

# VILLAGE OF BENTLEYVILLE

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## REGULAR COUNCIL MEETING MINUTES

9/16/2020

6:00 PM

### CALL TO ORDER: 00:00:22

Mayor Spremulli called the meeting to order at 7:00 P.M.

### ROLL CALL: 00:00:28

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input checked="" type="checkbox"/> Kathleen Esposito	<input checked="" type="checkbox"/> Terry Hemmelgarn
<input checked="" type="checkbox"/> Ken Kvacek	<input checked="" type="checkbox"/> Kathleen Hale	
<input checked="" type="checkbox"/> Alex Goetsch	<input checked="" type="checkbox"/> Ryan Rubin	
<input checked="" type="checkbox"/> Chuck Nemer, Law Director	<input checked="" type="checkbox"/> Jeff Filarski, Engineer	
<input checked="" type="checkbox"/> Gabe Barone, Police Chief	<input checked="" type="checkbox"/> Lloyd Nagle, Service Director	

### MOTION TO ACCEPT THE PRIOR WRITTEN MINUTES: 00:00:48

**CLERK:** A Motion by Rubin to accept prior written minutes and audio recording of the August 19, 2020 Council meeting, second by Goetsch.

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

### MAYOR'S REPORT: 00:01:58

Mayor Spremulli reported that the Law Director sent a letter to the Metroparks to exercise our option to extend the lease at the Service Garage.

The Mayor also reported that he received a letter from the Metroparks that they will be installing two yellow LED lights on the horseback riding signs on Solon Road just before crossing the bridge. Engineer Filarski added that the horse path comes out on the west side of the bridge and due to cars driving fast through that area, they want to add two yellow led lights to the equestrian signs on both sides of the bridge. They are looking into 12 hour timers to add so the lights are only on during the day. He also discussed crosswalk lines. He asked for a quote on it from the 2020 asphalt program, however due to the expense, he told the Metroparks that they would need to be responsible for the lines. Engineer Filarski noted that it is a safety issue and that he saw pedestrians crossing there the other day. The Mayor added that pedestrians cross there frequently.

Council Member Alex Goetsch stated that he could not be more opposed to this. He believes that it is just a ploy to have Metroparks users park their horse trailers in the Bentleyville Park parking lot and not at all for the benefit of Bentleyville residents. He thought that a pedestrian crossing would be fine. He did not believe that residents using our park are crossing the road there and that the lights would just encourage

park users to park their trailers in our park. He also noted that one horse trailer would take up half of the parking lot.

Council President Kvacek said they had discussed the LED lights at the Parks meeting and asked Council Member Kathleen Esposito to speak on this topic. Council Member Esposito said she has discussed this with residents and reported that there are a lot of people opposed to it for multiple reasons. She felt that Bentleyville needs to find out where we stand with the Park before we do anything more. She felt that a light that you could push as you were standing at the crossing might be one thing, but a constant flashing light is another. She explained that people feel that we need to have signs that prohibit horse trailers. She has talked to four or five people and they are not particularly thrilled that our park is beginning to be taken over by the Metroparks, which is how the residents view it.

Council President Kvacek had concerns about the condition of the road going into the parking lot. He noted that it is not in very good shape and that until we can repair the asphalt going into the lot he is not in favor of the idea.

Council President Kvacek asked Engineer Filarski if the lights are battery or electric. Engineer Filarski said they would be solar. Council President Kvacek joked that if they would put an electrical outlet there that we could plug our Christmas lights into, he might be in favor. He reiterated that he is not thrilled with the idea.

Mayor Spremulli explained that he was not aware that there was any opposition to the lights and assumed Bentleyville has the right to deny the proposition. He was also unaware that there was a problem with parking horse trailers in the park but agreed that we could certainly put a sign up indicating that no horse trailers are allowed. In addition, we could draw up legislation to prohibit horse trailer parking, noting that it would be in violation of an ordinance and the offender could be cited.

Council Member Kathleen Hale noted that this is not a standalone opposition but part of a general idea regarding the development of the park by the Metroparks.

Council Member Hemmelgarn explained that he runs there all the time and that there is always a shortage of parking. He feels that installing the new lights will cause the Bentleyville Park to become a parking lot for people coming from everywhere.

Council Member Esposito explained that the community members she meets with in the Garden Club are quite opposed.

Mayor Spremulli explained that we will have to negotiate with the Metroparks. He further explained that we did send a letter to support the Metroparks project, but Council would have the final say. He also noted that if Council has serious objections to having any negotiations with the Metroparks, we would have to have further discussions on it.

Council Member Esposito said that she is hearing is that the residents like having our park, our park.



Engineer Filarski explained that it would be a conversation we would have to have if the grant ever comes to fruition. He will let Ryan at the Metroparks know that for now, Bentleyville does not want any changes there.

The Mayor said that if Council wants to move forward in putting up signs prohibiting horse trailer parking, we should first draw up legislation backing it up.

Council Member Goetsch thought that we should really look into it, because he believes this is the Metroparks trying to erode what we use the park for. They are trying to take over our park de facto as their own. He feels that we are giving away any bit of leverage that we have and even establishing how it is used. He noted that we have enough issues coming up with the Metroparks with this proposal and that we don't even know if we will have land to have a service garage on. He does not think they are an organization to trust in any way. He noted that we cannot give into anything they want, especially when it is detrimental to the use of our Village assets. Council Member Hemmelgarn added that a good point was made that there are two issues at play here. One is the horse trail and the other is just generalized parking.

Council Member Hale asked Charles Nemer to draw up some legislation regarding parking horse trailers in the park. Law Director Nemer said he would talk Engineer Filarski. He explained that Council will have to decide what type of penalty we would like to impose and what other types (if any) of other vehicles they would like to prohibit.

Council Member Hale noted that there are often service trucks there having lunch, but that she thinks that the reason horse trailers are hitting a sensitive point is because it is Metroparks or at least part of the Metroparks idea. She said it plays into the bigger idea of how much control we are going to lose in our park if it becomes part of the Metroparks loop.

Council President Kvacek noted that if we put a horse crosswalk there, it is effectively encouraging people to park their horse trailer there. Council Member Esposito noted that she heard the same comment from a resident. Council Member Goetsch noted that he could be wrong, but could not fathom that there is a single Bentleyville resident that trailers their horse to the park and accesses the Metroparks from there. The Mayor noted that there is a resident that is a former Council Woman with a horse or two and a trailer, but whether or not she trailers them to the park or not he did not know. Council Member Goetsch noted that there is a lot of horse property in Bentleyville but he just did not know if they were trailering the horses to the property at the park. Mayor Spremulli agreed and asked Law Director Nemer to draw up legislation and confirmed that they will discuss it with Engineer Filarski.

Mayor Spremulli wanted to congratulate Gina DeCesare. She has been selected to be a participant in the SWAT Team. Chief Barone explained that they do a training once every other week or at least once per month in addition to any callouts. Chief Barone noted that four or five years ago we had another participant on the SWAT Team for about a year and that he is familiar with what participating in the SWAT Team entails. He explained that we pay or give the individual time off to participate in training. The commitment is at least once a month and on many occasions every other week for 6-8 hour shifts and the call outs could be at any time. Officer DeCesare has passed the physical fitness test and is in training. She may have to participate in a SWAT Team operator's class down the road.

Council President Kvacek asked if the Chief had an annual cost for the program in regards to additional salary. Per Chief Barone explained that there is not a committed additional salary and that the practice has been when that person goes for the training, he replaces the shift. So he either has a part timer work, or juggle somebody to meet the scheduling conflict, we don't actually pay the individual, we don't pay them every time they do something. The Chief explained that we try not to pay anything but instead try to compensate with time off or trade time.

Council President Kvacek asked if there was a number the Chief put together on having the additional part timers filling in. The Chief said he could try to put something together but would be very tentative. Mayor Spremulli asked Council President Kvacek why we were going down this road, noting that this is an opportunity for Bentleyville to have one of our Officers on the SWAT team. He noted that if we should have to pay her for an extra 10 hours during the course of the year it should not matter. Council President Kvacek noted that he thinks it's great that we are participating but that the Chief made it sound like it was more substantial than 10 hours and that he was wondering if we need to increase the police budget for next year. Mayor Spremulli noted that there will be no increase in the police budget if someone is on the SWAT Team. Chief Barone noted that the police operate at about 20-25% fewer hours than they are budgeted which he uses to cover holidays, vacation days etc. for the full time officers. The Mayor also noted that SWAT is a member of VEG which all the communities are a part of and each community tries to have an officer participate.

#### **LAW DIRECTOR'S REPORT: 00:20:40**

- No report

#### **BUILDING INSPECTOR REPORT: 00:20:48**

- Mr. Filarski's report is on file.

#### **ENGINEER REPORT 00:20:55**

- Mr. Filarski's report is on file.
- Engineer Filarski noted that the redoing of the micro surfacing in the Trails was supposed to be done in August, but was not. They will be back October 2<sup>nd</sup>. Per Engineer Filarski, it is warranty work and he is sure they are trying to make money on current projects and get paid for them. Council Member Hale asked if they don't make it to us before the snow flies if we would we have any recourse. Engineer Filarski said we would just have to wait till spring.
- Per Engineer Filarski, the Asphalt program was bid out and the costs came in 13.8% over his estimate, so based on Ohio code we had to reject the bids and rebid. There is a motion to rebid on the agenda tonight.

#### **CHIEF'S REPORT 00:22:30**

Chief Barone's report is on file.

- Chief Barone explained that the police are involved in firearms and continuing professional training for the next month.



- Council Member Hale asked the Chief about Time Warner Cable coming out to check out our communications glitches. The Chief explained that there is nothing wrong with the signal itself. There is one mechanical issue on the pole that Time Warner will fix. Per Mayor Spremulli, the issue appears to be the computer firewall which will be replaced tomorrow. They believe it will correct computer problems that Nikki and the police are having as well as correcting the phone problems. The cost will be around \$1,100.00 - \$1,200.00. The Mayor and Chief discussed the firewall issue and the Mayor approved going ahead replacing it.

#### **SERVICE DIRECTOR REPORT: 00:22:24**

- The Mayor asked about the salt bin and the new mower. Service Director Nagle reported there is plenty of room in the salt bin and that the mower is working out well. The old mower was dropped off for trade in.
- Service Director Nagle reported that they are ready for winter.
- Chief Barone added that Service Director Nagle has been working on an ongoing project of cutting back the brush on certain streets in preparation for winter. He cut back brush in North Fork and is looking at areas that are also typically problematic such as Solon Road and at the intersection of Arbor and Cannon.
- The Chief also reported that Service Director Nagle is looking at Village of Bentleyville and street signs to see if any are in need of replacement.

#### **STREETS AND SAFETY REPORT: 00:27:20**

- Committee report is on file.

#### **FINANCE, GRANTS & INSURANCE REPORT: 00:27:24**

- Committee report is on file.
- Council President Kvacek recognized that there are several ordinances specific to the tax levies and noted that questions regarding the change orders for the Pepperwood North reconstruction can be addressed to Jeff Filarski.

#### **PLANNING AND ZONING REPORT: 00:28:10**

- The Commission did not meet this month.

#### **PARKS: 00:28:13**

- The Committee report is on file.

#### **UTILITIES COMMITTEE: 00:28:20**

- The Committee did not meet this month.

#### **PUBLIC COMMENTS: 00:28:52**

- None

**OLD BUSINESS: 00:28:54**

- None

**NEW BUSINESS: 00:28:55**

**2020-34** An Ordinance for the payment of bills in the month of September in the amount of \$ 117,571.19 and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Esposito; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**2020-35** Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.

Motion to suspend the three-reading rule by Rubin; second Kvacek

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Hemmelgarn; second Esposito

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**2020-36** A Resolution amending the Bentleyville Budget for Fiscal Year 2020 and declaring an emergency.

Motion to suspend the three-reading rule by Esposito; second Rubin

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Rubin; second Kvacek

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**2020-37** An Ordinance authorizing Change Order #2 for the Pepperwood North Concrete Reconstruction and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Kvacek

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Rubin; second Esposito

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**2020-38** An Ordinance authorizing Change Order #3 for the Pepperwood North Concrete Reconstruction and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Hemmelgarn; second Esposito

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**2020-39** An Ordinance authorizing the Mayor to enter into a contract with Lake County Landscape & Supply, Inc., in an amount not to exceed \$24,154.00 for the 2020 Ditching Program and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Esposito; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**2020-40** An Ordinance authorizing the purchase of a 270 gallon gravity flow fuel tank and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Rubin; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

Mayor Spremulli asked if trucks and smaller equipment would be filled with this tank and asked for confirmation that it will save the Village money. Service Director Nagle confirmed. Council Member Hale noted that we went with this option because it was a one for one substitution for what we were using. Other options would have required a lot of different hoops to jump through like approvals from the fire department.

**MOTIONS: 00:40:16**

Motion to re-advertise for bids for the 2020 Asphalt Program for the Village of Bentleyville since the Village rejected all prior bids since they exceeded by 10% the Village Engineer's estimate. The Village reserves the right to reject any and all bids.

Motion to re-advertise for bids by Hemmelgarn; second Kvacek

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: yes; Hemmelgarn: yes

**COMMENTS FROM THE FLOOR: 00:41:07**

- Mayor Spremulli noted that he would try to have a draft of the budget by the next Council meeting.
- The Mayor has a letter going out to the residents prior to the October 6<sup>th</sup> early voting. He may look into getting a few signs for the November 3<sup>rd</sup> election.
- Mayor Spremulli noted that it is time to come back to Council Chambers for the meetings, so unless there is a majority of objections we will meet back at our regular Council Chambers at the regular time.

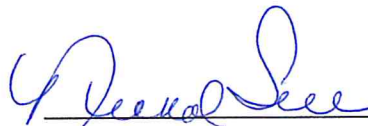
**ADJOURNMENT: 00:42:28**

- Motion to adjourn by Esposito. Passed by unanimous voice vote.

Respectfully submitted,



Ken Kvacek  
President of Council



Nickol Sell  
Fiscal Officer