

# VILLAGE OF BENTLEYVILLE

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## REGULAR COUNCIL MEETING MINUTES

6/17/2020

6:00 PM

### CALL TO ORDER: 00:00:06

Mayor Spremulli called the meeting to order at 6:00 P.M.

### PLEDGE OF ALLEGIANCE: 00:00:07

Mayor Spremulli led Council in the Pledge of Allegiance.

### ROLL CALL: 00:00:31

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input checked="" type="checkbox"/> Kathleen Esposito	<input checked="" type="checkbox"/> Terry Hemmelgarn
<input type="checkbox"/> Ken Kvacek	<input checked="" type="checkbox"/> Kathleen Hale (arrived late)	
<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: 00:00:45

**CLERK:** A Motion by Rubin to accept prior written minutes and audio recording of the May 20, 2020 Council meeting, second by Goetsch.

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

### MAYOR'S REPORT: 00:01:10

Mayor Spremulli mentioned that a guardrail on Chagrin River Road is in need of repair and the repairs were estimated to be approximately \$6,000.00. Engineer Filarski will address this issue and give Council an idea of how important it is to have it fixed this year. The Engineer will also report on the salt shed.

Mayor Spremulli informed Council that he had a conversation with the Manager at Nick Mayer Ford regarding the new police vehicle. Chief Barone will report on that.

Mayor Spremulli noted that finance discussed the importance of the renewal levies and emphasized that they will not cause an increase to anyone's taxes. He explained that with finances the way they are, it will be more important than ever to have the levies renewed for the next five years.

### FISCAL OFFICER'S REPORT: 00:16:33

The Mayor directed Council to the cash account balances (see Cash Balance and Outstanding Obligations May, 2020).

**LAW DIRECTOR'S REPORT: 00:03:15**

- No report

**BUILDING INSPECTOR REPORT: 00:03:16**

- Mr. Filarski's report is on file.
- Engineer Filarski reported that the new home at 12 Pine River will start within the next week. In addition, plans for another home at 576 Solon Road are in process. They are asking for a variance, so a meeting will be necessary on July 14<sup>th</sup>.
- Engineer Filarski reported that the salt shed construction will begin on Monday and should be complete by the end of the month.
- Mayor Spremulli asked Service Director Nagle what time frame would be necessary to notify Cargill to deliver the salt. Service Director Nagle said that he would just need to call when we are ready and Cargill will bring it when they can, which is usually within a week

**ENGINEER REPORT: 00:05:04**

- Mr. Filarski's report is on file.
- Engineer Filarski reported that he is putting a road program together for this year and it should be finished before the next Council meeting.
- Per Engineer Filarski, there are few areas of micro surfacing that will need to be redone which include Chagrin Valley Trails, High Point Lane, two areas in Grey Fox, one by Quail Ridge and the other right at the entrance. A date has not been set yet, but Engineer Filarski will let everyone know as soon as he knows, when the work will begin.

**CHIEF'S REPORT 00:06:12**

- Chief Barone's report is on file.
- Per Chief Barone, traffic enforcement has picked up. The officers are using safety protocols including approaching the vehicle from the opposite side in some situations, using gloves and masks, keeping distance between themselves and the driver, and not enforcing the signature requirement as long as they can verify the drivers identity.
- The Mayor reported that he had a conversation with the fleet manager at Nick Mayer Ford and explained that we are concerned about the new vehicle and that we may reconsider if we don't have it by the end of the month. The fleet manager said that the car has been made, but did not have any idea of when it would be delivered. Chief Barone reported that the fleet manager gave him the same information.
- The Mayor asked the Chief to look into other state bidders. Chief Barone explained that if we want to purchase the same Ford vehicle, we would be in the same boat no matter where we shopped as far as not knowing when delivery would be. He explained that Chrysler makes a Charger and Chevy makes a Tahoe. He felt that the Tahoe would not suit our needs as it has a V8 engine and is more expensive. The Mayor asked the Chief to get some prices and availability on both vehicles.

**SERVICE DIRECTOR REPORT: 00:10:44**

- Service Director Nagle reported that the roofer came out and made repairs to the flashing. The roofer looked around the cupola and saw some siding that was slightly out and made repairs to that also, although it was not his responsibility. The next big rain will tell us if the roof leak has been fixed.



Service Director Nagle and Johnathan Bourisseau inspected the roof and noticed some areas where the caulk has gone bad. They plan to repair it in the next few days.

- Service Director Nagle reported that the second quote for the guardrail repairs on Chagrin River Road came in at \$6,850.00. Mayor Spremulli asked Engineer Filarski how important it is to get it fixed from a safety point. Engineer Filarski reported that it is important since it has already been hit which compromised it even more. There was no report on who hit the guardrail. Chief Barone explained that there are instances late at night when someone hits something and there is not a police car in the area, so it goes unreported.
- The Mayor reported that we had \$10,000.00 budgeted for guardrails and about \$3,000.00 left in the budget, so we would need to amend the budget and he would go ahead and approve the repairs.
- Council member Kathleen Esposito asked when the mulching would begin. Service Director Nagle reported that they planned to start tomorrow. They have spent the week cleaning up and weeding in preparation of spreading the mulch.
- Mayor Spremulli noted that the cemetery could use some weed whacking. Service Director Nagle reported that Johnathan Bourisseau just sprayed weed killer and that they intend to go over and weed whack in a few days.
- Council Member Kathleen Esposito asked if the Metroparks have taken down any of the caution tape. Service Director Nagle said that initially they said that they would not open until September, but now, according to Ryan at the South Chagrin Reservation, they are deciding week by week when to open.
- Mayor Spremulli explained that he feels that we should be consistent with the Metroparks not only because we are often seen as part of the Metroparks, but because we do not have the staff to do the kind of cleaning that will need to be done. When the Metroparks do re-open, we will need to come up with some strategy for getting over to the park for cleaning.

#### **STREETS AND SAFETY REPORT: 00:16:14**

- Committee report is on file.

#### **FINANCE, GRANTS & INSURANCE REPORT: 00:16:33**

- Committee report is on file.

#### **PLANNING AND ZONING REPORT: 00:16:46**

- The Commission did meet.
- Mayor Spremulli noted that there are two motions on the agenda tonight. The first is a variance request. The homeowner will not be present, however, Engineer Filarski will make the presentation for him. The second is a request by Engineer Filarski to consider deleting the sections of our code outlined in the motion. Engineer Filarski will discuss it further when the time comes. Planning and Zoning did make a recommendation to Council to delete the sections requested.

#### **PARKS: 00:17:33**

- The Committee report is on file.
- Council Member Kathleen Esposito reported that the concert in the park will unfortunately be cancelled due to the current Corona Virus situation. She reported that it leaves us with \$500 that NOPEC has said we are free to use to benefit the Village. She suggested using the funds for new holiday lights on the big tree located in the front of Village Hall.

#### **UTILITIES COMMITTEE: 00:18:20**

- The Committee did not meet this month.
- Council Member Goetsch explained that we can solicit bids for trash removal without a motion on the agenda and Law Director Nemer confirmed. Council Member Goetsch reported that we will recycle the same bid and Law Director Nemer will draw up the required paperwork.

#### **EMPLOYEE SAFETY: 00:18:52**

- The Committee did not meet this month.

#### **OLD BUSINESS: 00:18:54**

**2020-19** An Ordinance submitting the question of a Renewal Tax Levy for the purpose of providing funds for the general construction, reconstruction, resurfacing, and repair of streets and roads in the Village of Bentleyville, pursuant to Ohio Revised Code Section 5705.191, and declaring an emergency. (2nd Reading)

Motion to place on second reading by Rubin; second Goetsch

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

**2020-20** An Ordinance submitting the question of a Renewal Tax Levy for the purpose of providing funds for current operating expenses of the Village of Bentleyville pursuant to Ohio Revised Code Sections 5705.19(A) and 5705.191 and declaring an emergency. (2nd Reading)

Motion to place on second reading by Rubin; second Esposito

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

#### **NEW BUSINESS: 00:20:26**

**2020-23** An Ordinance for the payment of bills in the month of June in the amount of \$ 201,813.70 and declaring an emergency.

Motion to place on first reading by Rubin; second Esposito

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

**2020-24** An Ordinance requiring the Fiscal Officer of Cuyahoga County to advance all tax revenue and special assessments collected in the year 2021 to the Village of Bentleyville and declaring an emergency.

Motion to place on first reading by Rubin; second Goetsch

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

- 2020-25** An Ordinance adopting the Village of Bentleyville's Budget for fiscal year 2021 and declaring an emergency.
- Motion to place on first reading by Rubin; second Goetsch
- Roll call: Kvacek: absent; Esposito: yes; Goetsch: yes; Hale: absent; Rubin: yes; Hemmelgarn: yes
- 2020-26** A Resolution transferring funds from the Unclaimed Funds Account to the General Fund and declaring an emergency.
- Motion to place on first reading by Rubin; second Esposito
- Roll call: Kvacek: absent; Esposito: yes; Goetsch: yes; Hale: absent; Rubin: yes; Hemmelgarn: yes
- 2020-27** A Resolution amending the Bentleyville Budget for Fiscal Year 2020 and declaring an emergency.
- Motion to place on first reading by Rubin; second Esposito
- Roll call: Kvacek: absent; Esposito: yes; Goetsch: yes; Hale: absent; Rubin: yes; Hemmelgarn: yes
- 2020-28** A Resolution requesting distribution of funds from the Cuyahoga County Coronavirus Relief Distribution Fund.
- Motion to place on first reading by Rubin; second Esposito
- Roll call: Kvacek: absent; Esposito: yes; Goetsch: yes; Hale: absent; Rubin: yes; Hemmelgarn: yes

**MOTIONS: 00:24:49**

Upon recommendation of the Planning Commission, a Motion to approve the Variance to Section 1262.02 (c) 1 (B) to allow for the construction of a pergola attached to the main dwelling for Todd and Sara Hurst 130 Grey Fox Run PP 941-18-030.

Motion to approve the variance to section 1262.02(c) 1 (B) by Rubin; second Goetsch

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

Per Engineer Filarski our zoning requirement is that the pergola is to be placed 15 feet away from the house. This variance would allow for the construction of the pergola attached to the main dwelling.

Upon recommendation of the Planning Commission, a Motion to approve amending Sections 1266.02 (c)(1)(B), 1266.02 ( c)(1)(C) and 1266.02 (c )(2) by deleting the requirement that the structure be more than 15 feet from the main dwelling.

Motion to approve amending Sections 126602 (c)(1)(B), 1266.02 ( c)(1)(C) and 1266.02 (c )(2) by Hale; second by Esposito



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

Per Engineer Filarski, our code requires that structures such as pool houses, sheds and decorative shelters be 15 feet from the home. He explained that from a building standpoint there is no reason for it. He also noted that there have been variances approved in the past and another one is coming up requesting a pergola be placed close to the home. He is recommending that this requirement be deleted from the code.

Mayor Spremulli noted that this requirement was in place before he started as Mayor and that looking at neighboring community's requirements, none have this requirement in place.

Council Member Goetsch noted that this has come up several times since he has sat on Council and that Council has always approved the requests.

Council discussed next month's meeting and everyone's availability. The Mayor decided that if Council Member Rubin was the only member that could not attend, the meeting would proceed in person. Should any other members not be able to attend, we would proceed via Zoom.

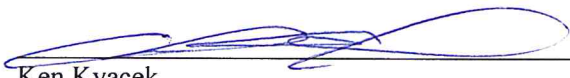
**COMMENTS FROM THE FLOOR: 00:32:03**

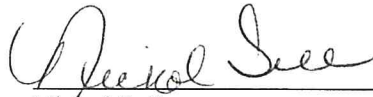
- None

**ADJOURNMENT: 00:32:08**

- Motion to adjourn by Rubin, Second by Goetsch. Passed by unanimous voice vote.

Respectfully submitted,

  
Ken Kvacek  
President of Council

  
Nickol Sell  
Fiscal Officer