

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

6/16/21

7:10 PM

CALL TO ORDER: 00:00:05

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

PLEDGE OF ALLEGIANCE: 00:00:10

Mayor Spremulli led Council in the Pledge of Allegiance.

ROLL CALL: 00:00:34

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input checked="" type="checkbox"/> Katheleen Esposito	<input checked="" type="checkbox"/> Terry Hemmelgarn
<input checked="" type="checkbox"/> Kathleen Hale	<input checked="" type="checkbox"/> Alex Goetsch	
<input checked="" type="checkbox"/> Ken Kvacek	<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 May 19th, 2021 Council meeting, second by Goetsch.

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

Katheleen Esposito asked the Mayor about the person that was interested in playing in the park and noted that she had not heard from him. The Mayor confirmed that he sent an email to the person with instructions to contact her.

Ken Kvacek noted that Council Member Rubin was inadvertently referred to as Council President on page three bullet point six. He suggested simply referring to Council by their name and not the title for the ease of doing notes.

MAYOR'S REPORT: 00:02:12

Mayor Spremulli brought up the \$300 in charges for the rear quarter panel last month and noted that there was another accident involving our new employee hitting the building when pulling into the garage. The damage with this accident is \$1,900 and Mayor Spremulli decided not file an insurance claim since our deductible is \$1,000 already. No one was hurt and no damage was done to the building.

The Mayor had a conversation with the Director of the Metro Parks, Brian Zimmerman, regarding the service department lease. Mr. Zimmerman informed the Mayor that they are in the process of

reconfiguring their property and that he would get back to the Mayor in the fall as to where our lease would fall in that reconfiguration.

The Mayor wanted to acknowledge and thank Mathew Daniels on the great job he did on the park sign.

Mayor Spremulli thanked the Chief, Council and Streets and Safety for participating in the discussions over the past couple months regarding raises for the police officers. This raise is on the agenda tonight. He explained that our full-time officers are the lowest paid in the Chagrin Valley and that this raise would bring them up to a respectable figure. He went on to explain that although we probably will still be the lowest wage in the Chagrin Valley, he hoped that the increase would allow us to retain our officers and attract part-time officers as well with the increase in starting part-time wages. He thanked everyone again for the collaborative effort to get this on the agenda for approval tonight. He noted that our department is valued for everything they do for the residents.

Chief Barone thanked Council and everyone who has worked diligently on the pay raises and noted that his only part in getting the raises was to bring up the issue and discuss it with the Mayor.

The Mayor reported that there was a meeting tonight with the Overlook residents who are exploring the idea of turning the street over to the Village. They discussed the process of dedicating the street to the Village including the cost and how it would affect each property owner including Village Hall. Nine of the ten property owners are in favor of this idea, however there has to be 100% participation to move forward. The estimated cost to bring the street up to standards for dedication is \$128,000 which the Village would front via a bond issue. Property owners would repay the debt in the form of a 20-year real estate tax assessment. The reason this came about is because our snow plows are having difficulty getting to the end of the street and turning around. The repairs to allow the trucks to plow are estimated in the amount of \$9,000 which will need to be paid by the property owners and will need to be done in order for our service department to continue to plow the road.

FISCAL OFFICER'S REPORT: 00:09:35

The Mayor directed Council to the cash account balances (see Cash Balance and Outstanding Obligations May, 2021).

LAW DIRECTOR'S REPORT: 00:09:38

- No report
- Mayor Spremulli reported that the question arose again about the use of the Water and Sewer Funds and if we could use a portion of those funds for other things. The Law Director reported that we are waiting for documents regarding what our obligations may be with respect to retaining money in those funds for future repairs.
- Ken Kvacek asked the Law Director if we were contacted by Chagrin Falls regarding joining their service consortium between Chagrin Falls, Bainbridge, Russell and South Russell which would provide mutual service assistance should there be an emergency equipment breakdown or employee shortage. No one had heard anything.

BUILDING INSPECTOR REPORT: 00:11:16

- Mr. Filarski's report is on file.
- Mr. Filarski noted that the last item on the agenda will need to be withdrawn because it will need to go to the Planning Commission. There will be a Planning Commission meeting on July 13th.

ENGINEER REPORT 00:11:40

- Mr. Filarski's report is on file.
- Ken Kvacek asked Mr. Filarski if he had any recommendations in light of the two recent accidents involving the building. He thought perhaps some flashing neon sign or traffic control device. Mr. Filarski laughed and said he did not have any recommendations at this point, but he would hope they would be more careful driving. The Chief wanted to set the record straight that one accident involved the service department and one involved the police. He also reported that a third accident occurred which was car versus mailbox.

CHIEF'S REPORT 00:12:44

- Chief Barone's report is on file.
- Chief Barone wanted to thank everyone again for the effort and participation in getting the raises approved.

SERVICE DIRECTOR REPORT: 00:13:20

- Service Director Nagle's report is on file.

STREETS AND SAFETY REPORT: 00:13:29

- Committee report is on file.

FINANCE, GRANTS & INSURANCE REPORT: 00:13:37

- Committee report is on file.

PLANNING AND ZONING REPORT: 00:13:58

- The Commission did not meet.

PARKS: 00:13:59

- The Committee report is on file.
- Kathleen Esposito requested a letter from the Mayor to Mathew Daniels thanking him and inviting him to the July council meeting so everyone can thank him.

UTILITIES COMMITTEE: 00:14:34

- The Committee did not meet this month.

PUBLIC COMMENTS: 00:14:36

- None

OLD BUSINESS: 00:14:44

- None

NEW BUSINESS: 00:14:48

- 2021-15** **An Ordinance for the payment of bills in the month of June 2021 in the amount of \$ 72,277.51 and declaring an emergency.**
- Motion to suspend the three-reading rule by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
- Motion to adopt by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
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- 2021-16** **An Ordinance requiring the Fiscal Officer of Cuyahoga County to advance all tax revenue and special assessments collected in the year 2022 to the Village of Bentleyville.**
- Motion to suspend the three-reading rule by Rubin; second Kvacek
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
- Motion to adopt by Rubin; second Esposito
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
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- 2021-17** **An Ordinance adopting the Village of Bentleyville's Budget for fiscal year 2022 and declaring an emergency.**
- Motion to suspend the three-reading rule by Rubin; second Esposito
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
- Motion to adopt by Rubin; second Esposito
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
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- 2021-18** **An Ordinance authorizing the Mayor to enter into a contract with the Davey Tree Expert Company in an amount not to exceed \$7,500.00 for the removal of trees and declaring an emergency.**
- Motion to suspend the three-reading rule by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes

Motion to adopt by Rubin; second Esposito

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

2021-19 An Ordinance authorizing Change Order #1 for the 2020 Ditching Program and declaring an emergency.

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

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

Motion to adopt by Rubin; second Kvacek

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

2021-20 An emergency Ordinance authorizing the Fiscal Officer to apply for and accept any eligible funding from the U.S. Department of the Treasury authorized under the American Rescue Plan Act, including but not limited to, reimbursing the Village for any revenue losses in any given year from 2020-2024 and for any additional expenses incurred related to the COVID-19 Pandemic.

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

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

Motion to adopt by Rubin; second Esposito

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

2021-21 An Ordinance establishing compensation for the police officers of the Village of Bentleyville for the year 2021 and declaring an emergency.

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

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

Motion to adopt by Esposito; second Goetsch

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

The Mayor noted that this will go into effect the next pay period this month. In addition, Ken Kvacek requested that Exhibit A include the part-time rate of \$23.50 as the hourly rate. He also explained that not only did Council review the police officer's compensation, which has not been reviewed in a while, but they also brought the wages closer to the community rates. In addition, in his mind, provided additional compensation for the extra work that was necessary for the officers during COVID-19.

The Mayor noted that the police secretary pay will be addressed separately.

2021-22 A Resolution amending the Bentleyville Budget for Fiscal Year 2021 and declaring an emergency.

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

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

Motion to adopt by Rubin; second Kvacek

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

MOTIONS: 00:22:46

Motion to withdraw from consideration Ordinance 2021-11, to enter into a contract with Tiger Exteriors LLC to replace the Flat Roof on the Cupola on Village Hall.

Motion to withdraw Ordinance 2021-11 by Esposito; second Goetsch

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

Motion to enter in a contract with Signal Service Company for the restringing of the wires to the relocated Illuminating Company utility pole.

Motion to enter in a contract with Signal Service by Rubin; second Esposito

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

Motion to accept the resignation of part-time Officer Daniel Gonzalez.

Motion to accept the resignation of Officer Gonzalez by Rubin; second Goetsch

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

Motion to allow the Mayor to enter into a contract with Tiger Exteriors LLC to remove and replace the flat roof in an amount not to exceed \$2,770.

Motion to enter into a contract with Tiger Exteriors by Rubin; second Esposito

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

Motion to withdraw the motion to allow grading on slopes greater than 15% for new home construction 1272.04 (a) at 600 Solon Road.

Motion to withdraw motion to allow grading on slopes greater than 15% by Rubin, second Goetsch

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

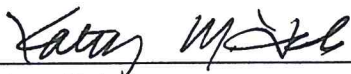
COMMENTS FROM THE FLOOR: 00:26:38

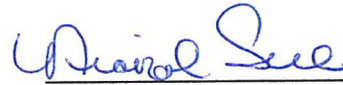
- None
- Ken Kvacek asked the Engineer and Law Director to address the issue of properties within the Village that have trees on their property that could potentially cause damage to utilities should they fall. Specifically, he wanted to know if we ask can them to remove the trees and what our recourse is if they do not. Per Engineer Filarski they may not be aware of the issue and we can ask, but since it is private property we have no recourse. Should the tree cause a line to fall, the electric company would have to come in and restore service and the resident would have to deal with the fallen tree. The Mayor told Ken Kvacek if he wanted to make a list of trees that could be an issue, he could. In turn, Mr. Kvacek asked the Chief, Engineer and Service Director to take note of any dead trees they notice on properties with the potential to fall on to power lines so we can let them know.
- Mayor Spremulli asked council to inform him if they would be out of town for the summer council meetings. July council meeting is the 21st and August is August 18th. Ryan Rubin reported that he might not be at the July meeting.

ADJOURNMENT: 00:31:40

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

Respectfully submitted,


Kathleen Hale
President of Council


Nickol Sell
Fiscal Officer