

# CITY OF MIDDLEBURG HEIGHTS, OHIO

## Council Agenda

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January 27, 2026

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### **6:00 P.M. REGULAR MEETING**

- CALL TO ORDER
- ROLL CALL
- PLEDGE OF ALLEGIANCE

Minutes of the Regular Meeting of January 13, 2026  
Minutes of the Executive Session of January 13, 2026

### COMMUNICATIONS

Memorandum from Building Commissioner Foulkes advising the city engineer approved the lot split and consolidation for Kenneth Sapp, 6876 Big Creek Parkway. Further action needed by Council.

### 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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**PENDING LEGISLATION**

**ORDINANCE NO. 2025-67 – INTRODUCED BY MAYOR CASTELLI**

An Ordinance vacating a portion of Morningside Avenue.

**First Reading & Referred to Planning Commission – October 28, 2025**

**Second Reading – November 11, 2025**

**UN-NUMBERED LEGISLATION**

**INTRODUCED BY COUNCILMAN MEANY**

A Resolution authorizing the mayor to enter into an agreement (LPA-ODOT-Let Project Agreement) to install a new traffic signal and right turn lane to the IR-71 northbound exit ramp to US-42 (Pearl Road) in the City of Middleburg Heights and declaring an emergency.

**INTRODUCED BY COUNCILMAN FERENCE**

An Ordinance accepting a lot split and consolidation and dedication for 6876 Big Creek Parkway.

**INTRODUCED BY MAYOR CASTELLI**

A Resolution extending a temporary moratorium on vape and smoke establishments or shops within the City of Middleburg Heights and declaring an emergency.

**INTRODUCED BY MAYOR CASTELLI**

An Ordinance amending section 123.045 “Composition of Department” of the Middleburg Heights Codified Ordinances.

DIVISION OF BUILDING




Matthew J. Castelli, Mayor

Keith P. Foulkes, Building Commissioner

MEMORANDUM

TO: Mary Ann Meola, Clerk of Council

FROM: Keith Foulkes, Building Commissioner 

DATE: January 8, 2026

SUBJECT: 6876 Big Creek Parkway - Lot Split & Consolidation

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On January 8, 2026, City Engineer Kim Kerber approved the lot split and consolidation for Kenneth Edward Sapp at 6876 Big Creek Parkway. The plat is referred to City Council with my recommendation to accept the dedication of a portion of Smith Road as shown on the plan. I have attached a copy of the approval.

The original Mylar is enclosed. Please return the Mylar after City Council takes action.



**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Resolution No. 2026-

Introduced By: Mr. Meany  
Co-Sponsors: Mr. Ali, Mr. McGregor

**A RESOLUTION****AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT (LPA-ODOT-LET PROJECT AGREEMENT) TO INSTALL A NEW TRAFFIC SIGNAL AND RIGHT TURN LANE TO THE IR-71 NORTHBOUND EXIT RAMP TO US-42 (PEARL ROAD) IN THE CITY OF MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY**

WHEREAS, the City of Middleburg Heights, hereinafter referred to as the Local Public Agency (LPA) has determined the need for the described project: *Install a new traffic signal and right turn lane to the IR-71 northbound exit ramp to US-42 (Pearl Road) in the City of Middleburg Heights. Work includes removal of the existing right turn slip lane.*

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

Section 1: **Consent Statement:** Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

Section 2: **Cooperation Statement:** The LPA shall cooperate with the Director of Transportation in the development and construction of the above-described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

*The State shall assume and bear 100% of all of the costs of the improvement.*

*The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

Section 3: **Authority to Sign:** The LPA hereby authorizes the Mayor of said **City of Middleburg Heights** to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the **City of Middleburg Heights** to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 4: **Utilities and Right-of-Way Statement:** The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5: **Maintenance:** Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

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 to expedite the highway project and to promote highway safety. 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	_____	_____

**CITY OF MIDDLEBURG HEIGHTS, OHIO**

Ordinance No. 2026-

Introduced By: Mr. Ference  
Co-Sponsors: Mr. Bortolotto, Mr. Sage

**AN ORDINANCE  
ACCEPTING A LOT SPLIT AND CONSOLIDATION  
AND DEDICATION FOR 6876 BIG CREEK PARKWAY**

WHEREAS, Kenneth E. Sapp has submitted a plat of Lot Split and Consolidation and the dedication of a portion of Smith Road; and

WHEREAS, the City Engineer has reviewed the plat of Lot Split/Consolidation and Dedication; and

WHEREAS, the Council of the City of Middleburg Heights wishes to accept said dedication.

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

Section 1: That the Council of the City of Middleburg Heights hereby accepts the dedication of a portion of Smith Road as shown on the 6876 Big Creek Parkway Lot Split/Consolidation plat, a copy of which is attached hereto and marked "Exhibit A".

Section 2: That the Clerk of Council is hereby authorized to sign the attached Lot Split/Consolidation plat.

Section 3: 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.

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

\_\_\_\_\_

President of Council

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

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

Clerk of Council

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

\_\_\_\_\_  
Mayor

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



## CITY OF MIDDLEBURG HEIGHTS, OHIO

Resolution No. 2026-

Introduced By: Mayor Matthew Castelli

### **A RESOLUTION EXTENDING A TEMPORARY MORATORIUM ON VAPE AND SMOKE ESTABLISHMENTS OR SHOPS WITHIN THE CITY OF MIDDLEBURG HEIGHTS AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality, including restricting areas used for business and trade; and

WHEREAS, on April 23, 2024, this Council passed Resolution 2024-32 establishing a temporary moratorium on Vape and Smoke Establishments or Shops within the City of Middleburg Heights; and

WHEREAS, this Council desires to extend the moratorium, for a temporary period of time to further undertake a review of information on the effects of vaping and e-cigarettes and a review and/or study of the ordinances of the City of Middleburg Heights, including zoning, building, and business regulations; and

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace, and comfort of the citizens of the City of Middleburg Heights more effectively if a moratorium is in place.

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 extends the temporary moratorium, for a period of six months from the effective date of this resolution, that the City shall not accept, process, or approve any new applications or issue any new permits, licenses, variances, or any zoning applications from or for vape/smoke establishments or shops 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 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 3: That this Resolution 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 this measure is necessary in order to establish this temporary moratorium as soon as possible. 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. 2026-

Introduced By: Mayor Matthew Castelli

## AN ORDINANCE AMENDING SECTION 123.045 "COMPOSITION OF DEPARTMENT" OF THE MIDDLEBURG HEIGHTS CODIFIED ORDINANCES

DELIVERED JAN 22 2026

WHEREAS, due to recent labor negotiations, the Director of Public Service would like to amend the composition of the Department of Public Service to revise certain job classifications to better meet current operational needs.

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

Section 1: That Section 123.045(a) "Composition of Department" shall be amended to read as follows:

### 123.045 COMPOSITION OF DEPARTMENT

(a) The Department of Public Service shall consist of the Director of Public Service, **Assistant Director of Public Service**, the Building Commissioner, and the following employees as specified in the following table, provided that there shall not be a greater number of employees employed in any one classification than as specified in this section.

Classification (Job Title)	Maximum Number of Employees
Administrative Assistant	3
Superintendent	1
Facility Maintenance Manager	1
Foreman	1
Temporary Part-time Streets/Sewers Project Coordinator	1
Supervisor	2
Crew Leader	2
<b>Lead Sign Technician</b>	<b>1</b>
<b>Sign Technician</b>	<b>1</b>
Bldg. Maintenance Specialist 1	2
Bldg. Maintenance Specialist 2	2
Lead Mechanic	1
Mechanic	4
<b>Assistant Mechanic</b>	<b>1</b>
Equipment Operator	8
<b>Arborist</b>	<b>1</b>
Service Specialist/Laborer	13
Seasonal/Summer Help	<del>12</del> 10
<b>Skilled Seasonal</b>	<b>2</b>
Part-Time	6
Custodians	7
Custodial Supervisor	1

**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.

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

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

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

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

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

\_\_\_\_\_  
Mayor

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