VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

7/20/22

7:00 PM

CALL TO ORDER: 00:02:46

Kathleen Hale, Council President called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE: 00:00:02:50

Council President Hale led Council in the Pledge of Allegiance.

ROLL CALL: 00:03:07

☐	Len Spremulli, Mayor	☒	Kathleen Esposito	☒	Terry Hemmelgarn
☒	Kathleen Hale	☒	Alex Goetsch		
☒	Ken Kvacek	☐	Ryan Rubin		

☒	Chuck Nemer, Law Director	☒	Jeff Filarski, Engineer
☒	Gabe Barone, Police Chief	☒	Ryan Klemm, Service Director

MOTION TO ACCEPT THE PRIOR WRITTEN MINUTES: 00:03:42

CLERK: A Motion by Goetsch to accept prior written minutes and audio recording of the June 22, 2022 Council meeting, second by Kvacek

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

MAYOR'S REPORT: 00:03:54 – By Kathleen Hale Council President
Council President Hale reported that Mayor Spremulli is ill.

The Mayor asked Mrs. Hale to extend sympathy to the Chief and his family on the loss of his father. In addition, he wanted to express sympathy to Ken and Marianne Kvacek on the loss of Marianne's mother.

Mayor Spremulli wanted Mrs. Hale to discuss the resident inquiries on cell phone service in Pepperwood North. Quartermane has been a problem for a long time and was mentioned at the last council meeting. Council does not have any answers but intends to do some research. It was noted by some residents that Solon is doing a survey on cell phone coverage. Council intends to contact Solon to find out more about it and will get back to the residents on what they find out.

FISCAL OFFICER'S REPORT: 00:05:52

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

LAW DIRECTOR'S REPORT: 00:06:00

- Charles Nemer reported that the Metroparks lease for the service department has been signed and fully executed. The contract extends the lease for three years.

BUILDING INSPECTOR REPORT: 00:06:42

- Mr. Filarski's report is on file.

ENGINEER REPORT 00:06:43

- Mr. Filarski's report is on file.
- Mr. Filarski's reported that there were no bids on the Miles Road Bridge project therefore, the county will have to rebid. The issue was that contractors were weary of the containment of the exterior sides during the cleaning (blasting) of the parapets. The county is going to delete the outside sealing of the parapets since you can't really see them. They are still looking at cleaning (blasting) the inside parapet and putting a sealer coat on. Mr. Kvacek asked if the bridge paint would be two different colors and Mr. Filarski confirmed the inside would be different from the outside. Mr. Kvacek also asked if the outside of the bridge paint was still in good condition. Mr. Filarski explained that the outside of the bridge has less wear and tear because the road salt doesn't hit it. He thought that the expense of cleaning and sealing the outside of the bridge may be more than the county wants to pay since the outside can not be seen. The new stain would wrap around on the edges. Mr. Filarski said the project won't get done this year. The project will also include cleaning and sealing the concrete caps on the parapets. Kathleen Hale asked if the reconfiguration of the intersection would also take place next year, Mr. Filarski said that the paint and the new railings would be completed in 2023 and that the revision of the intersection will not be slated till 2024-2025.
- The 2022 asphalt program has an estimated cost of $38,000; $40,000 was budgeted. Mr. Kvacek asked what is included in the program. Mr. Filarski explained that there are some repairs near Chagrin River Road by Holbrook and some repairs on Cannon Road.
- Ken Kvacek asked if bids for the pavement marking program were received. Mr. Filarski explained that it is on the agenda tonight.

CHIEF'S REPORT 00:11:54

- Chief Barone's report is on file.
- Kathleen Hale asked for council's permission to move the motion to approve part-time Officer Tat-Hau Tse before the new business, there was no objection.
- Ken Kvacek asked if there was any update on the Flock-Safety training. Chief Barone has not received an update.

SERVICE DIRECTOR REPORT: 00:13:28

- Kathleen Hale reported that there were discussions regarding moving Robert Collins from part-time to full-time in the service department. She went on to report that while there is full Council approval to do so however, the final decision is up to the Mayor. She will discuss with Mayor Spremulli and go from there. Ken Kvacek noted that with the addition of a third full-timer in the service department, the service department would be taking over the weekly cleaning of Village Hall.
- Kathleen Hale noted that the flagpole redesign and millstone installation were on the finance agenda, but that it will take more time to talk about and will be put on the agenda for the next meeting of Parks and Facilities.

- Per Mr. Klemm, there are multiple projects going on including road repair, mowing, front beds at Village Hall and a project in the park that was created as a result of the removal of the dirt at Village Hall.
- Mr. Klemm reported that the truck is ready to do the berm project. Per Mr. Klemm, they will need $8,900 in stone for the project which includes Liberty Road, Chagrin River Road, Holbrook Road and quite a few areas on Grey Fox. He was able to get material prices, but was having trouble getting material and trucking prices. He finally received a quote from Giulitto Trucking of $22.50 per ton for asphalt grindings and estimates that 300 tons will be needed. The fiscal officer asked if the funds to complete the project were coming from the Street Fund and if all the funds budgeted for in the Street Fund would be used; noting that if the entire budget as determined by the engineer would be used, a budget amendment would need to be made before any purchases are made. Mr. Filarski said we would have to wait until the final numbers are in for the road projects and then determine if any funds would be left over. Mr. Klemm noted that in a worst-case scenario, the project could be broken down into phases, although he would rather not do it that way. Mr. Goetsch asked when the last berm project was done. Per Engineer Filarski, there have never been any comprehensive berm projects done, just certain areas here and there by the service department. Mr. Kvacek thought that there would be residual funds left in the Street Fund, but Engineer Filarski reported that prices now are crazy and that we will have to wait for the project bids to come in before determining if there are excess funds in the Street Fund.
- Mr. Kvacek asked Mr. Klemm if there was any update on the Miles Road bridge lights. Mr. Klemm said there was no further update at this time. He believed the hold up was that he requested a quote for several different scenarios on what to do with the lights and it may be taking a little longer for them to put together.
- Kathleen Hale asked if we have heard back from Chagrin Falls regarding them buying out our interest in the jointly owned asphalt roller. Per Mr. Klemm, Southeastern Equipment Company valued the roller at about $10,000 and the value of the trailer is approximately $17,000. Mr. Klemm reported that Chagrin's position is that if we want out of it, that we should not ask to borrow it. He doesn't not feel we have the man power to do a project of that scale. He felt that Chagrin has benefited much more than we have from the roller. Mr. Klemm thinks it is up to the Mayor and finance to negotiate the price for the roller, not him.
- Chief Barone reported that there is an issue with the traffic light at the intersection of Chagrin River and Solon Road. He explained that six or seven months ago the light went to blink and signal service came out and said the controller in the panel was bad. They took a controller they had in the truck and replaced it. The issue was sort of forgotten about and then recently Chief Barone received a bill for $2,300 for the cost of a new controller. The Chief asked if we could keep the one they put in, which was like new according to Signal Service. Signal Service offered to find a like new controller with the newest manufacturers date and sell it to us for about $1,000. Kathleen Hale asked if we could keep the one we have but Chief Barone reported that we cannot, that we would have to either go with something new or a used part off the truck. Engineer Filarski explained that we would want to know the typical lifespan and the cost and manufacturing date of the newest – used controller. Per Chief Barone, the current bill for replacing the original broken controller is approximately $700 which covers Signal Service coming out the first time and a second time to replace the controller once we decide which one we want to go with. The most recent invoice paid for $210 was for a feature (light) that went out at Overlook Road.
- Mr. Kvacek inquired about replacing the ceiling tile in council chambers. Mr. Klemm said they were waiting to make sure no water was coming in and that it appears the repairs they made were sound. He will order new ones.

STREETS AND SAFETY REPORT: 00:27:45

- The Committee did not meet.

FINANCE, GRANTS & INSURANCE REPORT: 00:27:48

- The Committee report is on file.
- Mr. Kvacek added that there is approval for part-time to full-time for Robert Collins.

PLANNING AND ZONING REPORT: 00:27:56

- The Commission did not meet.

PARKS: 11:28:00

- The Committee did not meet.

UTILITIES COMMITTEE: 00:28:06

- The Committee did not meet.

EMPLOYEE SAFETY: 00:28:06

- The Committee did not meet this month.

PUBLIC COMMENTS: 00:28:07

- None

Motions: 00:28:10

Motion to approve part-time Officer Tat-Hau Tse

Motion to approve part-time Officer Tat-Hau Tse by Kathleen Esposito, second by Goetsch

Passed by unanimous voice vote

Office Tse introduced himself and noted that for ease of pronunciation goes he by "Hau". He noted that if anyone should see him and forget his name he will kindly remind them "Hau could you forget"? Officer Tse was born and raised in China and came to the United States in 2008. In two days, he will celebrate his fourteenth anniversary of coming to the United States. He graduated from Kent State University Police Academy in February, took his written exam in early March and has been waiting for a position since then. Bentleyville will be his first position. Per Chief Barone, there are some formalities that will need to be taken care of before he starts. He lives in Brooklyn Ohio.

Motion to approve part-time Officer Jamey Hoffman

Motion to approve part-time Officer Jamey Hoffman by Esposito, second by Kvacek

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

Per Chief Barone, Officer Hoffman is a retired Solon officer. He is currently working full-time in University Circle and he would like to come to Bentleyville on a part-time basis. He was with Solon 25 years and retired as a lieutenant. Hopefully we can get him on the schedule sometime in August. Training curve will be minimal because he is familiar with both the job and the area. Bentleyville has worked with him over the years and Sergeant Cutwright knows him well. He ran the detective bureau in Solon and he is well versed.

OLD BUSINESS: 00:33:58

- None

NEW BUSINESS: 00:34:02

2022-28 **An Ordinance for the payment of bills in the month of July 2022 in the amount of $57,529.16 and declaring an emergency.**

Motion to suspend the three-reading rule by Goetsch; second Esposito
Passed by unanimous voice vote

Motion to adopt
Passed by unanimous voice vote

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

2022-29 **An Ordinance authorizing the Mayor to enter into a contract with Terrace Construction in an amount not the exceed $10,112.00 for storm sewer repairs on Pine River Drive and declaring an emergency.**

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

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

Motion to adopt by Esposito; second Kvacek

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

Per Engineer Filarski, the two storm sewer outlets that go through a headwall on Pine River Drive are both in need of repair. They are out of alignment and there are some sink holes above them. It is not near the road yet but need to be taken care of.

2022-30 **An Ordinance authorizing the Mayor to enter into a contract with JD Striping and Services, Inc., in an amount not to exceed $13,826.10 for the Pavement Marking Program and declaring an emergency.**

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

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

Motion to adopt by Esposito; second Kvacek

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

Per Engineer Filarski, this has not been done in a couple of years. It will only cover the County roads and we will receive a reimbursement for a portion of it. Apparently there has been some stopping issues at Eagle Nest and Grey Fox in Chagrin Valley Trails so stop bars will be put there. Costs are up in general and the stop bars also increased the cost for the project by approximately $100 each. We have 23 in the Village. There was only one bidder on this project. They have done work here and in Moreland Hills in the past. It is in line with the budgeted $12,000 striping budget.

2022-31 **A Resolution amending the Bentleyville Budget for Fiscal Year 2022 and declaring an emergency.**

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

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

Motion to adopt by Esposito; second Goetsch

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

Budget amendment $49,511.29 which includes $10,000 in Safety Services gas and auto repairs, $1,500 in Service Department equipment and supplies, authorizing use of additional ARPA funding, $11,212 Water Fund for Pine River repairs and $1,826.10 in Street Fund for additional funds for striping.

COMMENTS FROM THE FLOOR: 00:46:28

- Motion to approve Officer Jamie Hoffman (see "Motions" above)

- Mr. Kvacek inquired about the monitoring of the new state law by the Chief regarding the ability of people to use fireworks. Mr. Kvacek noted that numerous surrounding communities have made modifications to their legislation. He commented that most notably Solon who recently voted on it and said they basically were going to negate or opt out of the new state law. Law Director Charles Nemer said that the decision basically comes down to enforcement. Chief Barone commented that no one is ignoring the law, there is an opt out option in the law if a community decides to opt out of the state law and revert to their old ordinances. Some communities have chosen to opt out and revert to their old ordinances. He explained that we have fairly restrictive provisions in our ordinance. Kathleen Hale noted that our ordinance is superseded by the state ordinance because we did not take any action to opt out. Chief Barone noted that if we don't opt out, we will follow the State law. Charles Nemer explained that the State law gives you the ability to do fireworks on certain days and as the Chief communicated, communities have the right to opt out of that and go back to what their original ordinances were. Mr. Kvacek asked if our ordinance is no longer in effect, but Mr. Goetsch explained it is not in effect only on those days referred to in the state law. Chief Barone reported that they did not see any increase in use of fireworks as measured by the number of complaints that we have gotten. He reported that there was one resident complaint that was repeated via phone calls and texts, but not on the weekend of the fourth. Kathleen Hale noted that council is here to represent the residents and that there have not been any comments from the residents to make changes to the ordinance.

ADJOURNMENT: 00:52:10

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

Respectfully submitted,

Kathleen Hale President of Council	Nickol Sell Fiscal Officer