

# VILLAGE OF BENTLEYVILLE

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## REGULAR COUNCIL MEETING MINUTES

06/21/2023

7:00 PM

### CALL TO ORDER: 00:00:01

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

### PLEDGE OF ALLEGIANCE: 00:00:02

Mayor Spremulli led Council in the Pledge of Allegiance.

### ROLL CALL: 00:00:43

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input checked="" type="checkbox"/> Lisa Whitmyer	<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"/> Matt Maistros, Service Director	

### MOTION TO ACCEPT THE PRIOR WRITTEN MINUTES: 00:00:56

**CLERK:** A Motion by Hale to accept prior written minutes and audio recording of the May 17, 2023 Council meeting, second by Kvacek.

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

### MAYOR'S REPORT: 00:01:33

The Mayor complimented and congratulated Fiscal Officer Nickol Sell on the audit in which there were no findings. He discussed putting a motion on the agenda to extend the Kimble contract and asked Fiscal Officer Nickol Sell to find out the 2024 cost to the village. The Mayor asked that the record reflect that Councilman Rubin arrived at 7:06 p.m.

Mayor Spremulli reported that he, Jeff Filarski and Matt Maistros met with Cleveland Metroparks representatives last month including Chief Planner Sean McDermott. They presented the site plans, and the Mayor let them know our minimum needs for the facility as well as some additional items we would like if they could be worked into the plan. He also asked for some financial options. Jeff Filarski suggested recladding our building to make it compatible with what the other buildings will look like. The Metroparks will make a site visit and will get back in touch.

**FISCAL OFFICER'S REPORT: 00:06:10**

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

**LAW DIRECTOR'S REPORT: 00:06:14**

- Mr. Nemer reported that he and the legal council met with Mr. Filarski re: Zupon litigation. They are going to prepare him for the site visit. With regards to Schultz, the legal team wanted to take the depositions the Chief, Sergeant Cutwright and Sergeant Manson on July 10<sup>th</sup> but Mr. Nemer told them it would be difficult for Bentleyville to have them all gone on the same day, so they will be in contact to schedule a future meeting.

**BUILDING INSPECTOR REPORT: 00:08:30**

- Mr. Filarski's report is on file.

**ENGINEER REPORT 00:08:36**

- Mr. Filarski's report is on file. Mr. Filarski reported that the Miles Road bridge project has been delayed due to slow material reviews. However, it is still slated for 2023. Mr. Kvacek asked if Mr. Filarski was able to stop at the new home on Solon Road to check on the front yard landscaping. He reported that he did and is satisfied with it.

**CHIEF'S REPORT 00:09:24**

- Chief Barone's report is on file.
- Mr. Kvacek inquired about the fire inspection cost and the cost of the new extinguishers. Chief Barone explained that several needed to be replaced. In addition, one was used to extinguish a shed fire and had to be recharged.

**SERVICE DIRECTOR REPORT: 00:11:40**

- Nothing to report. Mayor Spremulli noted that Anthony left to focus on his own landscaping business. He reported that the flagpole has been moved. Kathleen Hale will purchase two new flags. Mr. Kvacek asked about the windshield replacements. Per Mr. Maistros they were the result of the chipper and the weed wacker throwing debris. He noted that the chipper is not built for the amount of chipping the village has and he will most likely need to call Kimble to pick up a load. The service department does not have the room to store all the branches and it would take several months to chip them all.

**STREETS AND SAFETY REPORT: 00:15:03**

- The Committee did not meet.

**FINANCE, GRANTS & INSURANCE REPORT: 00:15:09**

- Committee report is on file.

**PLANNING AND ZONING REPORT: 00:15:14**

- The Commission did not meet.

**PARKS: 00:15:37**

- The Committee report is on file. Councilman Kvacek commented on what a good job Service Director Matt Maistros and the service department is doing, noting the sign area, moving the flagpole, clearing

of the corner village property on Overlook and finding the material for a new topcoat for the Bocci Ball Court (which is being paid for by the league). It is the 9<sup>th</sup> season and has had the largest crowds in all 9 years. He also noted that Shakespeare in the park has moved to Friday July 21<sup>st</sup>. He reported that the crabapple trees that need replaced have been identified and we are now trying to locate where to purchase them. Finally, he reported that the ad hoc committee for the millstone has reviewed locations for its placement and is recommending our property on Overlook Road. The original stone is in Chagrin Falls and he is in contact with the owners to see if they would be interested in trading. Mr. Maistros wanted to note for the record that he was told to cut down the tree that is on the property. Discussion regarding the Japanese Lilac began. Kathleen Hale objected to cutting it down. Mr. Kvacek noted the tree is not in good shape and it was decided to try to trim the dead branches and see how it does and see if the millstone can still be placed there.

**UTILITIES COMMITTEE: 00:24:05**

- The Committee did not meet this month.

**PUBLIC COMMENTS: 00:24:15**

- None

**OLD BUSINESS: 00:24:23**

**2023-11** An Ordinance for the payment of bills in the month of May 2023 in the amount of \$ 76,978.18 and declaring an emergency. (2<sup>nd</sup> 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: absent

Motion to adopt by Rubin; second Goetsch

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

**2023-12** A Resolution amending the Bentleyville Budget for Fiscal Year 2023 and declaring and emergency. (2<sup>nd</sup> 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: absent

Motion to adopt by Rubin; second Goetsch

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

**NEW BUSINESS:**

**2023-13** An Ordinance for the payment of bills in the month of June 2023 in the amount of \$ 62,367.60 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: absent

Motion to adopt by Rubin; second Goetsch



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

**2023-14**

An Ordinance requiring the Fiscal Officer of Cuyahoga County to advance all tax revenue and special assessments collected in the year 2024 to the Village of Bentleyville and declaring an emergency.

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

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

Motion to adopt by Rubin; second Goetsch

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

**2023-15**

An Ordinance adopting the Village of Bentleyville's Budget for Fiscal Year 2024 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: absent

Motion to adopt by Rubin; second Goetsch

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


**COMMENTS FROM THE FLOOR: 00:27:38**

- Mr. Kvacek noted that Good Morning America will be in Chagrin Falls on July 5<sup>th</sup> if anyone wanted to attend. He also reported that Henry Church Rock will be restored/cleaned.
- Discussion on the maintenance of the property on Liberty, after turning off of Solon Road ensued. Service department maintenance of the property will be discussed further.
- Councilwoman Whitmeyer thanked Mr. Maistros for taking good care of a neighbor on Liberty regarding a Kimble situation and noted that the neighbor asked that she thank him on her behalf also. Council President Hale also noted that Mr. Maistros has won over the Garden Club.

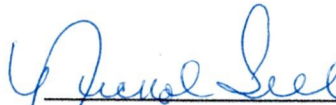
**ADJOURNMENT: 00:33:55**

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

Respectfully submitted,



Kathleen Hale  
President of Council



Nickol Sell  
Fiscal Officer