

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

9/21/22

7:00 PM

CALL TO ORDER: 00:00:56

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

PLEDGE OF ALLEGIANCE: 00:00:07

Mayor Spremulli led Council in the Pledge of Allegiance.

ROLL CALL: 00:01:14

<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"/> Ryann Klemm, Service Director	

MOTION TO ACCEPT THE PRIOR WRITTEN MINUTES: 00:01:24

CLERK: A Motion by Rubin to accept prior written minutes and audio recording of the August 17, 2022 Council meeting, second by Goetsch.

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

Mayor Spremulli, with no council objection, moved to motions.

MOTIONS:

Approval of a variance for 15 Quail Ridge Drive (PP#941-19-033) for a variance to Section 1266.03(d) for a rear yard setback variance of 24 feet for an addition.

Motion to approve the variance for 15 Quail Ridge by Rubin; second Kvacek

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

This variance was unanimously approved by the Planning Commission. Mr. Richard Siegfried of RSA Architects was in attendance to represent the homeowners. He explained the plans of the addition to Council. Per Engineer Filarski, the plan includes two additions. The owners will add a 10 X 10 addition to the kitchen to add a pantry. This house is already nonconforming with respect to the current rear set back from the property line as many homes in that area are. The addition will not extend further than the existing rear of the home. Per Mayor Spremulli, this variance was tabled last month because there was a question as to whether the homeowner's

association had a chance to weigh in. Subsequent to that meeting, the homeowner's association was contacted and had no objection. In addition, the neighbors had no objections. A question was raised about removing trees, but no trees would need removing for this project.

MAYOR'S REPORT: 00:07:26

- There Chagrin River Road run was a successful.
- Tonight is Councilwoman Esposito's last night on council. She will be relocating to another community with her husband after 30 years in Bentleyville.

FISCAL OFFICER'S REPORT: 00:08:32

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

LAW DIRECTOR'S REPORT: 00:08:33

- No report

BUILDING INSPECTOR REPORT: 00:08:42

- Mr. Filarski's report is on file.

ENGINEER REPORT: 00:08:59

- Mr. Filarski's report is on file.

CHIEF'S REPORT: 00:09:03

- Chief Barone's report is on file.

SERVICE DIRECTOR REPORT: 00:09:17

- Mr. Klemm reported that he has reached out to the electrician to disconnect the lights on the Miles Road bridge and to our representative Dean Hayne at the Illuminating Company to remove the meter.

STREETS AND SAFETY COMMITTEE REPORT: 00:09:53

- Committee report is on file.
- Mrs. Hale reported that she communicated the information on the road incidents since 2013 in Chagrin Valley Trails as well as the notes reflecting ideas to curb the speeding in that area to a concerned homeowner. The idea of a digital monitor was raised and will be discussed in the future. Cost has yet to be determined.

FINANCE, GRANTS & INSURANCE COMMITTEE REPORT: 00:12:46

- Committee report is on file.
- Mr. Kvacek noted that there was discussion on the department budgets for the coming year being submitted. He reported that the Village is showing a favorable financial position at the moment due

to remaining under or within the budget on most expenses and favorable revenues. Therefore, additional materials and items needed should be submitted as soon as possible by the department heads for consideration in next years budget or possibly the end of 2022.

PLANNING AND ZONING BOARD REPORT: 00:14:06

- Commission report is on file.

PARKS, FACILITIES AND BEAUTIFICATION COMMITTEE: 00:14:15

- The Committee report is on file.

UTILITIES COMMITTEE: 00:14:23

- The Committee did not meet this month.

OLD BUSINESS: 00:14:42

2022-32 An Ordinance for the payment of bills in the month August 2022 in the amount of \$132,524.32 and declaring an emergency. 2nd Reading
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

2022-33 An Ordinance approving the editing and inclusion of certain Ordinances as parts of the various component code of the Codified Ordinances; providing for the adoption and publication of the new matter in the updated and revised Codified Ordinances; repealing Ordinances and Resolutions in conflict therewith; and declaring an emergency. 2nd Reading

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 Goetsch

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

2022-34 An Ordinance authorizing Change Order #1 for the 2021 Asphalt Maintenance Program and declaring an emergency. 2nd Reading

Motion to suspend the three-reading rule by Esposito; 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

2022-35 A Resolution amending the Bentleyville Budget for fiscal year 2022 and declaring an emergency. 2nd Reading

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

2022-36 An Ordinance authorizing the Mayor to enter into a contract with Chagrin Valley Paving, Inc., in an amount not to exceed \$27,141.00 for the 2022 Asphalt Pavement Program and declaring an emergency. 2nd Reading

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

This includes repairs on Holbrook and Cannon.

NEW BUSINESS:

2022-37 An Ordinance for the payment of bills in the month September 2022 in the amount of \$ 61,145.92 and declaring an emergency.

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

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

2022-38 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 Esposito; second Rubin

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

Motion to adopt by Kvacek; second Rubin

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

2022-39

Cuyahoga County 2022-2027 All-Hazards Mitigation Plan, Municipal Adoption Resolution.

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

Mayor Spremulli noted that Kathleen Esposito and her husband Sal are leaving the community after 30 years. Before he accepts the motion, he wanted to address the motion on the agenda which was to appoint Lisa Whitmyer as council member. He explained that when the agenda was put together, it was anticipated that there would be a motion to appoint Lisa Whitmyer. One of the council members raised the question on council having 30 days to fill the vacancy, which they do. If it is not filled after 30 days the Mayor can appoint someone. The Mayor noted that Council could accept resumes or applications from other interested residents, interview them and then vote on their recommendation to the Mayor.

MOTION: 00:25:59

Motion to accept Kathleen Esposito's resignation as a Council Member effective as of 9/21/2022.

Motion to accept Kathleen Esposito's resignation by Hale; second Rubin

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

Mayor Spremulli wanted to say a few things to Kathleen Esposito. He explained that they have worked together for six years and that she was also a council person in years prior. Per Mayor Spremulli, if he was asked to describe a public servant, he would say "look at Kathleen Esposito". He went on to note that she has devoted so much time to this community that she has a great fondness for. During his time working and dealing with Mrs. Esposito, he saw that any decision that she came to (and it was not always in agreement with him), she came to with a great deal of thought and what she believed was in the best interest of the residents, which is something he has a great deal of respect for. He thanked her for her taking on the job and sticking with it and noted that it has been a pleasure working with her. Mr. Kvacek jokingly asked the Law Director if council all vote no on her resignation if she has to stay. Unfortunately, the answer was no.

Mayor Spremulli presented Kathleen with a proclamation and read it to her.

Motion to appoint Lisa Whitmyer as a Council Member to fill the unexpired term of Kathleen Esposito. – REMOVED FROM THE AGENDA

COMMENTS FROM THE FLOOR: 00:30:53

- None

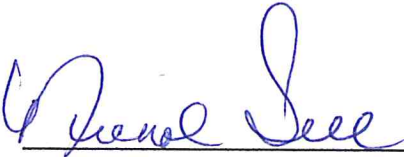
ADJOURNMENT: 00:30:354

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

Respectfully submitted,



Kathleen Hale
President of Council



Nickol Sell
Fiscal Officer