

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
SEPTEMBER 24, 2024

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, September 24, 2024 for the purpose of conducting a REGULAR MEETING. President of Council David Bortolotto called the meeting to order at 7:00 p.m.

PRESENT:	Matthew Castelli	Mayor
	David Bortolotto	President of Council
	Tim Ali	Councilman At Large
	Dan Sage	Councilman At Large
	Bill Meany	Councilman Ward 1
	Matthew McGregor	Councilman Ward 2
	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
	Ed Tomba	Police Chief

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of September 10, 2024, minutes of the special meeting of September 10, 2024, minutes of the public hearing of September 10, 2024 and the minutes of the executive session meeting of September 10, 2024. Seconded by Mr. Ference.

MINUTES  
APPROVED

ROLL CALL: YEAS 6, NAYS 0, ABSTAIN 1, MCGREGOR (DUE TO COVID), MINUTES APPROVED

COMMUNICATIONS

TREX liquor permit request from Southland Lanes to Pinball Planet, Parma Heights. No objection from Police Chief Tomba.

MOTION 2024-27  
RETURN TREX  
LIQUOR PERMIT  
WITHOUT  
OBJECTION.

Mr. Bortolotto made a motion to return the TREX liquor permit request without objection. Seconded by Mr. Meany.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

AUDIENCE PARTICIPATION/PUBLIC COMMENT ON SEARS ASBESTOS ABATEMENT

Mr. Jason Knauer, NOACA Representative, said he is present this evening to show continued support of the former Sears redevelopment project. He said the city has received funds through NOACA's Brownfield Revolving Loan Fund for Brownfield Remediation. Mr. Knauer said the Brownfield Revolving Loan Fund is new to NOACA and this is the first project that is being funded through it. He said they are very excited to get things underway, keep the process moving and see a successful project.

Mayor Castelli thanked the NOACA team and Director Gallucci for their support of the Sears redevelopment project. He said we are excited to be the first city to be able to use these loan funds to help with asbestos remediation.

Mr. Ali said he appreciated Mr. Knauer coming here. He said since we are the first, how many other Brownfield grants are out there that you guys are handling.

Mr. Knauer said they have approved three loans thus far. He said the committee meets quarterly to review applications. Mr. Knauer said they do not have a lot of

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
SEPTEMBER 24, 2024  
PAGE 2

1 funding, but like he said they are still getting started and as they start to revolve  
2 some of these funds, they will become eligible for more supplemental funding  
3 from the EPA. He said hopefully this is a program that will be around for a long  
4 time that will continue to grow as they get more projects. Mr. Knauer said  
5 NOACA covers a five county region surrounding Cleveland. He said this  
6 revolving loan fund is in partnership with an organization called Vibrant NEO,  
7 which is a group that covers a larger 12 county region including Akron, Canton,  
8 Warren and up to Ashtabula.  
9 Mr. Bortolotto asked Mr. Knauer to please let the board know that we as a city are  
10 very grateful for this money. He said a lot of work has been done in the  
11 Southland area already, and we definitely have a commitment to rejuvenating that  
12 area.

13  
14 APPOINTMENTS AND CONFIRMATIONS

15 None.

16  
17  
18 ORDINANCES, RESOLUTIONS AND MOTIONS

19 CITY PARKS, RECREATION & SERVICES COMMITTEE – MR. ALL  
20 CHAIRMAN

21 No legislation.

22  
23  
24 FINANCE, TAXATION & ASSESSMENTS COMMITTEE – MR.  
25 BORTOLOTTI, CHAIRMAN

26 No legislation.

27  
28 LEGISLATION & RULES COMMITTEE – MR. ZAKEL, CHAIRMAN

29 No legislation.

30  
31  
32 PUBLIC HEALTH, SAFETY & RELIEF COMMITTEE – MR. MCGREGOR,  
33 CHAIRMAN

34 No legislation.

35  
36 PUBLIC IMPROVEMENTS COMMITTEE – MR. SAGE, CHAIRMAN

37 No legislation.

38  
39  
40 STREETS, UTILITIES & RAILROAD COMMITTEE – MR. MEANY,  
41 CHAIRMAN

42 No legislation.

43  
44  
45 ZONING & BUILDING CODE COMMITTEE – MR. FERENC, CHAIRMAN

46 No legislation.

47  
48 Mayor Castelli introduced RESOLUTION NO. 2024-75, A Resolution  
49 authorizing the mayor to sign an agreement with the City of Parma for prisoner  
50 housing services and moved to adopt. On behalf of the mayor, Mr. Bortolotto  
51 MOVED TO ADOPT. Seconded by Mr. McGregor.  
52 Mayor Castelli said as you know our primary community that we partner with for  
53 prisoner housing is Strongsville, but we are also obligated to have secondary  
54 facilities if they are needed. He said Parma has agreed to work with the city of  
55 Middleburg Heights to house prisoners if there is a need. Mayor Castelli said the  
56 cost is same as it is in Strongsville, which is \$150 per day.  
57 Chief Tomba said if Strongsville is full, the city has a secondary location.

RES. 2024-75  
ADOPTED  
AGREEMENT:  
CITY OF PARMA  
(PRISONER  
HOUSING SERVICES)

58  
59 ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2024-75 ADOPTED  
60  
61  
62

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
SEPTEMBER 24, 2024  
PAGE 3

1 Mayor Castelli introduced RESOLUTION NO. 2024-76, A Resolution  
2 authorizing the mayor to sign a Fourth Amendment to Agreement for Public  
3 Safety Dispatch Services between the City of Strongsville and the City of  
4 Middleburg Heights and moved to adopt. On behalf of the mayor, Mr. Bortolotto  
5 MOVED TO ADOPT. Seconded by Mr. Zakel.

RES. 2024-76  
ADOPTED  
FOURTH  
AMENDMENT -  
DISPATCH SERVICES

6 Mayor Castelli said as you are all aware, for several years we have been using the  
7 Southwest Dispatch Center out of Strongsville for our dispatch services. He said  
8 periodically, usually annually, the agreements are reviewed. Mayor Castelli said  
9 this particular agreement will have an increase of 2.6% for services out of the  
10 dispatch center. He said in talking with both chiefs, things are going well and we  
11 continue to look for upgrades and items that we wouldn't have been able to do if  
12 we had our own dispatch center. Mayor Castelli said there are a lot of additional  
13 services that we are able to get by being part of the Southwest Dispatch Center.  
14 Chief Tomba said they are very satisfied with the transition that took place a  
15 couple years ago. He said they look forward to continuing on with the  
16 partnership.

17 Mayor Castelli said the total cost would still be well over \$100,000 less than  
18 where we were several years ago with our own dispatch center.

19 ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2024-76 ADOPTED

20  
21 Mayor Castelli introduced RESOLUTION NO. 2024-77, A Resolution  
22 authorizing the mayor to sign an amendment to Stormwater Project Agreement  
23 No. 20003668 with the Northeast Ohio Regional Sewer District for Abram Creek  
24 Detention Basins near Big Creek Parkway Project and moved to adopt. On behalf  
25 of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Ference.

RES. 2024-77  
ADOPTED  
AMEND AGREEMENT  
WITH NEORS  
(ABRAM CREEK  
DETENTION BASINS)

26 Mayor Castelli said this was discussed at a committee meeting. He said we have  
27 been working with the Regional Sewer District to put three detention basins in off  
28 of Big Creek Parkway. Mayor Castelli said the first, which is actually basin  
29 number three is in and operational. He said we are currently working on the  
30 second basin, getting the final approval from the Army Corps to basically move  
31 forward. Mayor Castelli said we hope to see work on that late fall. He said we  
32 also are still working on the final basin, which is actually basin one that is the  
33 largest basin. Mayor Castelli we just recently purchased property at our last  
34 meeting to ultimately get our goal of putting that final basin in. He said in  
35 addition to that, these projects were discussed years ago in regards to what they  
36 would cost. Mayor Castelli said over the past four or five years, costs have gone  
37 up. He said we are very thankful in working with the Regional Sewer District,  
38 who are recommending right now to provide the city with an additional \$1.5  
39 million dollars to put these basins in. Mayor Castelli said that will take the  
40 overall grant that we received from \$3.8 million to \$5.3 million dollars. He said  
41 ultimately this will be recommended to the Regional Sewer District Board at their  
42 October meeting, and then we wait for final approval at that time.

43 ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2024-77 ADOPTED

44  
45  
46  
47  
48  
49 Mayor Castelli introduced RESOLUTION NO. 2024-78, A Resolution extending  
50 a temporary moratorium on vape and smoke establishments or shops within the  
51 City of Middleburg Heights and declaring an emergency and moved to adopt. On  
52 behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr.  
53 Meany.

RES. 2024-78  
ADOPTED  
EXTEND TEMPORARY  
MORATORIUM ON  
VAPE & SMOKE  
ESTABLISHMENTS

54 Mayor Castelli said our planning consultant continues to review the zoning for  
55 these particular establishments, and we are asking for more time to do that.

56 Mr. Meany asked about the individual convenience stores that may have this  
57 product.

58 Mayor Castelli said Mr. Incorvaia could probably give you the exact numbers  
59 regarding that as we have addressed that.  
60  
61  
62

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
SEPTEMBER 24, 2024  
PAGE 4

1 Mr. Incorvaia said this doesn't affect any businesses that are in existence now.  
2 He said this affects those stores where the majority of their business is vape or  
3 smoke and tobacco products.

4 ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2024-78 ADOPTED

5 COUNCIL COMMITTEE REPORTS

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

7 Mr. Ali said a section of the dog park will be closed off so it can be re-seeded and  
8 signs will be posted identifying that area.

9  
10 Finance, Taxation & Assessments Committee – Mr. Bortolotto, Chairman

11 Mr. Bortolotto thanked all of his colleagues for their patience with the last  
12 meeting, which was one of the most challenging that he has had during his career  
13 here.

14  
15  
16 Legislation & Rules Committee – Mr. Zakel, Chairman

17 Mr. Zakel thanked the police and fire departments, who attended multiple block  
18 parties and street parties over the summer. He said the residents, kids and adults  
19 all loved it.

20  
21  
22 Public Health, Safety & Relief Committee – Mr. McGregor, Chairman

23 Mr. McGregor said the safety committee met before the council meeting this  
24 evening and minutes will be forwarded later this week.

25  
26  
27 Public Improvements Committee – Mr. Sage, Chairman

28 No report.

29  
30  
31 Streets, Utilities & Railroad Committee – Mr. Meany, Chairman

32 Mr. Meany reminded members that there will be a streets committee meeting on  
33 Monday, October 7<sup>th</sup> because October 14<sup>th</sup> is Columbus Day. He said they are  
34 expecting the Department of Health to be in attendance. Mr. Meany said a report  
35 on septic tanks will be given and a time will be figured out within the next couple  
36 days.

37  
38  
39 Zoning & Building Code Committee – Mr. Ference, Chairman

40 No report.

41  
42 MAYOR'S REPORT

43 No report.

44  
45  
46 LAW DIRECTOR

47 Mr. Incorvaia asked for a motion to convene into executive session for the  
48 following purpose or purposes: (1) Consider the sale of real property pursuant to  
49 ORC Section 121.22(G)(2); (2) Economic Development matters pursuant to ORC  
50 Section 121.22(G)(8), specifically confidential information related to marketing  
51 plans, specific business strategy, trade secrets, or personal financial statements of  
52 an applicant for economic development assistance, or to negotiations with other  
53 political subdivisions respecting requests for economic development assistance.  
54 The information to be discussed is directly related to a request for economic  
55 development assistance that is provided or administered under the ORC chapters  
56 and sections enumerated in ORC Section 121.22(G)(8)(a); the executive session is  
57 necessary to protect the interests of the applicant, or the possible investment or  
58  
59  
60  
61  
62

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING  
SEPTEMBER 24, 2024  
PAGE 5

1 expenditure of public funds made in connection with the economic development  
2 project.

3 Mr. Bortolotto so moved and asked for a second. Seconded by Mr. Sage.

4 ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

5 FINANCE DIRECTOR

6 No report.

7  
8 RECREATION DIRECTOR

9 Mr. Elliott gave an update on Fall Fest activities and concert in the park.

10  
11 ECONOMIC DEVELOPMENT DIRECTOR

12 No report.

13  
14 SERVICE DIRECTOR

15 No report.

16  
17 POLICE CHIEF

18 No report.

19  
20  
21  
22 Mr. Meany amended his report, and said they are going to have the residents  
23 from W. 130<sup>th</sup> Street that are having the flooding issues attend his October streets  
24 committee meeting, and will see if it is possible to reschedule the Department of  
25 Health for November.

26 Mr. Herron said they went out and met with them.

27 Mayor Castelli said the residents have been invited to come to the committee  
28 meeting.

29 Mr. Herron said they can talk to them, but until some surveys are done he didn't  
30 think they would have any new information at that point and time.

31 Mr. Meany said to stand by that they still may have the Department of Health.

32 Mayor Castelli said the residents have been invited to come so we can give them  
33 an overview, because not everyone was able to attend when they were out looking  
34 at some of the options. He said the engineer is going to go over the steps that we  
35 are going to take so everyone is on the same page.

36 Mr. Herron said the engineer probably won't be able to attend that evening due to  
37 a prior commitment, but he will have information from her.

38  
39  
40  
41 Start Executive Session: 7:25 p.m.

42 Following the Executive Session, Mr. Bortolotto reconvened the Regular Meeting  
43 of Council at 8:26 p.m.

44  
45  
46  
47 PRESENT: Matthew Castelli Mayor  
48 David Bortolotto President of Council  
49 Dan Sage Councilman-At-Large  
50 Bill Meany Councilman Ward 1  
51 Matthew McGregor Councilman Ward 2  
52 Michael Ference Councilman Ward 3  
53 John Zakel Councilman Ward 4  
54 Mary Ann Meola Clerk of Council  
55 Santo Incorvaia Law Director  
56 Jason Stewart Finance Director  
57  
58  
59  
60  
61  
62

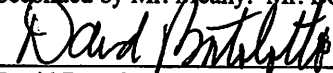
CITY OF MIDDLEBURG HEIGHTS, OHIO

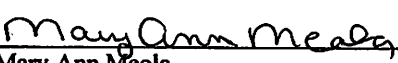
REGULAR MEETING  
SEPTEMBER 24, 2024  
PAGE 6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62

Jim Herron	Service Director
Chuck Bichara	Economic Development Director
Ed Tomba	Police Chief

There being no further business, Mr. Bortolotto made a motion to adjourn.  
Seconded by Mr. Meany. Mr. Bortolotto adjourned the meeting at 8:26 p.m.

  
\_\_\_\_\_  
David Bortolotto  
President of Council

  
\_\_\_\_\_  
Mary Ann Meola  
Clerk of Council