

# VILLAGE OF BENTLEYVILLE

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## REGULAR COUNCIL MEETING MINUTES

07/19/2023

7:00 PM

### CALL TO ORDER: 00:00:17

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

### PLEDGE OF ALLEGIANCE: 00:00:21

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 checked="" type="checkbox"/> Terry Hemmelgarn
<input checked="" type="checkbox"/> Kathleen Hale	<input 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: 00:00:55

**CLERK:** A Motion by Rubin to accept prior written minutes and audio recording of the June 21, 2023 Council meeting, second by Kvacek

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

### MAYOR'S REPORT: 00:01:29

No report, however, the Mayor did explain that an ordinance (2023-20) would be on the agenda that some of council may not have seen. The Chief will explain the changes that would impact clothing allowance, holiday carryover and Auxiliary Police and council can then either put it on first reading or pass on emergency.

### FISCAL OFFICER'S REPORT: 00:02:26

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

### LAW DIRECTOR'S REPORT: 00:02:27

- No report

**BUILDING INSPECTOR REPORT: 00:02:33**

- Mr. Filarski's report is on file. He reported that the village will be getting their first solar installation on Riverview Court.

**ENGINEER REPORT 00:03:11**

- Mr. Filarski was on vacation, so there was no report submitted.
- Riverview Park Improvements are being designed now. Bids will open September 1<sup>st</sup>. The agreement from ODNR will be on the August council agenda.
- Council President Hale asked about the progress on the Miles Road bridge. Mr. Filarski said progress has been slow and that the railing is not expected to be received until sometime in October. The stage three plans for the intersection have been submitted to ODOT.
- Mr. Filarski plans to submit a 2023 street program soon and has not had any further communications with the Metroparks.

**CHIEF'S REPORT 00:05:32**

- Chief Barone's report is on file.

**SERVICE DIRECTOR REPORT: 00:05:42**

- A sickle bar will be purchased for \$3,540.

**STREETS AND SAFETY REPORT: 00:06:27**

- The Committee report is on file. Mr. Rubin reported that Mr. Maistros has been doing a lot. The trailer is fixed and salt storage capacity for 227 tons of salt has been addressed. Per Mr. Maistros, delivery should be in a week or so due to so many deliveries of stored salt. Once delivered, Chagrin Service Department will come with loader to load the salt into the bin. Body cams were purchased by the police. The Mayor reported that he will meet with Kimble next week on the cost to extend the current contract.

**FINANCE, GRANTS & INSURANCE REPORT: 00:08:20**

- The Committee report is on file.

**PLANNING AND ZONING REPORT: 00:08:28**

- The Commission did not meet.

**PARKS: 00:08:54**

- The Committee report is on file.
- Mr. Kvacek noted that the flagpole relocation completed by the service department looks terrific as well as the sign area. Their upcoming project includes the area between Solon Road and Overlook as well as the possible swap of the original Bentleyville millstone with the millstone purchased. He also

said the Bocci Ball league appreciates all the work the service department has done for the court and noted that this Friday is Shakespeare in the Park. The Chief has made plans to have officers to assist with traffic and parking. Per Council President Hale, a resident suggested pickleball. She suggested it on Facebook and there were both proponents and opponents. Further discussion ensued and will be needed. Yoga in the park has become increasingly popular over the past few years.

#### **UTILITIES COMMITTEE: 00:17:36**

- The Committee did not meet this month.
- Kathleen Hale received 6 calls regarding toilets that geysered up. She assumed there was some sort of sewer cleaning was going on. She has a call into Katie at Chagrin to confirm and request a heads up before they do it the next time.

#### **EMPLOYEE SAFETY: 00:19:16**

- The Committee did not meet this month.

#### **PUBLIC COMMENTS: 00:19:16**

- None

#### **OLD BUSINESS: 00:19:17**

- None

#### **NEW BUSINESS: 00:19:35**

**2022-08** An Ordinance for the payment of bills in the month of July 2023 in the amount of \$51,450.28 and declaring an emergency.

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

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

Motion to adopt by Rubin; second Whitmyer

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

**2023-17** A Resolution amending the Bentleyville Budget for fiscal year 2023 and declaring an emergency.

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

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



Motion to adopt by Rubin; second Whitmyer

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

**2023-18**

An Ordinance adopting and ratifying the submission of a grant proposal to Cuyahoga County in the sum of \$37,800.00, and accepting said award, for American Rescue Plan Act (ARPA) Funding for costs related to the Riverview Park Improvements Project and authorizing the mayor's execution of said agreement and declaring an emergency.

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

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

Motion to adopt by Rubin; second Kvacek

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

**2023-19**

A Resolution authorizing the mayor to place certain specific items of Village property up for sale on the GOV DEALS, Inc. Auction website and declaring an emergency.

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

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

Motion to adopt by Rubin; second Whitmyer

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

**2023-20**

An Ordinance amending Sections 240.03(f) Holidays, 240.03 (g) Clothing Allowance and 240.10, Auxiliary Police Unit, of the Village of Bentleyville Codified Ordinances and declaring an emergency. - Tabled

Motion to table Ordinance 2023-20 by Kvacek, second by Whitmyer

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

Chief Barone explained that with department approval vacation could carry from one year to the next however similar language did not exist for holidays and this ordinance would allow carryover of up to 24 hours.

Chief Barone also explained that the interpretation in the past was that the uniform allowance has always been paid in July based upon the prior year and prorated if an employee started after July. The problem is that anyone starting full time does not get any allowance to use going forward. This ordinance would allow for the full uniform allowance of \$700, plus any prorated allowance to be paid. Discussion ensued. The law director explained that we should be looking prospectively, not retrospectively for full-

time. Mr. Kvacek noted that adjustments have been made on an individual basis in the past. The Chief was concerned that it would become a problem with a new officer that has nothing. Discussion and suggestions began. It was decided to table the ordinance and make a few changes. Mr. Kvacek suggested a clawback if an employee leaves before a year of employment. Mr. Nemer suggested prorating the amount for new hires before July 1<sup>st</sup> in addition to a \$700 allowance. They would have to work 12 months before the next \$700 allowance and would have a prorated clawback if they left within the first twelve months. No penalties would be charged after the first year of employment.

The Mayor noted that the final part of the ordinance is to eliminate the auxiliary unit. This was passed many years ago in response to staffing issues.

**MOTIONS: 00:36:54**

A Motion to accept donation from Mark A. Ross Trust in the amount of \$500.00 for the Bentleyville Police Department.

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

One final comment from Councilman Hemmelgarn on the purchase of a new copier. His suggestion from his brother who is the president of a company that sells copiers was that the Kyocera would be better because Xerox does not have great aftermarket support for parts and service.

**COMMENTS FROM THE FLOOR: 00:37:56**

- None

**ADJOURNMENT:**

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

Respectfully submitted,



Kathleen Hale  
President of Council



Nickol Sell  
Fiscal Officer