

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

5/18/2022

7:00 PM

CALL TO ORDER: 00:02:07

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

PLEDGE OF ALLEGIANCE: 00:02:07

Mayor Spremulli led Council in the Pledge of Allegiance.

ROLL CALL: 00:03:13

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input type="checkbox"/> Kathleen Esposito	<input 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: 00:03:27

CLERK: A Motion by Rubin to accept prior written minutes and audio recording of the April 20, 2022 Council meeting, second by Hale.

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

MAYOR'S REPORT: 00:03:57

Mayor Spremulli read a letter received from an individual thanking Officer Hoover and Sergeant Manson's efforts in assistance with changing her tire.

Mayor Spremulli reported that he made some changes in the service department. He terminated Lloyd Nagle, promoted Erik Caporale to full-time and hired Robert Collins on part-time. He also reported that he will be discussing the possibility of an additional full-time employee in the service department with Nickol Sell in terms of the cost to the Village.

FISCAL OFFICER'S REPORT: 00:05:16

The Mayor directed Council to the cash account balances (see Cash Balance and Outstanding Obligations May, 2022).

LAW DIRECTOR'S REPORT: 00:05:17

- Mr. Nemer reported that he sent Flock a red lined version of the Memorandum of Understanding. They have accepted all the changes. The revised version will be removed from the table and on for second reading this evening. He provided a copy for review.

BUILDING INSPECTOR REPORT: 00:06:27

- Mr. Filarski's report is on file.

ENGINEER REPORT 00:06:31

- Mr. Filarski's report is on file.
- Mr. Filarski presented pictures of the North Fork culvert repair including one of the cleaned-out culvert with mesh liner and one of the culvert when the concrete was poured. The president of the HOA said that the contractor worked well with the residents and did not have any complaints with the contractor.
- Mr. Filarski also reported that the asphalt preserve coating will begin next week on Solon, Holbrook, Liberty, Cannon, North Fork and Riverview Court. Per Engineer Filarski, the coating is part of last years contract and the county is paying for it.

00:11:05

- Mr. Kvacek asked if there has been any changes or updates on the Miles Road bridge project and if it would start this summer. Mr. Filarski explained that the project would include replacing the railing, re-staining the parapets and repainting the steel plates on the curb. He confirmed that no changes or updates have been made to the project. He was not sure if it would be completed this summer, but he should find out in the next couple weeks.
- Per Mayor Spremulli, the police have identified five lights that are out on the Miles Road bridge. Mr. Klemm asked Shepp Electric to come out and give a quote on fixing the lights as he is not sure of what the problem is.
- Chief Barone noted that five of the eight lights are out but not associated with either side. Per Mr. Kvacek, the two on the far east side work. The others go on and off and have been getting worse over the past year.
- Mr. Kvacek asked Mr. Filarski if it is necessary to light the bridge. Mr. Filarski reported that it was added on to the project at the request of the Village. He does not think it is required but would have to verify it with the County because it is their bridge. Once we find out what the problem and associated cost is, a decision can be made on how to proceed.

CHIEF'S REPORT 00:08:27

- Chief Barone's report is on file.
- Per Chief Barone, the new car is in. Another car is going to Klaben Ford Lincoln for replacement of the aluminum hood that is very corroded. The car is a 2018 and out of warranty, but they were able to get it replaced under warranty.
- Another car is at the body shop due to an incident in which an individual was arrested in conjunction with a traffic stop and while handcuffed, proceeded to lean into the side of the car and rake his hand cuffs along the car. It resulted in about \$2,200.00 damage. He was charged with felony vandalism as a result and it appears we will be reimbursed. Per Nickol Sell the insurance deductible for this claim would cost the Village \$1,000.00 however the Mayor believes we will be reimbursed for the damages.

SERVICE DIRECTOR REPORT: 00:15:26

- Per Mr. Klemm, things are progressing well, a new young man was hired. Mayor Spremulli noted that the new part-timer was able to get the grass done in a day and half as compared to the three days previously. He thinks the service department is moving in the right direction.
- Per Mr. Klemm, the service department has identified a lot of the water leaks in the coupola. He explained that you can actually stick your hands in the window. The way they were assembled and the material was wrong. The lights inside were deteriorated. They used corrugated Lexan panels since glass would be too expensive and installed four new led strip lights. They sealed all the seams, but need to put two more coats of roof sealer on. It looks really nice now.
- Kathleen Hale asked if Kimble provided the two twelve-foot dumpsters and Mr. Klemm confirmed they did. She explained that having two twelve-foot dumpsters was part of our contract but we were given smaller ones. Kimble took care of it right away. Per Mr. Klemm with the addition of the dumpsters, they have been able to clear just about all the trash around the service department and will be able to eliminate storage at the Chagrin service department. The Mayor encouraged everyone to stop in at the service department and see how nice it looks.
- Mr. Klemm reported that they completed the lettering on one of the trucks in the service department and that it looks really good.
- Repairs on the John Deere tractor are just about complete; the whole front end was rebuilt.
- Mr. Klemm will order fuel now as there is the possibility of a diesel fuel shortage in the North East.
- Mr. Kvacek wanted to mention a comment discussed in Streets and Safety regarding the call made to Kimble regarding the dumpsters. During the call, the representative said that the previous service director told them he did not want the bigger dumpsters. Per Mr. Kvacek, with the 12 ft. dumpsters there is almost no reason for us to take anything over to Chagrin. Mr. Goetsch asked if there was any stipulation that branches and such should not be put in the dumpster and Mr. Klemm confirmed there is not. Mr. Klemm believes he should be able to get rid of a lot of the leaves also in the dumpsters. In addition, he has contacted Snake Hill to see if they would take our leaves for free. They are not sure yet since we cannot give them a quantity to expect.
- According to Mr. Klemm, our Kimble contract says that they will pick up the branches and sticks, however they cannot be longer than 4 feet and must be securely tied in bundles at the end of the property. Mr. Goetsch didn't think we can get residents to comply and Mr. Klemm suggested starting with the landscapers. Mr. Goetsch noted that the way to get residents to comply by telling residents that they have to follow the pick-up instructions because the Village will no longer pick up branches and sticks. Mr. Kvacek suggested sending the landscapers that have registered with the Village a notice. Mr. Klemm would like to have handouts that they can personally deliver as they are out in the Village.

STREETS AND SAFETY REPORT: 00:23:23

- Committee report is on file.
- Mr. Kvacek wanted to mention that Doug Miller came to the meeting and thought the Holbrook road needs to be widened because it is currently hazardously narrow. Engineer Filarski said its been this way for years. He explained that if we widen it, there will be more of a speeding issue and further, there is not a documented accident issue there. The Chief could not recall any. Mr. Filarski also noted that safety could also become an issue for pedestrians and bicyclists as currently there is not a lot of traffic and vehicles can easily swerve away from people. Mr. Goetsch has never noticed

an issue with it not being wide enough and does not think the speeding is any worse than on other streets.

- Mr. Kvacek confirmed that Mr. Filarski will find out if the lights on the Miles Road bridge are required or decorative. Mr. Filarski confirmed.

FINANCE, GRANTS & INSURANCE REPORT: 00:26:51

- Committee report is on file.

PLANNING AND ZONING REPORT: 00:26:57

- The Commission did not meet.

PARKS: 00:26:59

- The Committee report is on file.
- Mr. Kvacek wanted to mention that Shakespeare in the Park at Riverview Park will be Saturday June 25th at 7 pm. There is no cost for attendance. We are looking into St. Martin Church for a possible relocation if there is rain.
- Discussions continue on where to place the Millstone and if anyone has any thoughts the committee would be happy to entertain them.

UTILITIES COMMITTEE: 00:28:16

- The Committee did not meet this month.

EMPLOYEE SAFETY: 00:28:16

- The Committee did not meet this month.

PUBLIC COMMENTS: 00:

- None

OLD BUSINESS: 00:28:15

- None

NEW BUSINESS: 00:28:18

2022-16 An Ordinance for the payment of bills in the month of May 2022 in the amount of \$97,351.05 and declaring an emergency.

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

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

Motion to adopt by Kvacek; second Rubin

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

2022-17 A Resolution amending the Bentleyville Budget for Fiscal Year 2022 and declaring an emergency.

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

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

Motion to adopt by Rubin; second Goetsch

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

2022-18 An Ordinance authorizing the Mayor to enter into a contract with The Vallejo Company in an amount not to exceed \$5,500.00 for asphalt pavement repair on Pine River Drive and declaring an emergency.

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

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

Motion to adopt by Rubin; second Kvacek

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

The repairs are due to watermain break.

MOTIONS:

Motion to take from the Table Ordinance 2022-12 for the Mayor to enter into a Memorandum of Understanding with Flock Group, Inc., to access their technology platform and safety dashboard for investigative Services. 2nd Reading.

Motion to adopt by Rubin; second Kvacek

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

(Note: Original Motion referred to Ordinance 2022-12, but is Resolution 2022-12)

2022-12 A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with Flock Group, Inc., to access their technology platform and safety dashboard for investigative purposes. 2nd Reading

Motion to place 2022-12 on second reading by Rubin; second Kvacek

Roll call: Hale: yes; Kvacek: yes; Esposito: absent; Goetsch: no; Rubin: yes; Hemmelgarn: yes

Kathleen Hale asked if by taking Resolution 2022-12 off the table, we voted it down.

Mr. Nemer explained that nothing was passed, it was only on reading, so we just need to attach the amended memorandum.

Discussion of which version everyone had began as well as how to proceed as far as removing the resolution or putting it on third reading after the final memorandum has been distributed and reviewed. It was noted that Council has voted on contracts before when they didn't have the contract in hand and also that it didn't make it right to proceed that way.

Mr. Nemer suggested removing this resolution and putting it on emergency basis at the next meeting. He will send everyone the new version of the memorandum to review.

Motion added to agenda during council meeting:

A motion to remove Resolution 2022-12 from the agenda.

Motion to remove by Hale; second Goetsch

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

Mr. Goetsch asked what information we are sharing with Flock. Per Mr. Nemer no information is being shared, but he added a confidentiality section to the MOU for our protection. He also asked if this is software or a website. Chief Barone said it is an app to access other communities' cameras and confirmed that we would not be sharing any data from our community or systems. The only data we would share is camera footage if we had cameras. He said it is only camera data, no other information and that he and another designated officer would be able to access the data. Mr. Goetsch wanted to make sure the village data base information is not being shared and it was confirmed that it is not.

The Chief explained that Saturday night there was a large group of thieves in the area that went through dozens of vehicles and some vehicles were taken in surrounding communities as well. He further explained that if we had access to the data we would be able to see in real time what the other agencies are seeing on their cameras instead of getting that information later.

Mr. Goetsch asked how we would safeguard the data access. The Chief thought we would have to have a policy or procedure in place that this information is to be maintained in the police department. In addition, there would be a dedicated phone or computer to access the data on. Mr. Goetsch noted that he wanted to make sure that no one outside of the police department would see it. Chief Barone confirmed that this information would be contained within the police department and that the police computers are password protected. He again confirmed that no data contained on our computers would be shared.

Kathleen Hale asked who in the area has the cameras. Mr. Goetsch said they are all up and down SOM and the Chief said Solon has them on State Route 91, State Route 43, Pettibone East and West, Bainbridge has some, basically everybody around us has some cameras. Chief Barone would like access to the data when there is a situation happening like what happened this past Saturday night.

Kathleen Hale asked the Chief to confirm that nothing happened in Bentleyville Saturday and he did. Mayor Spremulli noted that a lot of these stolen vehicles are due to the vehicles being unsecured with keys left in them. Chief Barone asked that if anyone is aware of neighbors or friends that are leaving keys in the car to encourage them not to do that.

Mr. Kvacek brought up House Bill 172 which would allow adults to use consumer grade fireworks on private property during New Year's Eve and Day, Cinco de Mayo, Juneteenth, Memorial Day and Labor Day weekends and July 3, 4, 5 as well as the three-day weekends before and after July 4. Fireworks would also be permitted on private property for the Chinese New Year and Diwali. The Mayor is aware of the legislation and has discussed it with Mr. Nemer and Chief Barone. Per the Mayor, we do have an ordinance on the books. He explained that other communities are passing legislation to restrict fireworks to a greater degree than the current legislation permits.

Mr. Kvacek asked if our current legislation works to prohibit the increased use on House Bill 172. Mr. Nemer said it depends on what the Village wants to be done with respect to fireworks. Chief Barone explained that we have always taken a softer recreation type approach to fireworks and the Mayor gave an example of one resident in particular that notifies us when he is going to do fireworks and we allow it. Mr. Kvacek was concerned that now with the new legislation there could be a significant increase in fireworks usage. Chief Barone explained that we will have to evaluate the possibility of that eventuality and how we will deal with it. Mayor Spremulli's opinion is that we see how this July goes and if we see a tremendous uptick in fireworks usage then we will address it. He also noted that if we have to put something more restrictive in place it would be a very difficult enforceability issue with the limited number of officers working. Chief Barone agreed that we see what happens this July and if Council sees a need to do things differently, then we address it at that time. Mr. Goetsch's only concern was that there are a lot of woods here and it can be pretty dry in the summer time which could lead to small fires.

Chief Barone noted that our current ordinance is not real restrictive, but it does have provisions for enforcement. Mr. Nemer noted that if council determines it is necessary to further restrict fireworks, we would have to pass new legislation to restrict them. Mayor Spremulli noted that if Council is in favor of drafting new legislation he is fine with that. Mr. Goetsch suggested that if we are going to pass new legislation, it should be based on some reality. The noise ordinance was brought up and Chief Barone noted that although warnings have been given regarding noise, he does not know of a time when a citation has been issued because the situation has always been resolved.

Mr. Kvacek noted that now that there is no affidavit to sign stating that when purchasing fireworks, you cannot set them off, sales people will let patrons know that they are allowed to set them off and as a result there will be more instances of people setting off fireworks. Mr. Goetsch thinks that the headline most people will understand is that fireworks are now legal in the State of Ohio, not that it is restricted to certain days. He further noted that it is just supposition and we should just see how it goes.

Mr. Kvacek questioned whether our current ordinance is valid. Mr. Nemer explained that our ordinance cannot be used because it conflicts with state law and Mr. Goetsch further explained that it does not conflict with our ordinance on non-permitted days and can be used on days other than what are set forth in House Bill 172.

Mayor Spremulli asked if anyone wanted to make a motion to instruct the law director to draft a piece of legislation to deal with the fireworks issue. There was a motion by Mr. Kvacek but no second so at this time it is not Council's desire to put together a piece of legislation. Mr. Kvacek noted that our ordinance may become unenforceable and we will have to rely on the noise

ordinance, however it would only be unenforceable on the holidays set forth in HB 172 per the law director.

Motion to appoint Sarah Hoover from part-time police officer to full-time police officer.

Motion to approve by Rubin; second Hale

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

Mr. Kvacek asked if this would add to the budget. Chief Barone explained that she is replacing a retiring officer that is no longer on payroll. Officer Hoover does have full-time experience.

COMMENTS FROM THE FLOOR: 00:58:17

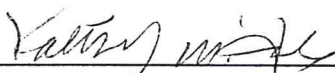
- None

ADJOURNMENT:

Motion to adjourn by Rubin, second by Goetsch.

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

Respectfully submitted,



Kathleen Hale
President of Council



Nickol Sell
Fiscal Officer