

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

2/15/2023

7:00 PM

CALL TO ORDER: 00:00:01

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

PLEDGE OF ALLEGIANCE: 00:00:09

Mayor Spremulli led Council in the Pledge of Allegiance.

ROLL CALL: 00:00:27

☒ Len Spremulli, Mayor
☒ Kathleen Hale
☒ Ken Kvacek

☒ Lisa Whitmyer
☒ Alex Goetsch
☒ Ryan Rubin

☒ Terry Hemmelgarn

☒ Chuck Nemer, Law Director
☒ Gabe Barone, Police Chief

☒ Jeff Filarski, Engineer
☒ Ryan Klemm, Service Director

Mayor Spremulli noted that there were several residents in attendance and decided to move to the Public Comments portion of the meeting prior to commencement of the regular meeting. He then asked Chief Barone to report on the February 14th break-in on Quail Ridge.

Chief Barone reported that two men smashed in the rear glass sliding door of a home at 50 Quail Ridge. Once in the house, one of the men carrying a black back pack knelt down on the floor to access the backpack. The male resident was in the front of the house in an office unaware of what was happening. The female resident heard banging and clanking noises from the basement and went up the stairs to find the men, noting one had gotten up off the floor from accessing the backpack and had a gun. Upon seeing the female, the men ran out the back door. About six minutes after the initial report to CECOMS (Communications- Electronics Command), the group that answers and transfers 9-1-1 calls, Bentleyville received the dispatch call and within about a 45 seconds officers reached the residents home. Within the next 5 minutes there were approximately 15 police units in the area from surrounding communities. The canine unit was sent out and did pick up the track and stopped assumingly where the suspect's car was parked. In addition, two drones were out. Per Chief Barone, it is likely the suspects used the access road that leads to South Franklin to park the vehicle. The police spent a few hours searching with the canine unit and there were a few drone units out as well.

Per Chief Barone, the police have some contractor leads, some vehicle leads and a lot of angles they are working. He reported that Channel 19 showed up about 8:30 this morning. They went and talked with the resident and the resident told them what had happened, but declined to be on TV. They then came back to Village Hall, took video of the police cars, the town hall and the sign. They then returned to the residents' neighborhood, however when some residents had become very displeased they left.

Jim Stroh residing at 15 Eaglenest asked what ethnicity the intruders were. The Chief did not know but did know they were white, their faces partially covered and they did have ball caps on. The resident said they had some kind of face covering but both had it pulled up. She reported one intruder as a dark-skinned white male, possible 5'8 to 5'9 and the other a lighter skinned male 5'10 to 5'11.

Mr. Stroh asked what precautions will be taken in the future to prevent this happening again. Chief Barone said he wasn't aware of any precautions however he and the Mayor had spoken earlier about the open access to the path and the possibility of restricting some of the movement back there. He also noted that they can increase patrols in that area and that he is always open to suggestions from residents. He did not think this attempted break in was random, noting that it would be hard for an intruder to pick that that house, on that day, without some sort of preplanning.

Chas Kennedy residing at 65 Quail Ridge, the property next door, was concerned with the access road as well. He had a friend who is a security consultant take a look at the property and pointed out the ease of access for a break in and was concerned that it was open. Mr. Kennedy noted that the Village does not have Flock Cameras and thought that they would be a deterrent, in addition to something being done to control traffic in the access path. Mayor Spremulli explained that he and the Chief went to the path today. They were not sure if it is Metroparks property, but if so, they will discuss with the Metroparks what they can do to block the area.

Council President Hale asked the Chief to address the Flock Cameras. Per Chief Barone, we do not have any of the Flock Cameras, however Flock offers free access to the camera footage. He explained that Flock Cameras do not give data on a regular basis as to who is going where, they alert law enforcement of felony warrants and stolen vehicles. They do not alert you to expired plates or driving under suspension or anything like that.

Kevin Pulte residing at 40 Quail Ridge on the other side. He wanted to thank the officers for the quick and appropriate response to a scary situation. He also asked about the footpath and limiting access for cars to go down there. The Chief and the Mayor decided that the short-term solution is to get patrol cars down there on a regular basis.

Doug Miller residing at 35223 Holbrook explained that he was a little upset about not finding out about the situation until an officer from Chagrin Falls came to the house at about 6 pm. He said if he had gotten a 911 alert earlier, he could have gone and stood on his deck and looked at the path. Mayor Spremulli noted that the time between the 911 alert and the incident, the police were conducting their investigation. There was no one in the Village to get the 911 out. They had to finish before they could put out the alert. Mr. Miller said the path is owned by the Metroparks, it is the path everyone has been reading about that will connect Solon to Bainbridge. According to Mr. Miller, there are chain gates at the Holbrook entrance but the one at South Franklin has been gone for years. If the Metroparks would put the chain back up it would help. Mr. Kvacek noted that there are no motor vehicles allowed on the path, so all paths should have a device that restricts vehicle entry. Mayor Spremulli said they would get information out regarding access to the path and get back to everyone.

Kathleen Esposito was in attendance to represent the Garden Club. She is was asking what the decision for the flagpole area design was so that she can put together a proposal for funds for the Garden Club expenditures.

MAYOR'S REPORT: 00:31:56

Mayor Spremulli reported that he made a call to Mrs. Davey, the resident of the break-in to see how she was doing. She said she was doing well and the Mayor told her we would get any information to her as soon as we have more information to give them.

The Mayor reminded everyone of a carjacking at gun-point last year in Cleveland. The car was later found in Solon and pursuit began and proceeded through Chagrin Falls and Bentleyville. Bentleyville police were the last vehicle in pursuit southbound on Solon Road. The driver of the vehicle lost control of the car, struck another vehicle and the passenger in that vehicle died as a result. Two suspects were arrested and weapons were found. There is a lawsuit filed by the State and the injured passenger's husband and Bentleyville will be named in the lawsuit.

It has come to the Mayor's attention that the street signs in Grey Fox will be replaced. The Village's estimate is \$3500 for our standard green signs, but that the members of the association want decorative signs. The Mayor said that we will contribute the \$3500 to the sign of their choice. Kathleen Hale noted that the dues in Chagrin Valley Trails have been increased by \$200 specifically to cover the cost of new signage. The homeowner's association is hoping to sit down with the Mayor and Ryan about what the options are for the signage. Ryan Klemm reported that all of the wood posts need replaced, the metal work on the poles needs taken down and cleaned, some of it is rotted, some needs welded and some needs to be put back together. He said the amount of man hours to do that versus replacing them with product that would last into the foreseeable future is counterproductive and makes no sense at all. He printed off the ODOT requirements for signage for the association. The ODOT signs, printed on both sides and reflective are \$60 per sign including a black metal pole. The service department will install the signs whether decorative or ODOT.

Chagrin River Watershed sent a summary on what they have done in 2022 and what the plans are for 2023. If anyone wants a copy, we can get them one.

FISCAL OFFICER'S REPORT: 00:42:38

The Mayor directed Council to the cash account balances (see Cash Balance and Outstanding Obligations January, 2023).

LAW DIRECTOR'S REPORT: 00:42:39

- No report

BUILDING INSPECTOR REPORT: 00:42:42

- Mr. Filarski's report is on file.

ENGINEER REPORT 00:42:49

- Mr. Filarski's report is on file.
- Miles Road bridge work not yet awarded. No official correspondence has been received.
- An application for the second round of American Rescue Plan Funding has been submitted on behalf of the Village by Jack Schron for the Bentleyville Park Project. Our cost is around \$45,000 and we applied for \$38,700.

CHIEF'S REPORT 00:46:43

- Chief Barone's report is on file.
- Mr. Kvacek explained that he received a call about 7:30 p.m. from a councilman in Chagrin Falls asking him what was going on the evening of February 14th. He continued to receive calls from residents about what they had seen on different social media posts. He did not know the origin of the notification or how the information got on the social media sites but said posts included things such as "lock up the house" and "get a gun" were some of the posts. Mr. Hemmelgarn noted that the neighbors were posting it quickly and once started there is no stopping that. Mr. Kvacek asked how we could get 911 information out quicker to the residents and if we could set up a strategy to alert the public faster. Per Mayor Spremulli the information went out on our Facebook page and the 911 alert. However, it wasn't until 9:36 p.m. that the information went out.
- The Chief explained that he understood people want the information immediately after it happens however he can only give certain people access to the data in the 911 alert system. He said he will work on figuring out if there is a way he can get information out faster. There has been discussion on how to improve communication with residents, however as the Chief noted, this is not a matter of resident communication. This is an incident that the police department was involved in and the time frame in which it was communicated. Mr. Kvacek noted that initial communication was people commenting and speculating, Mr. Goetsch added that it happens with everything. The Chief did not believe anyone was in any immediate jeopardy with the resources that were present and thought there was a very good police response. Mr. Hemmelgarn noted that it's better to delay communication than to communicate what you don't know. He also noted that we will never beat Twitter or Facebook and thought the department did fine. Mr. Kvacek thought that response was great but thought that if we were able to let people know earlier, there would have been more people feeling comfortable.
- Kathleen Hale noted that several neighborhoods are setting up their own communication methods because they want access to things happening in their neighborhoods right away. She also noted that it's more important to get information out that is a calm, rational and accurate account of the events than to be fast.
- Per Chief Barone several residents were calling in and asked why they were not signed up with the 911 notification. He and Kathleen Hale both referred any residents not signed up to go to the Village Website for the sign-up information or contact Jackie at Village Hall.

SERVICE DIRECTOR REPORT: 00:59:05

- Per Mr. Klemm, everything is good.

STREETS AND SAFETY REPORT: 00:59:32

- Committee report is on file.

FINANCE, GRANTS & INSURANCE REPORT: 00:59:37

- Committee report is on file.
- Lisa Whitmyer requested a follow up meeting on the Chief's request for full-time. The Mayor said he and the Chief would come to Streets and Safety with new numbers.

PLANNING AND ZONING REPORT: 01:00:30

- The Commission did not meet.

PARKS: 01:00:31

- The Committee report is on file.

- Mr. Kvacek noted that the Garden Club is requesting an additional \$600 for the Recreation and Beautifications Fund.
- Discussions also included the service directors needs assessment in regards to the service garage, the list was circulated.

UTILITIES COMMITTEE: 01:02:17

- The Committee did not meet this month.

PUBLIC COMMENTS: 01:02:18

- Sheila Spremulli had a question on the completed agenda, the Mayor told her to forward to Ken Kvacek.

OLD BUSINESS: 01:02:47

- 2023-01 An Ordinance for the payment of bills in the month of January 2023 in the amount of \$75,839.44 and declaring an emergency. – 2nd Reading**
- Motion to suspend the three-reading rule by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
- Motion to adopt by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
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- 2023-02 A Resolution amending the Bentleyville Budget for Fiscal Year 2023 and declaring an emergency. – 2nd Reading**
- Motion to suspend the three-reading rule by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
- Motion to adopt by Rubin; second Hale
- Roll call: Hale: yes; Kvacek: yes; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes

NEW BUSINESS: 01:04:18

- 2023-03 An Ordinance for the payment of bills in the month of February 2023 in the amount of \$78,233.04 and declaring an emergency.**
- Motion to suspend the three-reading rule by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes
- Motion to adopt by Rubin; second Goetsch
- Roll call: Hale: yes; Kvacek: yes; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: yes

2023-04

An Ordinance authorizing the amendment to 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 Goetsch

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

Motion to adopt by Rubin; second Whitmyer

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

MOTIONS: 01:05:52

Motion to accept bid from VanCuren Services Inc., in the amount of \$1,248.00 for removal of 2 pine trees at Village Hall, 3 marked trees on Solon Road at Cannon Road, hip brush, haul chips and wood from site, cut down stumps.

Motion to accept bid from VanCuren Services, Inc. in the amount of \$1,248.00 by Rubin; Second Goetsch

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

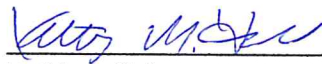
COMMENTS FROM THE FLOOR: 01:08:55

Mayor Spremulli announced that his term is up this year. He has been giving this a lot of consideration for the past few months and has discussed it with his wife. He is going to turn 77 in April and will be 80 when he completes his term. He is concerned on one hand that the residents may not be best served by an 80-year-old Mayor and on the other hand he has some projects he would like to see to completion. In particular, he would like to see the future of the service department. He has been going back and forth and to get some insight for his decision he looked to a well-known American philosopher said - "you gotta know when to hold em, you gotta know when to fold em" and "you gotta know when to walk away". He has decided to walk away and he will not be a candidate for Mayor in 2023. He wanted to make clear that he will not sit as a lame duck Mayor and will be fully engaged until December 31st and noted that if anyone thinks he will be sitting around on his laurels, they are mistaken.

ADJOURNMENT: 01:08:42

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

Respectfully submitted,



Kathleen Hale
President of Council



Nickol Sell
Fiscal Officer