

CITY OF MIDDLEBURG HEIGHTS, OHIO

REGULAR MEETING
MARCH 28, 2023

The Council of the City of Middleburg Heights, Ohio met in Council Chambers at City Hall on Tuesday, March 28, 2023 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
	Michael Ference	Councilman Ward 3
	John Grech	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
	Bob Downey	Executive Assistant

PLEDGE OF ALLEGIANCE

MINUTES

Motion by Mr. Ali to approve the minutes of the regular meeting of March 14, 2023. Seconded by Mr. Meany.

MINUTES
APPROVED

ROLL CALL: YEAS 7, NAYS 0, MINUTES APPROVED

COMMUNICATIONS

Notice to Legislative Authority from Ohio Division of Liquor Control requesting license transfer for Smith Road Holdings to Rivals Brew Pub, LLC. No objections from Police Chief Tomba.

MOTION 2023-12
RETURN LIQUOR
TRANSFER REQUEST
WITHOUT OBJECTION
(RIVALS)

Mr. Bortolotto made a motion to approve the liquor license transfer without objections. Seconded by Mr. Sage.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

Memorandum from Planning Commission to Council dated March 23, 2023 requesting a 30 day extension on Ordinance No. 2023-6, zoning code edits.

FILE AS
RECORD

Memorandum from Planning Commission to Council dated March 23, 2023 advising members granted the request from Motely 7 Brew for a substantially similar use determination to allow a freestanding coffee shop serving only beverages with only drive-through service in General Business Zoning District at 17505 Bagley Road. Further action needed by council.

FILE AS
RECORD

Mr. Grech said there are many questions and concerns, so he is going to place this into his committee. He said there will be a zoning committee meeting on Monday, April 10th at 6:00 p.m.

AUDIENCE PARTICIPATION

Ms. Sally Schuler, 18869 Mallard Cove, said she has concerns regarding Breezeline. She said she called Mr. Meany and shared her story with him and he suggested coming to the meeting to keep council in the loop. She said after her conversation with Breezeline today she called the Ohio Attorney General. Ms. Schuler said in May 2022, her Breezeline bill was \$149 and-only has basic cable.

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1 She said she called Breezeline in June when they bought out WOW and her bill
2 had increased to approximately \$169. Ms. Schuler said the representative
3 explained the costs with purchasing a new company and assured her that she was
4 receiving a promotion that will last for 24 months. She said today she received an
5 email and her bill is up to approximately \$192. Ms. Schuler said not even a year
6 ago, she was assured that she was receiving a promotion that would keep her at
7 \$169.44 for 24 months. She said after many phone calls she still can't remedy the
8 program and asked if the city could help her in this matter. She said this is fraud
9 because they won't honor her promotional contract.

10 Mr. Grech said she is not alone with this, adding that this happened to him as
11 well. He said these companies don't care, and that he also called the Attorney
12 General as well, but didn't get anywhere.

13 Mr. Ali asked if Ms. Schuler contacted the Public Utilities Commission of Ohio.

14 Ms. Schuler said she had not.

15 Mr. Ali suggested contacting them too. He said that is the muscle for all of the
16 utility companies.

17 Mr. Herron said the Public Utilities Commission, which is regulated by the Ohio
18 Department of Commerce. He said if you go to their website, they have a video
19 section and you can actually send emails. Mr. Herron said they work with them a
20 lot. He said Ohio took away cable franchises from the local communities
21 approximately 15 years ago, and are now regulated by the state. Mr. Herron said
22 they are very good to work with and are very responsive.

23 Ms. Schuler asked if a community has the power to not let a vendor provide
24 services in their community.

25 Mr. Incorvaia said as a follow-up to what Mr. Herron mentioned about the
26 Department of Commerce, when cable companies began, they were franchises,
27 and each community could grant a franchise or more than one franchise. He said
28 communities would get a small percent (one or two percent). Mr. Incorvaia
29 reiterated as Mr. Herron said, the state legislature decided that would take away
30 the power of franchise from local communities and they were going to be the sole
31 entity that would oversee cable franchise. He said unfortunately, we don't have
32 the right to take away a cable companies right to operate in Middleburg Heights.
33 Mr. Incorvaia said when we had a franchise law, we had the ability to control rate
34 hikes and review rate hikes but not anymore.

35 Mayor Castelli thanked Ms. Schuler for coming forward. He said they are all
36 very familiar with these concerns. Mayor Castelli said he will work with Mr.
37 Meany, and also reach out to our state representative.

43 APPOINTMENTS AND CONFIRMATIONS

44 None.

47 ORDINANCES, RESOLUTIONS AND MOTIONS

48 CITY PARKS, RECREATION & SERVICES COMMITTEE - MR. ALI 49 CHAIRMAN

50 No legislation.

53 FINANCE, TAXATION & ASSESSMENTS COMMITTEE - MR. 54 BORTOLOTTI, CHAIRMAN

55 Mr. Bortolotto introduced ORDINANCE NO. 2023-25, An Ordinance to make
56 supplemental appropriations for current expenditures and expenses for the City of
57 Middleburg Heights for the calendar year 2023 and MOVED TO ADOPT.

58 Seconded by Mr. McGregor.

59 Mr. Bortolotto said this \$11,000 appropriation is for the outdoor scoreboards. He
60 said this was discussed at the last finance committee meeting.

61 Mr. Ali said he knew this was for the pillars that actually hold up the scoreboards
62 and asked Mr. Elliott how the scoreboards did with heavy winds we just recently
had.

ORD. 2023-25
ADOPTED
SUPPLEMENTAL
APPROPRIATIONS

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Mr. Elliott said the service department was notified today by a couple that was walking this morning that the scoreboard had broken away from the bracket and is now leaning. He said he met the service department over there this morning, and will probably take that down this week.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-25 ADOPTED

LEGISLATION & RULES COMMITTEE – MR. FERENCE, 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

No legislation.

ZONING & BUILDING CODE COMMITTEE – MR. GRECH, CHAIRMAN

Mr. Grech made a motion to grant a 30 day extension on Ordinance No. 2023-6, Zoning Code Edits. Seconded by Mr. Sage.

Mr. Grech said there are still a lot of questions, and this will give us more time to tweak out the problems and concerns.

ROLL CALL: YEAS 7, NAYS 0, MOTION APPROVED

MOTION 2023-13
GRANT 30-DAY
EXTENSION -
ORD. 2023-6
(ZONING CODE
EDITS)

Mayor Castelli introduced RESOLUTION NO. 2023-26, A Resolution authorizing the mayor and finance director to enter into a contract with ABC Rental Center and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. FERENCE.

RES. 2023-6
ADOPTED
CONTRACT:
ABC RENTAL

Mayor Castelli said this is an annual reoccurring item as we start to plan for Summer in the City. He said Mr. Bichara has been working on putting contracts together for the festival.

Mr. Bichara said this is the same contract that we utilize every year for items such as all the tents, tables, chairs, etc. for the festival. He said this essentially is the same cost as last year.

Mr. Ali said ABC Rental is a big company and always does a very good job. He inquired as if there is any other company that other cities around here use besides ABC Rental.

Mr. Bichara said our main tent is 40' x 100' and not many companies carry that size tent. He said ABC Rental has been very good with their prices and they are local right here in Parma Heights. Mr. Bichara said otherwise we would have to get our main tent from them, and then have to go elsewhere for the other items.

ROLL CALL: YEAS 7, NAYS 0, RESOLUTION NO. 2023-26 ADOPTED

Mayor Castelli introduced ORDINANCE NO. 2023-27, An Ordinance authorizing the mayor of the City of Middleburg Heights to enter into a contract with the Ohio Patrolmen's Benevolent Association for Police Lieutenants and moved to adopt. On behalf of the mayor, Mr. Bortolotto MOVED TO ADOPT. Seconded by Mr. Meany.

ORD. 2023-27
ADOPTED
CONTRACT:
POLICE
LIEUTENANTS

Mayor Castelli said this was the pattern that all of the other bargaining units have accepted and the police lieutenants are accepting as well.

Mr. Ali asked if this was the last one.

Mayor Castelli said this was the last one and we are good for three years.

ROLL CALL: YEAS 7, NAYS 0, ORDINANCE NO. 2023-27 ADOPTED

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COUNCIL COMMITTEE REPORTS

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

No report.

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

No report.

Legislation & Rules Committee – Mr. Ference, Chairman

No report.

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

No report.

Public Improvements Committee – Mr. Sage, Chairman

No report.

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

No report.

Zoning & Building Code Committee – Mr. Grech, Chairman

Mr. Grech said there will be a committee meeting on Monday, April 10th at 6:00 p.m. to discuss 7 Brew.

MAYOR'S REPORT

No report.

LAW DIRECTOR

No report.

FINANCE DIRECTOR

No report.

RECREATION DIRECTOR

Mr. Elliott said the Easter Egg Hunt will be held on Saturday, April 8th and begins at 10:00 a.m. He said they will have a Spring Break Blitz for kids ages 8-14 on April 11th and April 13th.

ECONOMIC DEVELOPMENT DIRECTOR

No report.

SERVICE DIRECTOR

Mr. Herron said we recently received our Tree City USA designation for 2022, and congratulated our City Arborist Mike Nadeo, Micky Ruggiero and Jeff Minch for assisting him. He said we will be celebrating this year on Friday, April 28th at Big Creek Elementary. Mr. Herron said he will send a reminder to the clerk when we are closer to the date.

Mr. McGregor said he received a text just as we started our meeting from a resident that wanted to thank the service department for re-seeding a section next to their driveway that had been torn up by the snow plow. He said the resident was very appreciative on how quickly the service crew came out.

EXECUTIVE ASSISTANT

Mr. Downey said last week Mr. McGregor requested to look into the materials that we have available about NOPEC. He said they thought it was very timely since NOPEC just got the authority, being reinstated, to do what they formally had done. Mr. Downey said they prepared the documents that were distributed to council this evening. He said once you have had a chance to read those

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documents, then possibly have someone from NOPEC come here. Mr. Downey said he will let NOPEC know that the information has been shared with council, and if you would like we could have them come in within the next couple of weeks.

Mr. Ali appreciated all of the information and effort from both Mr. McGregor and Mr. Downey. He said nobody understands this, he said it is so confusing. Mr. Ali asked if there was any way that we can come up with a simple here is what is being charged, and put that together so residents could make an educated decision. He said he very simply wants to know what is the best route to go. Mr. Ali asked if that was possible.

Mr. Bortolotto said isn't that on Apples to Apples.

Mayor Castelli confirmed.

Mr. Incorvaia said NOPEC had in the past given better prices than you would get from local providers. He said Apples to Apples has all the prices for electricity and all the prices for gas, as well as the different length of plans be it one year, two years, etc. Mr. Incorvaia said for budgetary purposes and planning purposes, Apples to Apples will show you the plans and what the cost will be. He said some people like to use the variable rates, so if they go down you would get a better rate. Mr. Incorvaia said if you google Ohio Apples to Apples, you will see all the rates that are available.

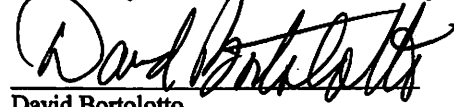
Mr. McGregor said the reason he brought this to Mr. Downey's attention is because several residents had concerns and asked him about the rate increases that were coming up. He said there Mr. Downey informed him that there is going to be something on our website for the residents. Mr. McGregor said he spoke with Mr. Meany and possibly in May, we could have NOPEC come into the Streets and Utilities Committee meeting. He said in April, the Board of Health is coming in.

Mr. Incorvaia said if there is a group of residents that wanted to get together, he would be happy show them how to get to that site.

Mr. Sage asked if that's something that could go through the seniors program at the recreation center. He asked if they had monthly luncheons.

Mr. Elliott said not a regular monthly meeting, but we do a lot of those educational luncheon learns.

There being no further business, Mr. Bortolotto made a motion to adjourn. Seconded by Mr. Ali. Mr. Bortolotto adjourned the meeting at 7:35 p.m.



David Bortolotto
President of Council



Mary Ann Meola
Clerk of Council