

# VILLAGE OF BENTLEYVILLE

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## REGULAR COUNCIL MEETING MINUTES

6/22/22

7:00 PM

### CALL TO ORDER: 00:00:39

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

### PLEDGE OF ALLEGIANCE: 00:00:45

Mayor Spremulli led Council in the Pledge of Allegiance.

### ROLL CALL: 00:01:15

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input checked="" type="checkbox"/> Kathleen 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: 00:01:26

**CLERK:** A Motion by Rubin to accept prior written minutes and audio recording of the May, 2022 Council meeting, second by Kvacek

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

### MAYOR'S REPORT: 00:02:09

- Nothing to report.

### FISCAL OFFICER'S REPORT: 00:02:20

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

### LAW DIRECTOR'S REPORT: 00:02:29

- No report.

### BUILDING INSPECTOR REPORT: 00:02:33

- Mr. Filarski's report is on file.

### ENGINEER REPORT 00:02:47

- Mr. Filarski's report is on file.
- Mr. Kvacek asked when we would receive the payment from Moreland Hills for their portion of the Miles Road, North Fork Culvert Repairs. Mr. Filarski thought they would pay within a few weeks after they received the invoice.

#### **CHIEF'S REPORT 00:03:15**

- Chief Barone's report is on file.
- The Chief reported that Dean Hayne from First Energy came in to discuss a few items, one being the pole First Energy replaced. Mr. Hayne said he could not say how long it will take First Energy to come out and take the old pole down, but that he would double check that it is reported in the system as needing to be removed.
- Council President Kathleen Hale asked about the graffiti situation under the bridge. Chief Barone said that it is still there and there is more being added. The Chief reported that he hasn't received any verification from the county on what the cost is to clean it up, but if it is less than \$1,000.00, graffiti would be considered a misdemeanor in the eyes of the law. Mayor Spremulli explained that he wanted any camera issue to come before Council for a vote. He does not want anyone to just go set up a camera. He asked council to put it on the agenda next month if there is any interest in installing surveillance cameras. The Chief said that he will hold off looking for pricing etc., until there is an approval from Council. Chief Barone confirmed that he had a call in to see when the county would be cleaning the graffiti. Mr. Hemmelgarn remembered at some point a felony was mentioned as a possible punishment for the graffiti. He felt that since the most likely offenders are kids, a felony should not be considered. He felt that there is no reason to ruin a kid's life over spray paint. The Mayor noted that "if you catch them, you catch them and if you charge them, you charge them", adding that it could be your next-door neighbor. He also noted that the discussion is not about drug deals in the park, it is about graffiti. The Chief noted that the graffiti shows up every season and he is aware that it is agitating for people down there enjoying the park. However, he thought that council would need to decide if they want to commit resources to this or not. Mayor Spremulli suggested that we reach out to the county again to find out when it will be cleaned up. Once its cleaned, we should see how long it takes for it to get graffitied up again.

#### **SERVICE DIRECTOR REPORT: 00:08:32**

- Mayor Spremulli inquired about a few of the expenditures made by the service director for patching. The Mayor mentioned that Mr. Klemm felt optimistic that the service department could do a lot of the work previously contracted out as far as smaller road repairs. He asked Mr. Klemm to confirm that the roller purchased a few years ago with Chagrin Falls would not be something useful to our Village. Mr. Klemm confirmed that it would be much more than our department could handle as far as man power and the volume of asphalt. Mr. Klemm explained that the plate tamper he purchased would allow us to do smaller patches. Mr. Goetsch asked what size he could repair and Mr. Klemm reported approximately 4 X 5 or anything in the 25 to 35 square foot range. He further explained that he purchased equipment because in order to fix the repair correctly, they needed to square up the hole, so he bought a saw to cut the hole, a jackhammer to chisel the hole and a plate tamper to tamp the hole. These are long term items that will pay off. Mr. Goetsch reminded Mr. Klemm purchases need to be approved by Council before they are made.
- Mr. Kvacek asked Mr. Filarski about the two pipes in need of repair on Pine River Drive. Mr. Filarski explained that it is two storm sewer pipes that need the joints reset.
- Mr. Kvacek also inquired about the Miles Road bridge lights and whether or not they are required. Per Mr. Filarski, we are not required to light them and if we remove them, the county asked to see any plans for demolition and how we will handle the conduits. Mr. Filarski said that the poles would need to be removed because at least one pole is in very bad shape. Mr. Klemm asked Signal Service to come out and quote both the repair, replacement and removal so that council can decide at that point. The initial numbers are coming back at about \$3,000 per pole replacement and currently



four need replacing. Per Mr. Klemm, the service department can remove the lights and poles and signal service would cap them off. He has not gotten a price for that service. Mr. Hemmelgarn asked how dark the bridge would be with no light. Mr. Filarski said it is like any other road.

- Mr. Kvacek asked for an update on the new intersection and bridgework. Mr. Filarski did not have an update.

**STREETS AND SAFETY REPORT: 00:15:26**

- Committee report is on file.
- Kathleen Hale reported that the minutes were submitted via email and not in the council packet.

**FINANCE, GRANTS & INSURANCE REPORT: 00:15:40**

- Committee report is on file.

**PLANNING AND ZONING REPORT: 00:15:45**

- The Commission did not meet this month.

**PARKS: 00:15:50**

- The Committee report is on file.
- Kathleen Esposito wanted to remind everyone to join them for Shakespeare in the park at 7:00 pm Saturday evening.

**UTILITIES COMMITTEE: 00:16:05**

- The Committee did not meet this month.

**EMPLOYEE SAFETY: 00:16:05**

- The Committee did not meet this month.

**PUBLIC COMMENTS: 00:16:09**

- None

**OLD BUSINESS: 00:16:19**

- None
- Chief Barone reported that there will be increased police presence on Saturday due to the Shakespeare in the Park event and the annual large party on Cannon Road.
- Mr. Goetsch noticed quite a bit of increased police presence on Holbrook Road and hopes the residents will appreciate it. The Chief reported that by Holbrook and Eaglenest, they have given a few tickets and several warnings. They are reminding people of the stop sign. Kathleen Hale asked what the response is when someone is stopped. Chief Barone reported that it was anything from "Seriously" to admitting that they forget that the stop sign is there, some very genuinely concerned and some not concerned at all.
- Chief Barone reported that a house watch form was received by the police department. Jackie Pappa and Officer Cagwin did not recognize the address, so Officer Cagwin went looking for the house. He finally found it way back in the woods in Solon. The Chief contacted the owner and told him that he filled out a Bentleyville house watch not Solon. The owner was aware that he completed a Bentleyville form, noting that they don't help him and asked if we could help him out. The Chief told him it was out of this jurisdiction, but that he would tell the other officers to note any suspicious activity and keep an eye on the driveway.

**NEW BUSINESS: 00:21:12**

**2022-19      An Ordinance for the payment of bills in the month of June 2022 in the amount of \$160,792.41 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

**2022-20      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 and declaring an emergency. 1<sup>st</sup> Reading**

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

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

Motion to adopt by Rubin; second Kvacek

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

Mr. Goetsch questioned why the Mayor would sign the contract because it is between Flock Group and the agency defined as the Police Department, adding that the Mayor is not an officer of the police department. Mr. Nemer explained that the Mayor is signing on behalf of the Village. Chief Barone added that other contracts he has seen from other municipalities were signed by the Police Chief. Mr. Goetsch noted that it is not a contract with the Village, but with the police department. Mr. Nemer noted that it is a memorandum and was of the opinion that the Mayor is the Officer of the Village and therefore the one who should sign it. Mr. Goetsch asked if the ordinance should be amended to allow for the Mayor to sign for the department, Mr. Nemer thought it was not necessary.

**2022-21      An Ordinance requiring the Fiscal Officer of Cuyahoga County to advance all tax revenue and special assessments collected in the year 2023 to the Village of Bentleyville 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 Kvacek; second Esposito

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

**2022-22      An Ordinance adopting the Village of Bentleyville's budget for fiscal year 2023 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

**2022-23      A Resolution amending the Bentleyville 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

**2022-24      An Ordinance authorizing Change Order #1 for the asphalt pavement repairs on Pine River Drive 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

**2022-25      A Resolution authorizing the Mayor to enter into Community Funding and Escrow Agreement for the modification of the Chagrin Valley Fire Department Fire Station 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

**2022-26      Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes  
An Ordinance authorizing Change Order #1 for the Miles Road – North Fork Drive culvert repair 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

**2022-27      A Resolution authorizing and directing the Mayor to enter into a First Amendment to lease agreement with Cleveland Metroparks 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

This extends the service garage property lease for three years.

**MOTIONS:**

**Motion to accept the resignation of part-time Officer Gregory Helwig.**

Motion to accept the resignation of part-time Officer Gregory Helwig by Hale, second by Esposito.

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

**Motion to authorize Nickol Sell to complete the Ohio Sunshine Laws Certification Training on behalf of all Council members and the Village Fiscal Officer.**

Motion to authorize Nickol Sell to complete the Ohio Sunshine Laws Certification by Rubin, second by Goetsch.

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

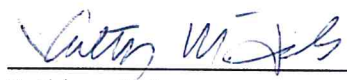
**COMMENTS FROM THE FLOOR: 00:37:01**

- The next council meeting is July 20<sup>th</sup>. Terry Hemmelgarn and Ryan Rubin will not be in attendance.

**ADJOURNMENT: 00:37:14**

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

Respectfully submitted,

  
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Kathleen Hale  
President of Council

  
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Nickol Sell  
Fiscal Officer