

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

11/18/2020

7:00 PM

CALL TO ORDER: 00:00:01

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

PLEDGE OF ALLEGIANCE: 00:00:03

Mayor Spremulli led Council in the Pledge of Allegiance.

ROLL CALL: 00:00:22

<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: 00:00:52

CLERK: A Motion by Rubin to accept prior written minutes and audio recording of October 21, 2020 Council meeting, second by Kvacek.

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

Per Council Member Goetsch the Utilities Committee did meet, the notes said they did not. Per Council President Kvacek, the October notes said the meeting started at 7:00, but should have been 6:00.

MAYOR'S REPORT: 00:02:26

Mayor Spremulli wanted to thank all the residents who overwhelmingly passed the two renewal levies. He put a thank you on the website and Council President Kvacek noted that the Village message board also displayed a thank you to the residents.

The Mayor read an email Chief Barone received from Dick Goldsmith 35907 Solon Road commending the department on the professional manner in which they handled an accident involving a 17 year old girl. The girl lost control of her vehicle and took out his mail box, part of his fence, the fire hydrant and a maple tree. Mr. Goldsmith was thankful that she did not get hurt. He noted that Officer Manson was truly professional in every respect and his concern for the girl was apparent. He was very kind to the mother

when she arrived and he made sure to gather all the required information. Per Mr. Goldsmith, everyone felt they were in good hands. He asked that the other officers involved know that their efforts were appreciated as well. Mr. Goldsmith praised the officers for a job well done.

Mayor Spremulli noted that another accident involving a 17 year old girl occurred last week. She hit the pole and severed the pole where the box for the overhead lights are at the intersection of Solon and Chagrin River. Fortunately she was not hurt.

The pole has since been repaired and an outlet has been installed on the pole that will allow us to attach a generator to the pole in the future so if the lights are out again, stop signs and an officer will not be necessary. The Mayor authorized the purchase of a gas generator to use in the event of another light outage in the amount of \$902. The generator can be locked so it cannot be stolen.

Insurance will be paying for the damage to the pole. Lloyd Nagle is working with the water department to fix the fire hydrant that was knocked down in the accident. Chief Barone reported that the cost to repair the pole is in excess of \$5,000.

Per Mayor Spremulli, in light of the advisory that has come out from the County, we will have a zoom meeting in December and until further notice. The legislation expires December 31st to have zoom meetings, but new legislation is out to extend the deadline to July.

The Chief mentioned buying our own zoom membership if we will be having several zoom meetings in the future. However Council President Kvacek said our own membership would cost \$149 per month. Currently we are paying Chagrin Valley Dispatch \$500 for the year, so it would be less costly to continue our membership with them. Mayor Spremulli asked if anyone would like to go back to 6:00 for the zoom meeting and 5:30 for finance which was more convenient since everyone was at home. It was decided to keep the regular scheduled meeting time for 7:00 p.m.

Council President Kvacek asked if we would need to renew with Chagrin Valley Dispatch for another year or if we paid and still have another six months before we need to renew. The Chief said he would find out if payment was on a calendar year or prorated.

Mayor Spremulli noted that with the windstorm a lot of trees fell down. He said that there are probably a lot of areas where residents left debris out. He has decided not to have the service department pick it up unless they call. If they do call, the service department will pick it up. The Chief explained that the service department is not ready for that kind of pick up. One truck is ready for the snow and one has the leaf box on it. In addition, they would have to get off their leaf route to go and pick up the debris. He further explained that we really don't have any place to put the debris and it would have to go back to the service garage until at least December.

Council President Kvacek said there are some things in the right of way, which the Mayor said we would get to when leaf season is up. The Chief said the service department will try to clean up the right of way in their spare time. Per Chief Barone a giant pine tree fell in the park. It does not block the entrance so the service department will get to it piece by piece.

FISCAL OFFICER'S REPORT: 00:12:33

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

BUILDING INSPECTOR REPORT: 00:12:38

- Mr. Filarski's report is on file.

ENGINEER REPORT 00:12:43

- Mr. Filarski's report is on file.
- Per Engineer Filarski, the asphalt program is complete except for the chip sealing on Pine River.
- Council President Kvacek asked if the steal bulkhead is down in Chagrin River Run. Engineer Filarski confirmed and said that the residents are working with the HOA to fix or replace the wall along the river. Per Engineer Filarski, they will need to hire an engineer to design some plans and that he offered them an engineer's name and a contractor's name. Chief Barone said that Dave Mane has been working on it and pulled a bunch of plans relative to the lot. Engineer Filarski has given him the plans.

CHIEF'S REPORT 00:14:27

- Chief Barone's report is on file.
- The Chief reported that people have been asking if we will be getting the Wi-Fi back in the building. He received a call today that Chad Salizar was able to get the piece of equipment that we need to fix it. It is now a configuration issue with our new firewall and they will try to configure it over the phone with Officer Perkins. The good news is that the equipment only cost about \$75 and will be very secure.

SERVICE DIRECTOR REPORT: 00:16:02

- Service Director Nagle was able to purchase the "Cross traffic does not stop" sign and put it up at the intersection of Holbrook.
- Most of the hydrants that he reported having issues were replaced and there are only a few more that need to be checked out. Mayor Spremulli confirmed that there was one they are still waiting on and Service Director Nagle confirmed that there is a work order on it.
- The Mayor also confirmed that the service department was out salting the other day.
- Council President Kvacek confirmed that all of the hydrants checked are Cleveland Water and that as far as Service Director Nagle knew, all of the Chagrin hydrants are functioning properly. Mayor Spremulli asked Service Director Nagle to follow up with Chagrin and to confirm that all hydrants have been checked.
- Council Member Hale asked if anyone had heard back from the Metroparks on the service garage lease, but no one has. Council Member Goetsch confirmed that the letter was sent quite a while ago and that the Metroparks have 90 days to respond.

STREETS AND SAFETY REPORT: 00:18:30

- Committee report is on file.
- Council Member Hale noted that adding a new mower to the budget is a good idea so we are not stuck without a working mower in the spring.

FINANCE, GRANTS & INSURANCE REPORT: 00:18:55

- Committee report is on file.

PLANNING AND ZONING REPORT: 00:19:02

- The Commission did not meet.

PARKS: 00:19:10

- The Committee report is on file.
- Council Member Esposito confirmed she will call on the roof leak estimate.
- Council Member Esposito noted that due to the Governors mandate, the tree lighting would have to be cancelled if council approved. It was decided that we hold off for another week to make the decision. Council Member Esposito explained that residents would come, be in their cars with their windows down and Santa would go car to car to speak with the children and give them a gift. After that, the tree would be lit and everyone would sing a Christmas carol. The Mayor asked how the cars would be configured. Council Member Esposito said they would be in the parking lot, along the road outside Village Hall and any overflow would park in the church parking lot across the street.
- Discussion began regarding whether or not this would violate the Governors orders. According to Council Member Goetsch the County said you shall not have any indoor or outdoor events with more than 10 people and that although everyone is in their cars, it is still a village sponsored event. He also noted that the order is very ambiguous and not really designed for any kind of protective measures. The Mayor asked that he and Council Member Esposito convene over the weekend and make a decision. He felt that something will come out over the next few days to clarify the County directive. Kathleen Esposito also wanted to get the opinion of Law Director Nemer.

LAW DIRECTOR'S REPORT: 00:26:38 (Law Director entered the meeting late)

- Law Director Nemer reported that there is a bill pending which extends the right to have virtual public meetings to July 1st and will pass before the current December 1st expiration date. Mayor Spremulli reported that we will meet virtually in December and possibly January and February depending how things go. Finance will meet virtually at 6:30 followed by the virtual Council Meeting at 7:00.
- Council President Kvacek asked the law director for his opinion on the County resolution regarding public gatherings. Per Law Director Nemer, it is an advisory to stay home but allows for people to go to work and necessary trips like the grocery store. Council Member Goetsch inquired as to the County wording that people shall not gather in groups of more than 10 indoors or outdoors.
- The Mayor requested that Law Director Nemer give his opinion on the Tree Lighting Ceremony scheduled on the 29th. Per Law Director Nemer people will be in their own cars and that wouldn't be considered a gathering. Discussion began with Council Member Goetsch who was of the opinion that the tree lighting is a social event and that the question is whether it is mandatory or an advisory not

to gather in groups of 10 or more. Council Member Hemmelgarn thought it would not be considered a group of 10. Law Director Nemer pointed out that the question is if people are outside and together. He said that since people will be in their own individual cars they are not together. The Mayor decided that they will discuss it over the weekend.

UTILITIES COMMITTEE: 00:22:55

- The Committee did not meet this month.

OLD BUSINESS:

- None

NEW BUSINESS: 00:23:42

2020-45 An Ordinance for the payment of bills in the month of November in the amount of \$298,784.24 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

2020-46 A Resolution amending the Bentleyville Budget for Fiscal Year 2020 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

2020-47 An Ordinance authorizing the Mayor to enter into a contract with Medical Mutual of Ohio for the provision of health care insurance coverage to all full-time Village employees at an aggregate cost not to exceed \$59,887.00 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 Esposito

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

2020-48 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 Esposito

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

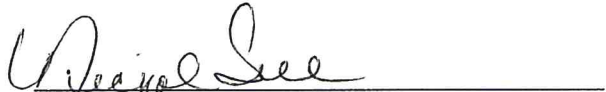
ADJOURNMENT: 00:33:26

- Motion to adjourn by Esposito. Passed by unanimous voice vote.
- Mayor Spremulli wished everyone a Happy Thanksgiving.

Respectfully submitted,



Ken Kvacek
President of Council



Nickol Sell
Fiscal Officer