennifer Murphy, PhD,
14 and Julie Greenberg-Hicks, M. Ed. He said he was asked by Sue if we could
15 please be cognizant of Dyslexia. Mr. Bortolotto read the proclamation in its
16 entirety of which a copy is attached. He presented the proclamation to Sue
17 Grzybowski and her colleagues.
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19
20 AUDIENCE PARTICIPATION/PUBLIC COMMENT ON SEARS ASBESTOS
21 ABATEMENT

22 Mr. Ralph Boles, 7190 W. 130th Street, said he and his neighbors are having an
23 ongoing flooding problem. He said this summer was the worst, completely
24 plugging the storm line. Mr. Boles said he spoke with Mr. Minch who got the
25 county to come snake it out. He said a few of the neighbors are getting flooded
26 out, with their basements completely flooded out. He said they would like to
27 know what could be done, and if nothing else for now, could a camera be put in
28 the line to find out where the major problems are. Mr. Boles said when they
29 contacted the maintenance department, they tell them it is the homeowner's
30 problem because they didn't put those storm lines in. He said the homeowners
31 didn't put anything in. Mr. Boles said they would like to find out what could be
32 done to rectify this. He submitted pictures and said this is the first time that he and
33 his neighbors have attended a meeting.
34

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36 Mayor Castelli said they have been working with flooding issues throughout the
37 city, but this is the first time he has heard anything about W. 130th.

38 Mr. Herron said this is probably similar to what we encountered with Old Pleasant
39 Valley/Shawnee area. He said years ago, when the neighborhood was built, they
40 installed storm sewers. Mr. Herron said of course as we all remember the issue
41 with those areas is that they are not public storm sewers, they are private storm
42 sewers. He said we certainly try to go above and beyond, getting the county out
43 technically on private property to rectify the situation. Mr. Herron said what
44 would be needed is to get formal easements from every homeowner so we could
45 have legal access to get to the storm sewer. He said the camera work is already
46 ordered through the county.
47

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49 Mayor Castelli asked if there have been any discussions regarding easements.

50 Mr. Herron said they have not discussed anything about easements, it has been
51 more about maintenance and making sure the problem is rectified. He said we
52 should sit down, review the situation and work with the homeowners for that to be
53 properly serviced and maintained. Mr. Herron said this should be discussed as a
54 group, so we could get the formal easements to go back and camera to see what
55 needs to be done.
56

57 Mr. Bortolotto asked for this to be put into committee to be discussed.

58 Mr. Ali suggested getting someone out there tomorrow to look at this. He said
59 looking at those pictures, this is more than a couple houses. Mr. Ali said that
60 water is a regional issue, so numerous houses are involved.
61
62

REFER W. 130TH
FLOODING TO
STREETS
COMMITTEE

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1 Mayor Castelli said in the past where there were backyard storm sewers, we
2 needed to obtain easements from all of the homeowners allowing us to have
3 access to clean it out which made a huge difference in places that this has been
4 done before.
5
6 Mr. Bortolotto said we will take this seriously. He said the city has been very
7 good about working on these projects.
8 Mayor Castelli asked if the photos were from rain events this year.
9 Mr. Boles said no.
10
11 Mr. Ference said that is a unique problem, it is really at the corner of Old Pleasant
12 Valley and W. 130th. He said when it floods, the water spreads out on W. 130th
13 and Old Pleasant Valley. Mr. Ference said it is unique since it is a private storm
14 water sewer. He said it is complicated by the fact that an excessive amount of
15 water is coming over from Parma. Mr. Ference said and the pipe on the
16 Middleburg Heights side is not taking that water very well.
17 Discussion continued.
18
19 Mr. Herron said those houses were built the same as those on Shawnee and at the
20 other ones that we had issues going back 15 years ago. He said those pipes
21 worked great for 20-30 years. Mr. Herron said they will meet with Mr. Boles and
22 the neighbors to determine what area we are talking about and work with the law
23 director to draft easement documents. He said he would encourage you to make
24 sure your neighbors participate because we have found it is critical that everyone
25 participates. Mr. Herron said if one neighbor doesn't participate that could be
26 where the broken sewer line is. He said we will work with our engineer to see
27 what kind of sewer fixes could be done. Mr. Herron said it is a little bit of a
28 process.
29
30 Mayor Castelli asked for everyone's names and addresses on one list. He said we
31 have been trying to address all of the flooding issues that have been happening all
32 over the city. Mayor Castelli said we do have a blueprint for backyard sewers, it is
33 a private sewer. He said we have a process that was followed with some of the
34 other streets with backyard sewers, and we will follow that same process to get
35 moving. He emphasized that everyone needs to work together, and reiterated Mr.
36 Herron's point that everyone has to participate to see where the issues are.
37
38 Ms. Chris Wagner, 7196 W, 130th and said her family was the original owners of
39 this property, and said she has been there for 40 years. She said the owners of the
40 property that have the open ditch in their yard are not here and said the one
41 homeowner speaks no English and the other one speaks very little English. Ms.
42 Wagner said they have put a ton of their own money in trying to fix this. She said
43 most of this summer there has been open sewage in their back yard. Ms. Wagner
44 said the mosquitos are terrible and the water stood for over a month while they
45 were out of town until they made some phone calls and the sewers were jetted out.
46 She said in that time, their basement was flooded and these people have been
47 living with this.
48
49 Mr. Boles said Mr. Minch was very nice and helpful.
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51 Ms. Lori Browning, 7200 W. 130th, said her neighbors are the ones that don't
52 speak English, that are doing things and she wants to make sure her property is
53 protected. Ms. Browning said this has to be done correct, accurate and up to code.
54 Mayor Castelli said when we have an easement, we will have a process to oversee
55 and make sure that everything is done consistently and equally on all the
56 properties. He said but again, we need access.
57
58 Mr. Herron said this is the way things were done in the 1950's, with pipes being
59 buried in the backyards and nothing lasts for 60 or 70 years. He said we will
60 work with you to make sure we get something that works for everybody.
61
62 Ms. Kim Mansell, 13170 Old Pleasant Valley, said when this originally happened
they had Mr. Ference come to their home. She said they probably have the largest

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1 amount of water. Ms. Mansell said it cost them out of pocket \$10,000 because
2 they ended up having two feet of water in their basement. She said they would
3 greatly appreciate anything you can do.

4 Mr. Jason Knauer, NOACA representative, came forward and said that
5 Middleburg Heights was awarded a loan through NOACA for the remediation of
6 the former Sears and Sears automobile site. He said the city was just awarded
7 Ohio funding in a much greater amount which was awesome. Mr. Knauer said he
8 wanted to come to show their appreciation and support with this project. He said
9 this is the first loan and project that they have funded through the revolving loan
10 fund, and are very excited to get things underway. Mr. Knauer said he would be
11 happy to talk to anyone or answer any questions that folks may have during or
12 after the meeting.

13 Mr. Bortolotto said as a resident in the city, he is grateful that NOACA has
14 supported with all of this as well.

15 Mr. Bichara thanked Mr. Jason Knauer for coming up this evening. He said they
16 have been working very closely with NOACA, and the US EPA which has been
17 an outstanding resource in helping everyone through this project. Mr. Bichara
18 said our environmental consultant, and NOACA's environmental consultant will
19 approach this project and ensure it is a success. He said this is one of the public
20 meetings where people will have the opportunity to speak and that is why Mr.
21 Knauer is here this evening.

22 Mr. Philip Lo Dolce, 14380 Uhlin Drive, lives across the street from the soccer
23 fields and said there is a little ditch across from house that fills with water when it
24 rains. He said the culvert pipe is approximately three to four inches above
25 ground, and the water just sits. Mr. Lo Dolce would appreciate if something could
26 be done with this.

27 APPOINTMENTS AND CONFIRMATIONS

28 None.

29 ORDINANCES, RESOLUTIONS AND MOTIONS

30 CITY PARKS, RECREATION & SERVICES COMMITTEE - MR. ALLI

31 CHAIRMAN

32 No legislation.

33 FINANCE, TAXATION & ASSESSMENTS COMMITTEE - MR.

34 BORTOLOTTI, CHAIRMAN

35 Mr. Bortolotto made a motion to accept the recommendation of the Tax Incentive

36 Review Council to continue the Community Reinvestment Area (CRA)

37 Agreement between the City of Middleburg Heights and JKR Development.

38 Seconded by Mr. Zakel.

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

40 Mr. Bortolotto made a motion to accept the recommendation of the Tax Incentive

41 Review Council to continue the Tax Increment Financing (TIF) Agreement

42 between the City of Middleburg Heights and Fat Head's Brewing, L.P. Seconded

43 by Mr. Sage.

44 Mr. Bichara said these two motions are part of our annual review for any type of
45 incentive we have for our previous development projects. He said they have been
46 reviewed by the city, the county and the Tax Incentive Review Council and all
47 were found to be compliant or over compliant of what the agreement states.

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

MOTION 2024-25
ACCEPT TIRC
RECOMMENDATION
(JKR DEVELOPMENT)

MOTION 2024-26
ACCEPT TIRC
RECOMMENDATION
(FAT HEAD'S)

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1 Mr. Bortolotto introduced ORDINANCE NO. 2024-57, An Ordinance to make
2 supplemental appropriations for current expenditures and expenses for the City of
3 Middleburg Heights for the calendar year 2024 and MOVED TO ADOPT.
4 Seconded by Mr. Meany. ORD. 2024-57
ADOPTED
5 Mr. Bortolotto said this was discussed last night in committee. SUPPLEMENTAL
6 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-57 ADOPTED APPROPRIATIONS
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9 Mr. Bortolotto introduced RESOLUTION NO. 2024-58, A Resolution RES. 2024-58
10 authorizing the finance director to request tax advancements before settlement ADOPTED
11 dates and declaring an emergency and MOVED TO ADOPT. Seconded by Mr. REQUEST TAX
12 Ference. ADVANCEMENTS
13 Mr. Bortolotto said this was also discussed last night.
14 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-58 ADOPTED
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17 Mr. Bortolotto introduced RESOLUTION NO. 2024-59, A Resolution accepting RES. 2024-59
18 the amounts and rates as determined by the Budget Commission and authorizing ADOPTED
19 the necessary tax levies and certifying them to the County Fiscal Officer and ACCEPT RATES
20 MOVED TO ADOPT. Seconded by Mr. Zakel. DETERMINED BY
21 Mr. Bortolotto said this too was discussed last night. BUDGET COMMISSION
22 Mr. Stewart said this is just another procedural item.
23 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-59 ADOPTED
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26 Mr. Bortolotto introduced ORDINANCE NO. 2024-60, An Ordinance authorizing ORD. 2024-60
27 the mayor and finance director to enter into a contract with Reilly Sweeping, Inc. ADOPTED
28 and declaring an emergency and MOVED TO ADOPT. Seconded by Mr. Meany. CONTRACT:
29 Mr. Bortolotto said this was discussed last night in committee. He said there will REILLY SWEEPING
30 be eight sweeps throughout the city for a total of \$57,600.
31 Mr. Ali asked if this was the same company that we had this year.
32 Mr. Herron said yes.
33 Mr. Ali asked if we could ask them to please use more water.
34 Mr. Herron said yes.
35 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-60 ADOPTED
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38 Mr. Bortolotto introduced ORDINANCE NO. 2024-61, An Ordinance amending ORD. 2024-61
39 Codified Sections 127.15 and MOVED TO ADOPT. Seconded by Mr. Sage. ADOPTED
40 Mr. Bortolotto said this was discussed last night and asked if there were any AMEND CODIFIED
41 questions or comments. SECTION 127.15
42
43 Mr. Stewart said back in May we did a number of job title clean-ups. He said we
44 previously had three separate titles for administrative employees, being secretary,
45 office specialist and administrative assistant. Mr. Stewart said it didn't make a lot
46 of sense as they all do the same tasks. He said we consolidated them all down to
47 the one title of administrative assistant and one was simply missed the first time
48 around.
49 Mr. Bortolotto thanked Mr. Stewart for explaining this twice for them.
50
51 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-61, ADOPTED
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54 LEGISLATION & RULES COMMITTEE – MR. ZAKEL, CHAIRMAN
55 No legislation.
56
57 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR,
58 CHAIRMAN
59 No legislation.
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62 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN
No legislation.

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

No legislation.

ZONING & BUILDING CODE COMMITTEE – MR. FERENCE, CHAIRMAN

Mr. Ference placed ORDINANCE NO. 2024-48, An Ordinance amending sections 1129.07 and 1143.04 of the Middleburg Heights Zoning Code ON THIRD READING AND MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2024-48
ADOPTED
AMEND ZONING
CODE SECTIONS
1129.07 & 1143.04

Mr. Ference said this legislation makes an amendment to the Zoning Code to permit a conditional use of medical type applications.

Mr. Bortolotto said we had a public hearing on this prior to the meeting.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-48 ADOPTED

Mayor Castelli introduced RESOLUTION NO. 2024-62, A Resolution waiving 50% of building permit fees for the Polaris Career Center building addition project and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

RES. 2024-62
ADOPTED
WAIVE 50% OF
BUILDING PERMIT
FEES - POLARIS
CAREER CENTER

Mayor Castelli said we are all very excited about the project that is underway at the Polaris Career Center. He said Polaris was awarded an \$11.6 million dollar grant from the state of Ohio for the addition of the Engineering Technology Robotics and Automation program. Mayor Castelli said this is going to add an extremely important element to their career tech development. He said we are very excited to see this project in our city and think it is important to help them with the funding of this important project for not just our residents, but the surrounding region. Mayor Castelli said this is why we are asking for a 50% break on their permit fees through our building department.

Mr. Ference said he sat in on their presentation to the planning commission. He said this is a very nice project that is planned and are addressing some very important needs in the work world with the type of training that they are going to be doing for those areas of engineering and technology. Mr. Ference said he strongly supports this legislation.

ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-62 ADOPTED

Mayor Castelli introduced ORDINANCE NO. 2024-63, An Ordinance authorizing the mayor to sign a second amendment to agreement with Wallace & Pancher, Inc. for professional consulting engineering services and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Zakel.

ORD. 2024-63
ADOPTED
AGREEMENT:
WALLACE & PANCHER
(SECOND AMENDMENT)

Mayor Castelli said as you know, the city has an arrangement with Wallace & Pancher for engineering consulting services. He said Wallace & Pancher was recently purchased by The Mannik & Smith Group, which is a much larger engineering company. Mayor Castelli said there are no changes to the agreement from a financial perspective. He said we are just having Mannik & Smith take on this agreement. Mayor Castelli said we are excited, this will provide a lot of additional services.

ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-63 ADOPTED

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1 Mayor Castelli introduced RESOLUTION NO. 2024-64, A Resolution
2 authorizing the mayor to enter into an agreement (LPA-ODOT-Let Project
3 Agreement) to install pedestrian crossings, sidewalk improvements, and multi-
4 modal transportation enhancements along Smith Road from West 130th to Pearl
5 Road in the City of Middleburg Heights and declaring an emergency and moved
6 to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT.
7 Seconded by Mr. Ference.

RES. 2024-64
ADOPTED
AGREEMENT: ODOT
LET PROJECT
AGREEMENT
(LPA)

8 Mayor Castelli said as you are all aware, the city received a grant from NOACA
9 to install a multi-modal path in our Southland district. He this is all part of the
10 redevelopment and reconstruction of our main street that is currently started.
11 Mayor Castelli said this project will be bid out next year to put in the multi-modal
12 path. He said ODOT will ultimately oversee the project and handle the bidding
13 process. Mayor Castelli said we are very excited to see this move forward.

14 Mr. Bichara said this has to be bid by ODOT because the money that we received
15 is actually federal money. He said as in the past ODOT is the entity that will be
16 doing this for us. Mr. Bichara said this does blend in completely and seamlessly
17 with all of the work that is going on with Smith Road right now.

18 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-64 ADOPTED

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22 Mayor Castelli introduced RESOLUTION NO. 2024-65, A Resolution
23 authorizing the mayor to file an application with the Cuyahoga County
24 Department of Housing and Community Development for a Community
25 Development Block Grant (CDBG) through the 2025 Cuyahoga County
26 Municipal Grant Program and declaring an emergency and moved to adopt. On
27 behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr.
28 Meany.

RES. 2024-65
ADOPTED
FILE APPLICATION
FOR A CDBG
THROUGH THE 2025
CUYAHOGA COUNTY
MUNICIPAL GRANT
PROGRAM

29 Mayor Castelli said every year we have a pretty aggressive approach to go after
30 competitive grants. He said these two grants that we will be discussing tonight,
31 we have been very successful in the past of being awarded these particular grants.
32 Mayor Castelli said Mr. Bichara spends a lot of time and effort putting all of this
33 together to put us in a good position so we can obtain these grants.

34 Mr. Bichara said these are our authorizing resolutions allowing us to submit the
35 grant. He said the CDBG municipal grant is in the amount of \$150,000. Mr.
36 Bichara said they work with the service department to identify roads that are
37 substandard in the areas of the city where these funds are able to be used. He said
38 this is for Webster Road from Pearl Road to Nethersole Drive. Mr. Bichara said
39 these are coming before you just as we finished up the resurfacing of Grant
40 Boulevard. He said Grant Boulevard was resurfaced this year by these two grants
41 which gives us a total consideration of \$200,000 each year.

42 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-65 ADOPTED

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48 Mayor Castelli introduced RESOLUTION NO. 2024-66, A Resolution
49 authorizing the mayor to file an application with the Cuyahoga County
50 Department of Housing and Community Development for a grant through the
51 2025 Community Development Supplemental Grant Program and declaring an
52 emergency and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED
53 TO ADOPT. Seconded by Mr. Ference.

RES. 2024-66
ADOPTED
FILE APPLICATION
FOR A GRANT
THROUGH THE 2025
COMMUNITY DEVELOP-
MENT SUPPLEMENTAL
GRANT PROGRAM

54 Mr. Bichara said this is for the \$50,000 Community Development Supplemental
55 Grant, also administered by Cuyahoga County. He said this will be for the
56 resurfacing of Craigmere Drive from Webster Road to Nethersole Drive.

57 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-66 ADOPTED

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1 Mayor Castelli introduced RESOLUTION NO. 2024-67, A Resolution
2 authorizing the engagement of Bricker Graydon LLP to provide legal services and
3 declaring an emergency and moved to adopt. On behalf of the mayor, Mr.
4 Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.
5 Mayor Castelli said this was discussed in executive session. He said as you know,
6 in the past we have used Walter Haverfield for items that were similar to this.
7 Mayor Castelli said Walter Haverfield no longer provides legal services to the
8 public sector. He said with the recommendation of Law Director Incorvaia,
9 Bricker Graydon will now handle those items as they come up.
10 Mr. Ali asked if this legislation should be capped, and as always come back for
11 more if it was needed.
12 Mr. Incorvaia said he will be monitoring this.
13 Mayor Castelli said we also have a cap on services that this administration put in
14 place. He said at a certain point, we would come back to council depending on
15 what the number is.
16 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-67 ADOPTED
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20 Mayor Castelli introduced RESOLUTION NO. 2024-68, A Resolution
21 authorizing the mayor to enter into an agreement with Civil & Environmental
22 Consultants, Inc. (CEC) to serve as Owner's Representative on the
23 Transformational Grant-Funded Brownfield Project at the former Sears properties
24 and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO
25 ADOPT. Seconded by Ali.
26 Mayor Castelli said to help aide in this process to move a little faster, we have
27 four items that we discussed in committee last night. He said Mr. Bichara has
28 been working very closely with the two environmental consulting teams for both
29 Burlington as well as Sears. Mayor Castelli asked Mr. Bichara to give a quick
30 overview.
31 Mr. Bichara said as you know, we were recently awarded approximately \$5.7
32 million dollars for the Sears project in grant money to remediate/demolish that
33 building. He said also the state has agreed to assign to us a grant, which we did
34 help write, for remediation and demolition of the former Burlington building. Mr.
35 Bichara said there are two building involved here with these four contracts. He
36 said essentially the CEC contract gets us to once we begin demolition, and to do
37 the reporting for the Federal EPA, and also the state EPA and any other agencies
38 in monitoring the demolition. Mr. Bichara said the TRC contracts get us to
39 developing the bid demolition specifications, prequalifying contractors, reviewing
40 the bids and making a recommendation. He said this gets you before, during and
41 after demolition.
42 Mayor Castelli said for the record we have received the \$5.5 million dollar
43 Brownfield grant from the state for the Sears property. He said the other million
44 dollar plus grant for Burlington, ultimately we hope as we finalize the purchase
45 agreement then that would formalize that we would receive that grant. Mayor
46 Castelli said all the work has been done with the owner of the property and the
47 state. He said the state is just waiting for a final purchase agreement.
48 Mr. Bichara said as discussed last evening, all of these costs associated with these
49 contracts are reimbursable through those respective grants.
50 Mr. Bortolotto said Mr. Bichara did a nice job organizing this.
51 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-68 ADOPTED
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RES. 2024-67
ADOPTED
BRICKER GRAYDON
TO PROVIDE LEGAL
SERVICES

RES. 2024-68
ADOPTED
AGREEMENT: CEC
(FORMER SEARS
PROPERTIES)

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1 Mayor Castelli introduced RESOLUTION NO. 2024-69, A Resolution RES. 2024-69
2 authorizing the mayor to enter into an agreement with Civil & Environmental ADOPTED
3 Consultants, Inc. (CEC) to serve as Owner's Representative on the AGREEMENT: CEC
4 Transformational Grant-Funded Brownfield Project at the former Burlington (FORMER BURLINGTON
5 building and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED BUILDING)
6 TO ADOPT. Seconded by Mr. Ference.
7 Mayor Castelli said Mr. Bichara has gone over all of this.
8 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-69 ADOPTED
9
10
11 Mayor Castelli introduced RESOLUTION NO. 2024-70, A Resolution RES. 2024-70
12 authorizing the mayor to enter into an agreement with TRC Environmental ADOPTED
13 Corporation for demolition assistance services (Former Sears properties) and AGREEMENT: TRC
14 moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. ENVIRONMENTAL CORP.
15 Seconded by Mr. Sage. (FORMER SEARS
16 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-70 ADOPTED PROPERTIES)
17
18
19 Mayor Castelli introduced RESOLUTION NO. 2024-71, A Resolution RES. 2024-71
20 authorizing the mayor to enter into an agreement with TRC Environmental ADOPTED
21 Corporation for demolition assistance services (Former Burlington building) and AGREEMENT: TRC
22 moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. ENVIRONMENTAL CORP.
23 Seconded by Mr. Zakel. (FORMER BURLINGTON
24 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-71 ADOPTED BUILDING)
25
26 Mr. Ference said he thinks it is nice that we have both of these done for both
27 buildings in the same night.
28 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-71 ADOPTED
29
30
31 Mayor Castelli introduced ORDINANCE NO. 2024-72, An Ordinance ORD. 2024-72
32 authorizing the mayor and finance director to enter into a real estate purchase ADOPTED
33 agreement for the purchase of certain real estate in the City of Middleburg AGREEMENT:
34 Heights and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED PURCHASE CERTAIN
35 TO ADOPT. Seconded by Mr. Ference. REAL ESTATE
36
37 Mayor Castelli said this is a lot on Sheldon Road that the owner has had for years
38 and hasn't been able to develop it. He said the owner approached the city with a
39 small purchase amount of \$5,000 to see if we had any interest. Mayor Castelli
40 said we ultimately have this lot for the future, if we have wetland credit concerns
41 or questions. He said at such a low price we feel it makes sense to purchase this.
42 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-72 ADOPTED
43
44
45 Mayor Castelli introduced ORDINANCE NO. 2024-73, An Ordinance ORD. 2024-73
46 authorizing the mayor and finance director to enter into a purchase agreement for ADOPTED
47 the purchase of certain real estate in the City of Middleburg Heights to be used for PURCHASE REAL
48 the Abram Creek Detention Basins Project and declaring an emergency and ESTATE TO BE USED
49 moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. FOR ABRAM CREEK
50 Seconded by Mr. Ference. DETENTION BASIN
51
52 Mayor Castelli said the amount of \$461,000 covers the purchase agreement, plus PROJECT
53 closing costs and other items associated with the purchase transaction. He said as
54 you know we have been working on acquiring the properties on Big Creek
55 Parkway between Pearl Road and Big Creek Parkway to alleviate flooding
56 concerns. Mayor Castelli said we worked on getting a large grant from the
57 Regional Sewer District for installing three detention basins. He said we have
58 been moving forward with that project. Mayor Castelli said number three was the
59 one we worked on first because we were able to acquire that property quickly, and
60 that basin has been installed. He said we are working on basin number two to
61 hopefully get started with that over the winter. Mayor Castelli said this is
62 purchasing land of over two and a half acres plus a house that is on it to ultimately
get the property to put basin one in. He said we are almost at the end of

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1 purchasing all of the properties so those three large basins can be put in place to
2 ultimately alleviate the flooding that occurs on Big Creek Parkway.

3 Mr. Ference said this is a long term project that is finding a resolution. He said he
4 thinks this ordinance underlines the administration's sense of urgency for this
5 project. Mr. Ference thanked the administration and said he is grateful.

6 Mr. Ali asked if this was the last of the basins.

7 Mayor Castelli said this is the last of the basins, and said there is one empty parcel
8 with no house on it that we would still need to acquire to complete this basin. He
9 said however, if we did not get that we could still move forward with the basin.

10 Mr. Ali said this is going to help a tremendous amount of people over there and
11 also, we are going to get the money rebated back to us.

12 Mr. Herron said we discussed this last night at the committee meeting, but the
13 sewer district is currently working on and going to go to the board for an
14 additional \$1.5 million on top of the \$3.8 million that we have already received.
15 He said we appreciate their continuous support.

16 Mayor Castelli thanked the Regional Sewer District for what they have done to
17 help with flooding, and not just in our city. He said the sewer district has been
18 working on projects everywhere. Mayor Castelli also thanked his administrative
19 team for going after these grants and the success that they have had. He said
20 everyone on the team here has done a great job. Mayor Castelli said in the last
21 five years, we have received over \$20 million dollars from these competitive
22 grants. He said for a city of this size that is pretty phenomenal.

23 Mr. Incorvaia said he did get the legal agreement from the sewer district regarding
24 the additional million and a half. He said they will prepare the legislation and
25 have it for you at the next council meeting.

26 Mr. Bortolotto thanked the mayor and the administration for doing this and
27 explaining this. He said there is a lot of money going into this project, and all of
28 the council members are trying to be very cautious in making sure we are getting
29 the right return on our investments. Mr. Bortolotto said at the end of the day, we
30 are doing the best that we can with what we have.

31 ROLL CALL: YEAS 6, NAYS 0, ORDINANCE NO. 2024-73 ADOPTED

32 Mayor Castelli introduced RESOLUTION NO. 2024-74, A Resolution agreeing
33 to allow Cuyahoga County to operate a public utility in the City of Middleburg
34 Heights pursuant to its powers under the State of Ohio and the laws established by
35 the Government of Cuyahoga County and moved to adopt. On behalf of the
36 mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

37 Mayor Castelli said as you may be aware, Cuyahoga County is one of the first
38 counties in the country to embark on a project where they are looking into
39 opportunities to create microgrids. He said in this situation it would be
40 microgrids that can develop energy for commercial and industrial manufacturing
41 districts. Mayor Castelli said they identified an area here in Middleburg
42 Heights/Brook Park/Berea area and there is an awful lot of work to be done for
43 this to become a reality. He said the first step is to allow them to operate as a
44 public utility like other utility companies operate in the city. Mayor Castelli said
45 as you know, the county came out and gave a presentation to city council on this,
46 and if this project goes forward from the county, this is not a mandate, it just
47 becomes another option and they can chose to participate if they want. He said
48 when there are the large storms with power outages, a lot of times these
49 microgrids will continue to operate and businesses don't get any interruptions.

50 Mr. Ference said the individual from the county that came out gave a very
51 informative presentation. He said he thinks we would be fortunate to have that
52 here in this area, and he is glad that they are considering putting it here.

53 ROLL CALL: YEAS 6, NAYS 0, RESOLUTION NO. 2024-74 ADOPTED

RES. 2024-74
ADOPTED
ALLOW CUYAHOGA
COUNTY TO OPERATE
A PUBLIC UTILITY

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COUNCIL COMMITTEE REPORTS

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

No report.

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

Mr. Bortolotto thanked the mayor and the administration for doing a phenomenal job securing the funds to get rid of the Sears building.

Legislation & Rules Committee – Mr. Zakel, Chairman

No report.

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

No report.

Public Improvements Committee – Mr. Sage, Chairman

Mr. Sage announced that the Joint Woodvale Council Meeting will be on October 9th at 7:30 p.m. in the Berea City Council Chambers. He said obviously as evidence of our agenda this evening, we have had a very busy summer. Mr. Sage said it doesn't really feel like we have been a recess these past two months. He thanked our city administration, the recreation department for opening the community center for those affected, the service department for efforts in cleaning up our community, Chief Galgas and the fire department, and the police department for keeping us all safe and secure during the unprecedented storms on August 6th. Mr. Sage asked when was the last time we had five tornadoes in the greater Cleveland area in a matter of about 30 minute. He said he knows many were negatively affected by the storms but the fact that we were back up and running as a city in a matter of days was a testament to our great city and our great city services. Mr. Sage thanked the service department and city engineers who stepped in and handled a driveway issue for one of our residents in literally a matter of hours. He said Mr. Minch got the state of Ohio involved for one of our residents who had some downed cable lines from the storms, and had that issue fixed in a matter of a couple days. Mr. Sage said we recently had the grand opening of Aldi's, and the operations manager mentioned to us that was one of the largest crowds that they have ever seen at one of their grand openings. He said the new community mural that was installed on the Joann Fabrics building in the Southland area looks absolutely amazing and thanked the City Club and the city administration for doing that. Mr. Sage the redevelopment of Southland, the new restaurants and stores that have opened or about to open in our great city, the massive amount of money and resources that have been spent on our roads, addressing our water system issues of the past and another one that was brought up this evening in which he has full confidence that it will be addressed, all of this is saying that we have an awesome community. He said we have amazing leadership and city services, and have so much to be proud of and personally is honored to be a small part of this.

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

Mr. Meany said the committee met last night and he thanked Mr. Ali for chairing the meeting when he stepped out. He said the minutes were already emailed out to everyone. Mr. Meany said they will have their next meeting on October 7th, after the finance committee meeting. He said the representative from the Department of Health cannot make the second Monday because it is Columbus Day.

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Zoning & Building Code Committee – Mr. Ference, Chairman

Mr. Ference said even though this was a lengthy session tonight, this was a fabulous kickoff to our fall return with lots of legislation leading to many improvements in our city. He thanked all involved for organizing this, and looks forward to all of the activity that will be coming in the near future. Mr. Ference said ward three had a lot of damage from the tornados, and he thanked the service department for their quick response. He also thanked the police department and all involved for all of their help to get things cleared up quickly.

MAYOR'S REPORT

Mayor Castelli said he concurred with all of the comments that were said this evening. He thanked everyone for all of their support on all of the legislation. Mayor Castelli also thanked Mr. Sage for all of the kind words as well. He said he is excited to see what is coming up next. Mayor Castelli said hopefully we will be able to make some future fun announcements by the end of the year.

LAW DIRECTOR

No report.

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott said this Saturday they will be hosting the annual dog swim event. He said in two weeks, they will have a table and will be participating with the Berea City Schools with a health festival. Mr. Elliott said on October 4th and October 5th we will have a couple concerts and Fall Fest that weekend.

ECONOMIC DEVELOPMENT DIRECTOR

Mr. Bichara said city council previously received information regarding two upcoming ribbon cuttings. He said the first one is on September 19th for the Abilities Enrichment Center on Engle Road and also on September 25th is the ribbon cutting for Middleburg Heights MetroHealth Dental Clinic on Pearl Road.

SERVICE DIRECTOR

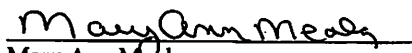
Mr. Herron thanked Mr. Sage for his comments, and said when he went past his house that evening he looked down W. 130th Street and saw seven utility poles laying on the ground. Mr. Herron said First Energy did a great job getting the power back on. He also thanked everyone for their support with all of the legislation this evening.

FIRE CHIEF

No report.

There being no further business, Mr. Bortolotto made a motion to adjourn. Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 8:20 p.m.


David Bortolotto
President of Council


Mary Ann Meola
Clerk of Council

Office of the Mayor
CITY OF MIDDLEBURG HEIGHTS

PROCLAMATION

WHEREAS: Dyslexia is a language-based learning disability, that affects approximately one in five people regardless of race, gender, age or socioeconomic status; and

WHEREAS: Neurological in origin, dyslexia affects the way the brain processes information and is characterized by difficulties with reading, writing and spelling despite normal intelligence; and

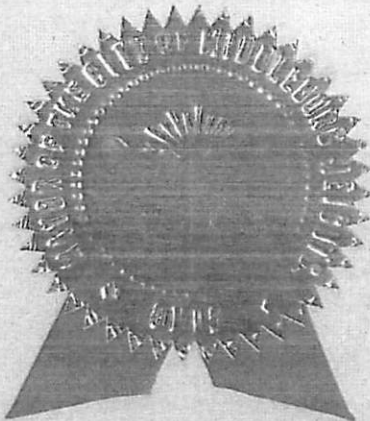
WHEREAS: Those with dyslexia benefit greatly from specialized assistance from highly trained teachers, multi-modal learning programs and individualized instruction; and

WHEREAS: Early identification, alternative instruction and extra support from friends, family and teachers can contribute to the success dyslexic students enjoy in the classroom, in life and later on, in employment; and

WHEREAS: Dyslexia is defined by the State of Ohio law (ORC 3323.25 and 3323.251):

NOW, THEREFORE, I, MATTHEW J. CASTELLI, MAYOR of the City of Middleburg Heights, do hereby proclaim the month of October, 2024 as Dyslexia Awareness Month in Middleburg Heights.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the city of Middleburg Heights to be affixed this 10th day of September, 2024.



Matthew J. Castelli
MATTHEW J. CASTELLI, MAYOR
City of Middleburg Heights