

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

10/18/2023

7:00 PM

CALL TO ORDER: 00:00:01

Mayor Spremulli called the meeting to order at 7:01 P.M.

PLEDGE OF ALLEGIANCE: 00:00:02

Mayor Spremulli led Council in the Pledge of Allegiance.

ROLL CALL: 00:00:35

<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: 00:01:12

Mayor: The September minutes are not prepared- they will be prepared and submitted for the November meeting.

CLERK: A Motion by _____ to accept prior written minutes and audio recording of the September 20, 2023, Council meeting, second by _____.

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

MAYOR'S REPORT: 00:01:26

The mayor did not have anything to report other than the fact that you know from what we discussed at finance that we are appointing a new fiscal officer tonight. Tammy Most who is present tonight, and I have passed out Tammy's resume. As I have explained to everyone at finance, we did interview two other candidates, neither of them were interested, plus a 3rd I spoke to over the telephone and was unable to accept the position. However, Tammy responded to our ad on LinkedIn. As I explained to you, she is full time at the Geauga County Auditor's Office, she comes here with a wealth of experience, she will continue her position at Geauga County.

This is one of the things we worked on the past month, the other is the budget issues that I would like you to take a look at to see if we could get a budget passed by the end of the year so the new administration can start with a good budget and not worry about temporary appropriations. As I told finance, we do not have the October Income numbers yet, hopefully Tammy will be squared away with RITA and get her new password and be able to login and see the numbers. Once we have them, I will make sure that everyone here gets them.

Hopefully Ken Kvacek will report on Booville which is at the end of the month.
We will talk about leaf pick-up which is under way.,

FISCAL OFFICER'S REPORT: 00:03:48

- Nothing to report.

LAW DIRECTOR'S REPORT: 00:03:50

- Nothing to report.
- Councilman Kvacek- He had asked the law director to look at a contract and had passed the information to Hale, which she has.

BUILDING INSPECTOR REPORT: 00:04:13

- Mr. Filarski's report is on file.

ENGINEER REPORT 00:4:48

- Mr. Filarski's report is on file.
- Mr. Filarski: Update on Parks Project and costs, talked with Ken Kvacek about a vendor and a lower price for the bathroom structure. If we use that number and take away the grant from ODNR and the grant from the county the Village's share would be about \$27,000.00.
- Mayor: Not taking way, you mean including the two grants?
- Mr. Filarski: Yes including. We spoke last time about possibly doing the 1st phase, parking lot and drainage, not doing anything related to the bathroom and that would come to a little over \$100,000.00 which would be covered by the entirety of the state money, plus we can apply some of the county money to cover anything over \$100,000.00.
- Councilman Goetsch: Does any of the state grant require us to complete, if you want to call phase 2 the bathroom?
- Mr. Filarski: If we elect not to do the bathroom, I would re-submit the application to the state to let them know that we will be taking that portion out, they will rewrite the agreement, the one that is on 3rd reading tonight, so I think it would be okay with them, but I do not know until we send them the project. I do not think it's a deal breaker to take it out because we are doing the majority of the project.
- Councilman Goetsch: Would you expect them to stay with the same amount?
- Mr. Filarski: Yes, I would think so.
- Councilman Goetsch: So, essentially, we can do the parking lot at no cost?
- Mayor: We would have to refund that portion of the county money we do not use.
- Mr. Filarski: I would assume so if we don't use it.
- Mayor: Any other questions for Jeff?
- Councilman Kvacek: Jeff, what was your comfort level in talking with the Norwalk people? Did it seem like a reasonable alternative?
- Mr. Filarski: Yes, they make the structures, in fact, I just saw one of their reps at a conference in Columbus, they do all those types of building.
- Mr. Kvacek: Did you maintain keeping the \$7,500.00 in for the grassy?
- Mr. Filarski: Yes, that includes the bid on the contract- if you pull that out it reduces the costs.
- Mr. Kvacek: So, that is about \$20,000.00- if we pull the \$7,500.00 and let the service department do the grass?
- Mr. Filarski: These are based on low bidder numbers, no telling if you put it out to bid again if you will get those same numbers or slightly higher, they are not guaranteed.

- Mr. Kvacek: So, the question is where is the comfort number regarding the Village paying an additional \$20,000 to have the complete project done and then not messing around with risking potentially losing some or a reduction in the amount?
- Mr. Filarski: There's no risk unless the state comes back and says no, we won't know until I submit that- so I just need directions on that.
- Mr. Kvacek; The question is what the comfort level, an amount that Council feels comfortable with having a complete project and secondly whatever that number is, if it was \$20,000 then we have an opportunity to make appeals to folks to make a donation to recover the remaining portion.
- Mayor: Donations for a toilet? You're asking for them to donate?
- Mr. Kvacek: If we move forward with it, I will make a donation of \$1,000.00 for a toilet.
- Mr. Goetsch: I don't think we should agree to it, if it was a couple thousand dollars, maybe? I just don't think we out to be investing that kind of money in a toilet in the park. I think the park's future is a little cloudy. I don't think we should do that.
- Mr. Kvacek: Ryan or Lisa?
- Councilman Rubin: I do not know what this outhouse looks like from this company, on the website I'm not sure which one your talking about.
- Discussing about what the bathroom looks like...
- Chief Barone: There are a few of the bathrooms in the South Chagrin Reservation with similar structures.
- Mayor: So, let me ask a question, tonight we have a Resolution for 3rd reading which is a Resolution to enter into an Agreement with the Ohio Department of Natural Resources, if that passes tonight there is no more going out for bids, we have already don't that? If this passes tonight then whoever bids for the paying gets the paving portion of this job and whomever has given this number for \$27,000.00 toilet, they get that job, am I correct, explain it to me.
- Mr. Filarski: No, if the Council passes this Resolution that means we have to perform the job per the application which includes the bathroom.
- Mayor: If we pass the Resolution tonight, the state doesn't care whether were putting in a \$50,000.00 toilet or a \$30,000.00 toilet- do they?
- Mr. Filarski: No, they do not care.
- Mayor: So, this is what I am saying, if we pass this tonight, Council is being told be Councilman Kvacek that he as a vendor that will be able to sell us a toilet for \$20,000.00 instead of \$38,000.00. Our out of pocket is going to be \$20,000 because he wants the service department to plant the grass that someone quoted you \$7,000. If we pass this Resolution tonight and Council approves this tonight, the Village is on the hook for approximately \$20,000, correct?
- Mr. Filarski: Correct
- Councilwoman Whitmyer: You also said for clarification's sake that the proposals you have, they are not firm bids.
- Mr. Filarski: They are firm bids. The numbers that I quoted are firm bids. If we sent out to rebid these numbers would change.
- Mayor: and if we rebid, we would just be bidding for paving and drainage?
- Mr. Filarski: No
- Councilwoman Hale: so, if we vote no, what's before us? Do we have to go back to bid?
- Mr. Filarski: We have to go back to ODNR with a revised project scope eliminating the bathroom, if that's the way we are going to go to get the funding for just the paving and drainage, I would go out to bid again for that.

- Councilwoman Whitmyer: And there are risks? Correct me if I am wrong- that the state could reduce the total amount?
- Mr. Filarski: Yes
- Councilwoman Whitmyer: You have no guarantees.
- Mr. Filarski: I don't know what they would normally do.
- Mr. Nemer: Have you ever seen it or that you have had to go back?
- Mr. Filarski: Never happened, it's always been awarded- use it.
- Councilman Kvacek: With a capitol bid from the state and we are ending up having a higher cost and we went back and said—the back-up generators came in much higher numbers so were not going to do that, and they were going to reduce the amount, we said how about we substitute those for another?
- Councilwoman Whitmyer: Alex brought up a good point earlier about the uncertainty around the park. Do we really want to substantially invest the Village in something that we may not own?
- Councilman Goetsch: That \$20,000 plus is a lot for a toilet that functionally isn't any different than a porta potty.
- Councilwoman Whitmyer: What is the cost offset by a monthly porta potty bill and the \$20,000- does anybody know that number?
- Councilman Goetsch: I don't think you can make that comparison because there is still a service charge, it still needs to be emptied out.
- Councilman Kvacek: If you had a huge tank, it would be one time a year.
- Mr. Filarski: Most likely one time a year.
- Councilman Kvacek: I believe \$234.00 a month so \$234.00 x maybe 10 months.
- Discussions on monthly price of porta potty- pumping out a tank.
- Councilwoman Whitmyer: The question is do we think the Village Park will be ours in 10 years?
- Councilwoman Hale: How much does it enhance the residents use of the park?
- Councilwoman Whitmyer: So, a structure (with a hole in the ground) versus a porta potty give our residents?
- Mayor: Other question is there a better use of \$20,000? Let's do this, we've had a good discussion, you think about it while we finish up our reports.

CHIEFS REPORT: 0:18:07

- Chief Barone's report is on file.
- Chief Barone: I don't have anything else to report other than what Jackie has sent out. We've discussed all other issues regarding the budget.
- Mayor: I would just like you to give a short explanation to the Council that we are only going to be looking at one police cruiser in the budget this year. It is not likely to get a second vehicle. You have found a vendor in Indiana with a cruiser with a price of around \$44,000. With another \$10,000 for upfitting. Am I correct?
- Chief Barone: Yes
- Mayor: Does anyone from Council want to ask the Chief any questions?
- Councilman Goetsch: How does that compare to the costs of other vehicles purchased?
- Chief Barone: Every time we buy a new car, they tend to go up in price by a couple thousand dollars. Example the Charger from 2 years ago (same dealer) the Charger is discontinued as of 2023, this is the last year for the Chargers.
- Councilwoman Hale: When do you think you could take delivery?
- Chief Barone: They have the vehicle in stock, we would do same as the Charger, make arrangements to have a couple people bring it out.

- Mr. Nemer: Chief, are the aftermarket fixes that need to be made to the car, are they being done by him or you?
- Chief Barone: No, not necessarily, but they do perform that service.
- Mr. Nemer: We have to look at whether we hit the \$50,000 threshold.
- Mayor: You would have to use your vendor that you have here.
- Councilman Kvacek: So, the total cost is basically 3 restrooms at the park, is that what you're saying?
- Chief Barone: If you want to make that analogy, I don't think I look at it that way.
- Councilwoman Hale: What would we do with the care we retire, in rotation?
- Mayor: The thought was that we would move it to the service department and put the service department vehicle up on GOV Deals.
- Service Director: A similar car recently sold on GOV Deals for around \$2,000. (Taurus)
- Chief Barone: The dealer in Indiana is always interested in trade, he would take the oldest Taurus.
- Mayor: So, a reduced price?
- Chief: He just spoke with the dealer this morning about a possible trade in.

SERVICE DIRECTOR REPORT: 0:22:30

Everything is going well; the new service employee is working out well. Leaf pick-up has been going great. Residents have been following the rules for pick-up. We are going out every day and have already filled 3 dumpsters worth of leaves.

Need to keep in mind that this leaf machine probably will not make it for next year. Chagrin Falls Service Department purchased a leaf vacuum 6 years ago at \$110,000.00, so I would imagine a new leaf vacuum would be maybe \$8,000-\$10,000 more.

- Councilwoman Hale: Would they want to pass o the old one and get a new one themselves?
- Service Director: No
- Mayor: Would you consider a used one?
- Service Director: Yes, I have been looking for a used one, but it is hard, the used ones are not in great shape. I will continue to look. Right now, on GOV Deals there is nothing.
- Mayor: You might start looking at a new one and look at lease options.
- Service Director: I have spoken to Chagrin Falls Service Director and was told there are lease options.
- Councilwoman Hale: How are you doing with the uniforms?
- Service Director: Good, we have everything, shirts should be done by Monday. Per Chuck Nemer, I spoke with Cintas, and they are honoring the contract that we signed.

STREETS AND SAFETY REPORT: 0:25:45

- Committee report is on file.
- Nothing to report.

FINANCE, GRANTS & INSURANCE REPORT: 0:25:51

- Committee report is on file.

PLANNING AND ZONING REPORT: 0:25:58

- The Commission did not meet.

PARKS: 0:26:05

- The Committee report is on file.

- Councilman Kvacek: Couple of items, the Garden Club has volunteered to purchase a tree and shrubbery for the new millstone area. The service department will plant.
- Service Director: Yes, as soon as the Garden Club marks where they want the tree and shrubs planted.
- Mayor: What is the planting season?
- Service Director: By the end of the month. Per Lowes, if the tree dies, they will replace it with a new tree next season.
- Chief Barone: The Garden Club was able to get the tax exempt?
- Service Director: Yes
- Councilman Kvacek: Booville is coming up. Yoga in the park was still going on due to the weather.
- Councilman Goetsch: He and Ken will touch base on cider, etc., for Booville.
- Councilwoman Hale: Question regarding the Riverview Park sign- sealing coat is coming off the sign, de we have any plans to fix it?
- Service Director: Previous service department worker used the wrong paint/sealer in the summer on the sign, we are trying to figure out how to fix it and make it look better.

UTILITIES COMMITTEE: 0:29:42

- The Committee did not meet this month.

PUBLIC COMMENTS: 0:29:48

OLD BUSINESS: 0:30:54

2023-22 A Resolution authorizing and directing the mayor to enter into an agreement with the State of Ohio, Department of Natural Resources for the acceptance of a Grant Fund for the Riverview Park Improvement Project and declaring an emergency. (3rd Reading)

- Mayor: Any discussion regarding Resolution 2023-22
- Councilman Kvacek: The 4th whereas states Council and agreement with the County and ODNR bid---
- Mr. Nemer: Does not affect the Ordinance.
- Councilwoman Hale: enter into an agreement with the State of Ohio ODNR, which would be correct.
- Councilman Kvacek: the 4th whereas
- Councilwoman Hale: are you talking about the addendum?
- Mayor: Talking about the ordinance- to Mr. Nemer, are you satisfied?
- Mr. Nemer: Yes

Motion to adopt by Goetsch; second Rubin.

Roll call: Hale: No; Kvacek: Yes; Whitmyer: No; Goetsch: No Rubin: No; Hemmelgarn: absent

- Mayor: Resolution 2023-22 does not pass

2023-25 A Resolution authorizing the mayor to purchase a copier from Dex Imaging and declaring an emergency. (2nd Reading)

- Mayor: This was put on 2nd reading for those of you who needed to look at the contract.

Motion to suspend the three-reading rule by: Goetsch; second Rubin.

Roll call: Hale: yes; Kvacek: no; Whitmyer: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

Motion to adopt by: Goetsch; second Hale.

Roll call: Hale: Yes; Kvacek: No Whitmyer: Yes; Goetsch: Yes Rubin: Yes; Hemmelgarn: absent

NEW BUSINESS:

2023-28 **An Ordinance for the payment of bills in the month of October 2023 in the amount of \$52,111.28 and declaring an emergency.**

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

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

Motion to adopt by Goetsch; second Whitmyer.

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

2023-29 **An Ordinance authorizing the mayor to enter into an agreement with the Cuyahoga County Court of Common Pleas, Juvenile Court Division, Community Diversion Program and declaring an emergency.**

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

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

Motion to adopt by Goetsch; second Hale.

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

2023-30 **An Ordinance authorizing the participation in a joint road project with the Village of Moreland Hills for the resurfacing of Chagrin River Road and declaring an emergency.**

- Councilman Goetsch: What is our obligation on this?
- Mr. Filarski: I believe it is \$30,000. (listed on Ordinance), asked to reduce the amount by the grant that Moreland Hills gave the proportional share, so that is about \$8,000. Off.
- Councilman Kvacek: So, we had an invoice that we are paying Moreland Hills for the Miles Road repairs for \$4,240.00.
- Mr. Filarski: Correct
- Councilman Kvacek: Is that a partial payment.
- Mr. Filarski: No, that is a separate project, that part when we were doing the road project in Moreland Hills, repairs on Miles Road...
- Mayor: in our portion
- Mr. Filarski: and 2nd part, Moreland Hills portion, two of the interior joints extended into Bentleyville and I said to do those because we would end up repairing them with cold patch over and over, so that is what the \$4,240.00 was for.

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

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

Motion to adopt by Goetsch; second Hale.

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

2023-31

An Ordinance authorizing the appointment by the Mayor of Tammy Most to the position of Fiscal Officer and declaring an emergency.

- Mayor: Before we go forward with the Ordinance, I would like to take the opportunity on the record to thank Nickol Sell for her time here as fiscal officer, she's done an excellent job and I'm sure Walton Hills is happy to have her. She has been helping us out, she came in the past two Saturday's and will be available by phone to Tammy if she has questions.

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 Hale; second Goetsch.

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

- Mayor: Tammy, we are pleased to have you. Is there anything you would like to say?
- Tammy Most: No, just thank you.
- Mayor: This is a great Council, and they are wonderful people to work with.

Motions:

- Mayor: You all have had the information from Kimble, there is a flat rate and a cost of living.

Motion to accept contract 3-year contract extension- flat rate with Kimble Companies

Motion to adopt by Goetsch; second Hale.

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

- Mayor: Second motion is not necessary
- Mr. Nemer: Correct
- Mayor: Jeff, at next month's meeting we will have a motion to rebid the paving and drainage portion of the park project.
- Mr. Filarski: First step is to go to ODNR and see what the rules are for making changes.

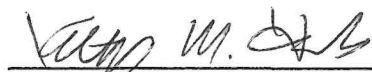
COMMENTS FROM THE FLOOR: 0:41:08

- Mayor: Don't forget November 7th is Election Day, Kathleen and Bob need at least 1 vote, so go to the polls.


ADJOURNMENT: 0:41:17

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

Respectfully submitted,



Kathleen Hale
President of Council



Tammy Most
Fiscal Officer