

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

07/15/2020

6:00 PM-Via Zoom

CALL TO ORDER: 00:00:27

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

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 checked="" type="checkbox"/> Ken Kvacek	<input checked="" type="checkbox"/> Kathleen Hale	
<input checked="" type="checkbox"/> Alex Goetsch	<input 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: 00:00:56

CLERK: A Motion by Esposito to accept prior written minutes and audio recording of the 6/17/20 Council meeting, second by Goetsch.

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

MAYOR'S REPORT: 00:01:45

Per Mayor Spremulli the Council meetings will be via zoom for the foreseeable future due to the County being on high alert. Village Hall is open and anyone entering will be required to wear a mask. So far staff, police, administration and service are well.

The Mayor wanted to bring to everyone's attention that he received a compliment from a resident on the service department. He wanted to add that they are doing a very good job despite being understaffed. In particular he mentioned the job they did a month ago when they were asked to clean up around the service garage. He complimented them on how hard they worked to get it done.

Mayor Spremulli reported that he is working on a letter to the residents regarding the two levies which he will circulate to Council and which he is hoping to get out by October.

A notice was received from the Board of Elections that we are set to be a polling location. Council Member Kathleen Esposito asked if we would be providing masks for anyone voting who may forget and the Mayor confirmed. The Mayor also noted that the village will be receiving 50 kits that will include masks. When they are received, Jackie will put a notice on the website so that residents can come and pick one up if they need it.

The new car is in. The Chief will discuss it during his report.

Mayor Spremulli had discussions with the Parks chairman and has decided not to open the parks. He explained that we will operate the way the Metroparks are operating. The play area will remain closed and all events in the park have been cancelled. Council Member Esposito noted that Santa has not yet been cancelled and she hopes that we will not have to cancel that event.

Council Member Hale noted that more caution tape is needed at the park, because a lot of it has been pulled down. Chief Barone said that either the service department or the police will make sure it gets done. The Mayor asked the Chief to check on the tape periodically to see if it needs replaced.

Council President Kvacek asked that someone make up a notice to post that the park pavilion and playground areas are closed. Council Member Esposito asked to add that masks are required per the Governors' Order. She volunteered to make up a notice and submit it to the Mayor for approval before Service Director Nagle puts it up.

FISCAL OFFICER'S REPORT: 00:08:35

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

LAW DIRECTOR'S REPORT: 00:08:35

- No report

BUILDING INSPECTOR REPORT: 00:08:47

- Mr. Filarski's report is on file.
- Per Engineer Filarski, the salt bin walls are up, but the top has not arrived yet. Mayor Spremulli reported that the storage fee of over \$4,000 did have to be paid and that the fee covered the storage until the end of the year. Per Engineer Filarski, the Covid19 pandemic has caused a delay in manufacturing.
- The Mayor noted that there are a lot of blocks left from the salt bin renovation which we will give to the Metroparks. Service Director Nagle explained that the Metroparks would take them and also help the service department build up the third open salt bin to close it off. Council President Kvacek asked if it would be worth attempting to sell the blocks, it was agreed that since they are used it is not.
- Engineer Filarski reported that signs have been put up on Holbrook Road near Franklin regarding the lot being for sale. Joyce Builders wanted to gauge the interest. Nothing has sold yet, but there has been some movement on it. According to Engineer Filarski, the sight could have four lots – three along Holbrook and one on Franklin.

ENGINEER REPORT 00:13:47

- Mr. Filarski's report is on file.

CHIEF'S REPORT 00:13:59

- Chief Barone's report is on file.
- Chief Barone reported that there was a zoning violation issue in which a regular and certified letter was mailed to the owner. A citation will also be issued in that same location.
- Chief Barone confirmed that the new car arrived approximately two weeks ago. The outfitter has been unavailable, but has set a date of July 27th to outfit the car which should take 1 to 2 days. In the

meantime, the decals will be put on it.

- The Chief noted that the application for financing of the new vehicle was needed. The fiscal officer reported that when the budget amendment for the payment has passed, the application can be submitted.

SERVICE DIRECTOR REPORT: 00:16:26

- Service Director Nagle reported that the lawnmower is need of repairs estimated at \$5,000, adding that to buy a new lawnmower, it would cost approximately \$11,000. Chief Barone asked if there was any trade in value on the old mower. Per Service Director Nagle, Kuboda estimated its value at about \$500, but did not include the trade in value in their estimate. Service Director Nagle explained that the mower he chose is just a grass cutter, our current mower is a ride along with a small loader bucket. To replace our current mower would cost approximately \$16,000. He felt that the bucket is not needed for what they use the mower for. Council President Kvacek suggested contacting Middlefield Farm and Garden for pricing as well. The Mayor suggested a state bid program as well for pricing. Service Director Nagle said that the price he was quoted was state bid pricing.
- Council President Kvacek thought that we have been cutting a lot of residents' tree lawns, putting additional wear and tear on the mowers. He asked if there are any areas that we cut that would be the residents' responsibility and asked if we should be sending reminders to those residents. Service Director Nagle explained that he does not cut anyone's property lines, he only cuts our grass and common land around trees. Engineer Filarski noted that it is a policy in every community as to where they will or will not cut.
- Council Member Hale pointed out that the area on Jackson near South Franklin has grown pretty high and asked if it was our responsibility or not. Service Director Nagle confirmed that it is and explained that he needed the big mower to cut it. He noted that he would be taking care of it very soon.
- Council President Kvacek suggested that since we are discussing usage, wear and tear as well as where we should be cutting, that maybe we should have a policy on it. Mayor Spremulli noted that the current mower has lasted 18 years and that the wear and tear could not be that great given what we have been doing. He felt that he would not want to retract what we have been doing for many years so that we can get a less expensive machine. He asked Service Director Nagle if he thought that there would be any savings if he didn't cut certain areas that we have been cutting for several years. Service Director Nagle said no. Council Member Goetsch asked why the service department cuts the property across the street from his house. Service Director Nagle said he was not sure whose property it is and that they maintain it because there is a fire hydrant there. Council Member Goetsch noted that the amount of time service takes to maintain a few questionable areas is small compared to the total mowing done.
- The Mayor asked if we were looking at the same size deck for the new mower which Service Director Nagle confirmed. Council Member Goetsch looked up some prices starting around \$7,000 and asked if we needed to get a Kuboda, noting that other brands could present a 25% savings. Per Service Director Nagle, the reason that the price is a little more is because they get diesel motors which tend to have more power and last longer. He also noted that he received a quote from Chagrin Pet and Garden in the amount of \$15,000 for the exact mower. He offered to look into additional quotes. Council Member Goetsch said it was not necessary because he would imagine diesel would be more expensive.

STREETS AND SAFETY REPORT: 00:25:53

Village of Bentleyville Council Meeting 07/15/2020

- The Committee did not meet.

FINANCE, GRANTS & INSURANCE REPORT: 00:26:20

- Committee report is on file.
- Council President Kvacek noted that there are several ordinances up for consideration. Mayor Spremulli noted that revenues are down as well as expenses. We are keeping our head above water and are looking forward to the fall.

PLANNING AND ZONING REPORT: 00:26:43

- The Commission report is on file.
- There is a variance request on the agenda which the Commission will recommend to Council.

PARKS: 00:27:04

- The Committee did not meet.

UTILITIES COMMITTEE: 00:27:09

- The Committee did not meet this month.

EMPLOYEE SAFETY: 00:27:10

- The Committee did not meet this month.

PUBLIC COMMENTS: 00:27:13

- None

OLD BUSINESS: 00:27:22

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. (3rd Reading)

Motion to adopt by Esposito; second Kvacek

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: absent; 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. (3rd Reading)

Motion to adopt by Goetsch; second Esposito

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

2020-23 An Ordinance for the payment of bills in the month of June 2020 in the amount of \$201,813.70 and declaring an emergency. (2nd reading)

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

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

Motion to adopt by Kvacek; second Goetsch

Roll call: Kvacek: yes; Esposito: yes; Goetsch: yes; Hale: yes; Rubin: absent; 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. (2nd Reading)

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

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

Motion to adopt by Kvacek; second Goetsch

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

2020-25 An Ordinance adopting the Village of Bentleyville's Budget for fiscal year 2021 and declaring an emergency. (2nd Reading)

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

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

Motion to adopt by Goetsch; second Esposito

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

2020-26 A Resolution transferring funds from the Unclaimed Funds Account to the General Fund and declaring an emergency. (2nd Reading)

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

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

Motion to adopt by Hale; second Esposito

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

2020-27 A Resolution amending the Bentleyville Budget for Fiscal Year 2020 and declaring an emergency. (2nd Reading)

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

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

Motion to adopt by Kvacek; second Goetsch

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

2020-28

A Resolution requesting distribution of funds from the Cuyahoga County Coronavirus Relief Distribution Fund. (2nd Reading)

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

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

Motion to adopt by Esposito; second Goetsch

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

Council President Kvacek noted that he introduced it.

NEW BUSINESS:

2020-29

An Ordinance for the payment of bills in the month of July in the amount of \$ 69,404.92 and declaring an emergency.

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

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

Motion to adopt by Kvacek; second Esposito

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

MOTIONS:

Motion to affirm the decision of Planning Commission regarding the variance request submitted by Brian and Kristen Victoroff, 576 Solon Road PP 941-09-006 for a variance to Section 1266.03(d) to allow for the construction of a dwelling 30 Ft. from the side lot line.

Motion to affirm the decision of the Planning Commission regarding the variance request submitted by Brian and Kristen Victoroff, 576 Solon Road PP 941-09-006 for a variance to Section 1266.03(d) to allow for the construction of a dwelling 30 Ft. from the side lot line, with the condition that they establish a 15 ft. buffer area and that they take all reasonable and necessary steps to protect the mound that has been discussed by Esposito; second Hemmelgarn

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

Discussion on the variance began with Mayor Spremulli noting that Planning and Zoning did recommend this five foot variance. Engineer Filarski confirmed that Planning and Zoning recommended the variance under the condition that they take reasonable steps to protect the Indian Mound located on the property. The builder will be putting a construction fence up to address the issue and will report any archeological items found to the administration. David Hesse and Michael Caito from Payne and Payne Builders were present to answer any questions.

Council President Kvacek inquired about the document on page two which contained two drawings. One drawing showed the dwelling perpendicular to the road and the other was a little bit askew. He asked which drawing the variance represented. Per David Hesse, the two sketches

are the options the property owner has. They both have the same 5 ft variance, but with slightly different views.

Council President Kvacek inquired about a comment on page four of the study regarding the stream

bed gully needing to be rock armoured in order to prevent erosion near the home. Per Engineer Filarski, if any areas show erosion, the owners would need to address it by dumping rock down to prevent further erosion. He also explained that they need to keep the sediment out of the stream which is part of the stormwater pollution protection permit.

Council President Kvacek asked about the page five comment regarding any excavated materials not being placed on or near the existing slope. He was looking for confirmation that the conditions of the request are based on the geotechnical report. Engineer Filarski explained that we typically don't add construction directives, but the builder does have the information and needs to abide by the recommendations. Council Member Goetsch asked if there were any comments or objections from anyone on Pine River. Engineer Filarski said he did receive an email from Todd Duley supporting the house construction, but did request that the owner plant trees along the property line to allow for some screening. Council Member Goetsch asked if the residents were willing to do so. Mr. Hesse noted that this was a recommendation, not a requirement and that both residents are their client and both are looking for privacy and some screening from each other. He planned to let them decide how they want to do that.

Council Member Hale asked about the mound and whether or not it was surveyed. Mayor Spremulli asked Council President Kvacek to explain since he has done the research on the mound. Council President Kvacek explained that the Indian mound is called the Holtcamp Mound. He went on to inform council that it is one of two documented mounds in the Village. It was first opened in 1940 and later in 1878. The literature around the excavation reported that there were four stone caskets found in the first excavation which was unusual and set the archeological community upended. Archeologists had thought that perhaps Egyptians had come to the United States, but in fact they did not. The later excavation revealed another stone casket. Human remains were found in the caskets. Council President Kvacek explained that he spoke with Brian Redmond at the Cleveland Natural History Museum. Mr. Redmond did some research and sent a confirmation letter that it is the Holtcamp Mound and that we should be sure the homeowners are aware of it. He suggested that they not damage the integrity of it for future generations and further exploration. Mr. Redmond also noted that the law requires that if any digging produces any human remains, they must be reported to the coroner. Council President Kvacek asked Mr. Redmond where graves were located in relation to the mound. Mr. Redmond said graves could be located on all sides, inside and on top and recommended limiting any digging immediately adjacent to the mound.

According to Council President Kvacek, there are a number of mounds located throughout Cuyahoga County. Council member Hale expressed her fascination on what we could find out and concern that it may be compromised. She noted that this mound is on private property and that there is only so much we can do. She said that she would have liked to see a letter from Brian Redmond. Council President Kvacek explained that he did receive a letter and forwarded it to the Village Engineer. Engineer Filarski explained that the letter basically confirmed that the location appears to be one in the same of the Holtcamp locality and offered further assistance if needed.

Council President Kvacek did have additional follow up conversations with Mr. Redmond that concluded that most of the objects found in prior excavations were transferred to the Ohio History Center. Council President Kvacek has put an inquiry in to the curator at the Ohio History Center, but has not yet received a response. Mr. Redmond told Council President Kvacek that he would be more than happy to visit the sight, offer some background to it and offer some suggestions to the homeowners.

Mayor Spremulli explained that Council added a condition that a 15 ft. buffer zone be added around the house to avoid any contact with the area. Mayor Spremulli offered Council Member Hale the option of adding to the condition already in place and for Council to table the motion if they feel the need. Council Member Hale said she would feel a lot better if they had a scientific survey completed by the Ohio History Center or the Natural History Museum.

Council Member Goetsch asked if Bentleyville had any authority to regulate in this way and if there is anything in our code that talks about this kind of situation. He did not believe we could mandate revisions on the approval of the set back. Law Director Nemer was not aware of anything in our ordinances. Mayor Spremulli noted that if the residents did not need the five foot variance, they would not even be before Council and as a result they may not have known anything about this mound.

According to the architect, they are tearing down an existing house and replacing it with a new house. They are turning the house and the garage around to face the street and are actually moving the house away from the mound. The owners and architects were not aware of the mound but thought it was a cool piece of nature and wanted to preserve it.

Council President Kvacek applauded planning and zoning for suggesting a buffer area and is glad that the owners will not be infringing on the mound in their construction. Per Mayor Spremulli it is a great cocktail conversation topic.

Motion to advertise for bids for Refuse and recyclable removal for the Village of Bentleyville with bids to be opened at 4 PM on August 31, 2020. The Village reserves the right to reject any and all bids.

Motion to advertise for bids for Refuse and recyclable removal by Goetsch; second Esposito

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


COMMENTS FROM THE FLOOR: 01:00:03

- None
- Mayor Spremulli noted that with the current financial situation, Council taking a one month recess will not be possible.

ADJOURNMENT: 01:00:36

- Motion to adjourn by Goetsch, second by Esposito. Passed by unanimous voice vote.

Respectfully submitted,


Ken Kvacek
President of Council


Nickol Sell
Fiscal Officer