

VILLAGE OF BENTLEYVILLE

REGULAR COUNCIL MEETING MINUTES

August 21, 2024
7:00 PM

CALL TO ORDER BY MAYOR HALE: 00:00:41

ALLEGIANCE TO THE FLAG: 00:00:43

ROLL CALL: 00:01:03

<input checked="" type="checkbox"/> Kathleen Hale, Mayor	<input checked="" type="checkbox"/> Lisa Whitmyer	<input checked="" type="checkbox"/> Terry Hemmelgarn
<input checked="" type="checkbox"/> Ken Kvacek	<input checked="" type="checkbox"/> Robert Chalfant	
<input checked="" type="checkbox"/> Alex Goetsch	<input checked="" type="checkbox"/> Ryan Rubin	
<input checked="" type="checkbox"/> Chuck Nemer, Law Director	<input 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: 00:02:10

Mayor Hale would like to have the three (3) Motions on the agenda go out of order, no objection from Mr. Nemer.

CLERK: A Motion by: Rubin to accept prior written minutes and audio recording of the July 15, 2024, Council meeting, second by unanimous vote.

- Mayor Hale: any questions regarding the July Minutes:
- Kvacek: there are a significant number of inconsistencies with regards to the timing of the reports.
- Goetsch: your correct, the only one that is out of order is the engineer report, since Jeff Filarski came in late, and it looks like it was moved up into its normal place,
- Mayor Hale: it reflects where it shows up in the minutes, Mayor Hale will check with Tammy (Fiscal Officer) to make this correction.
- Kvacek: that would be appropriate to have it in the correct order.

Motions: 00:04:40

- Mayor Hale asked Mr. Nemer to direct the discussion.
- Mayor Hale, there were three applications for variances in the last two (2) months, two in July and due to the Council meeting, which was moved back a week there was not enough proper time to have them on the agenda and be voted on.

Mr. Nemer. asked Mr. & Mrs. Joseph to address the Council.

- Mr. Joseph -asking to consolidate three (3) lots next to our existing home, making it into one lot to potentially build another home on the property.
- Mr. Nemer: with regards to the application, Planning & Zoning met, and they approved the lot split with regards to the consolidation. Mr. Nemer asked if any questions from Council.
- Mr. Hemmelgarn: The property is zoned residential? You said possible single-family home.
- Mr. Joseph: yes.
- Mr. Chalfant: The Planning Committee has no problem with consolidating the lots.

- Mr. Kvacek: asked about minimum lot size.
- Mr. Chalfant: 2.75 acres
- Mr. Nemer: No issues

Motion to approve lot consolidation for Steve Joseph 378 Miles Road, PP 941-12-008

Motion to approve by: Rubin, second Whitmyer

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes

2nd Motion: Upon recommendation for the Planning & Zoning Commission, a Motion to approve variance for generator at front yard for Mr. & Mrs. Spaeth, 35974 Solon Road, Chapter 1460 requires generator to be placed within the side or rear yards.

- Mr. Nemer: Mr. & Mrs. Spaeth appeared before the Planning & Zoning Commission, the commission approved the variance based on factors where the generator was going to be placed - how it was going to be hidden, the landscaping, etc., The generator would not be scene from the street.
- Mr. Chalfant: there was no objection from commission members based on the plans that were submitted.
- Kvacek: asked why the generator would not be visible from the street.
- Chalfant: it would be set behind bushes.
- Mr. Nemer: from where the house sits you would never see it from the street.
- Mr. Spaeth: they are planning ahead- the gas line has been installed.

Motion to approved variance for generator at front yar for Mr. & Mrs. Spaeth, 35974 Solon Road.

Motion to approve: Rubin Second Whitmyer.

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

3rd Motion- Upon recommendation of the Planning Commission, a Motion to approve variance to allow the construction of an accessory structure of 432sq.ft. for Earle & Michelle Rogoff 6367 Chagrin River Road. PP 941-60-005

- Mr. Nemer: variance came before P Z- unanimously approved variance for the proposed storage building which is needed for horses and agricultural purposes- as well, to store your equipment.
- Mayor: Approval was made based upon removal of the other structures
- Mr. Rogoff: Yes-two current sheds- this will go up against the current barn so it will visually look like one.
- Goetsch: is this structure attached- it looks like two from the plans.
- Rogoff: No, if it was attached to the house, it would not need a variance, it is attached to the barn.
- Whitmyer: It looks like it will be past the house.
- Rogoff: Yes, it is. It will be 45 ft. from one side yard, 12- ft from other side yard and 800 ft.in the back.
- Kvacek: is there a foundation?
- Rogoff: No, it is prefab.
- Kvacek: this would fall under a “shed shack shanty”
- Mr. Nemer: this came before P & Z; this was approved and is now before the Council for approval.

- Mayor: any other questions, vote an approval

Motion to approve variance to allow the construction of an accessory structure of 432 sq. ft. for Earle & Michelle Rogoff 6367 Chagrin River Road.

Motion to approve: Rubin Second: Whitmyer

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

MAYOR'S REPORT: 00:13:31

- Mayor Hale: We applied for a Grant to help pay for police radios. The deadline was August 1st and we will not know about the award until around November. There is another Grant that we would like to apply for in September. This is for body cameras. Hunting Valley was paid 100% last year for their body camera grant.
- Chief: Yes, for body cameras
- Mayor Hale: So, it is not unreasonable that we may receive an award also.
- Kvacek: You applied for body cameras.
- Mayor Hale: Radio's
- Chief: The Edward Burns Grant- Federal Grant for radios. This is administered through Cuyahoga County, we applied for the radios, this grant is in process.
- Hemmelgarn: you submitted this?
- Chief: Yes, we provided facts, figures, and data.
- Mayor: Thanked the officers for their help in executing and submitting the grant.
- Chief: We have great officers right now. I would like to have 1 more full-time officer, we lost one in May who is now part-time. We are unable to find anyone.
- Mayor: Yes, Officer Peacock, who is training for EMS/Fireman.
- Kvacek: When is the next grant.
- Chief: We just talked about this briefly, we will be applying for body camera and equipment for the 2nd grant. The department currently uses a company called Pro-Vision, we have had mixed success, the products seem to last around 4 years. New models are significantly less expensive. Companies like Axon and Motorola, etc. If we receive a grant, we will look into a better product.
- Mayor: This grant would be for 100% were as the radio grant would be at 75%
- Chief: No, I think it is a little higher. The way the radio grant is submitted- I made sure to put in for plenty of radios, so if in a position-we can get fewer. I asked for a couple of mobile radios for the cars. We currently have 2 mobile radios. What we've been doing, every time we replace a car, we replace a radio. This time we purchased 2 cars but only 1 radio. To replace a radio cost around \$5,000 - \$6,000 dollars- very expensive.
- Mayor: Pine Valley Consulting is the firm we are using for the grants, we have not entered into contract with them, we are working out "flaws". The proposed agreement is to pay every month whether or not we use them, so instead we are paying for actual work, this month the amount of \$300.00.

Mayor Hale: Garden Club of Bentleyville is going to be featured in the Chagrin Valley Times. They had their picture taken and interviewed, should be in the upcoming Thursday paper.

FISCAL OFFICER'S REPORT: 00:19:22

- Tammy Most, Fiscal Officer absent tonight, going to provide information to Ryan Rubin, Council President

- Rubin: Yes, he and Tammy corresponded with each other, went over expenditures, everything appears normal.

LAW DIRECTOR'S REPORT: 00:20:30 No Report

BUILDING INSPECTOR REPORT: 00:20:31

- Mr. Filarski's report is on file. - Mr. Filarski – not present

ENGINEER REPORT 00:20:32 Mr. Filarski's report is on file. - Mr. Filarski - not present

SERVICE DIRECTOR REPORT: 00:20:47

- Matt Maistros: Quote for the freightliner is \$15,993.00. Everything on the truck is original including the brakes – everything is rusted out or near rusted. The labor quote is \$3,600 from Tire & Wheel in Mayfield. Speaking with Valley Ford is \$250 per hour and that would be close to \$5,000- \$6,000 more than Tire & Wheel.
- The truck is not functionable for the winter; if work is not done, we will not have that truck for the winter. This is the truck we use to plow for the winter. The truck and the frame are bad, not the floorboards- Tank for the air is rusted, brakes and drums are original, almost 8 years, around 17,000 miles. We should have this truck for many years. The reason it is in this state is in previous years there was no maintenance, and it was not taken care of. Example if the truck were “washed” the salt removed after each use this would not have happened. The previous service department did not do the upkeep or wash the truck.
- Chief: Spoke of the cleaning of the salt that gets on the trucks during the wintertime and at the end of the season the trucks need to be thoroughly cleaned.
- Maistros: Spoke of previous Service Director, Ryan Klemm was in the process of taking care of the vehicles that were left in this state and this truck was his next project before he left. Ryan Klemm installed equipment at the service garage where the trucks could be cleaned including the underneath.
- Hemmelgarn: Is this equipment in use now?
- Mr. Nemer: We do not have a P.O. so in his opinion he would set this for the September Agenda for bids.
- Maistros- Yes, and they use it. Mr. Maistros did ask Travis- mechanic in service department if there is anything in the quote for repairs that could be taken off and wait until next year, he responded you would be risking something major happening then not being able to have this truck to plow for the winter. The 2 F-550 cannot do the snowplow job of the major streets.
- Chief: Spoke of the major road in the Village and the 2 F550 cannot do the job and carry the salt.
- Mayor Hale: Spoke of bringing on someone part time to help with plowing
- Maistros: Has this on his list to talk to Council.
- Kvacek: Regarding the truck repairs- \$16,000 what is in the repair budget?
- Maistros: \$6,000- Tammy recommended amending the budget for the full amount and keeping the remaining amount in account, the F550's will still need new tires.
- Council members discussing what was in the budget amendment- the attachments to see if this was listed. Fiscal Officer absent tonight, not able to answer questions regarding the proposed amendment.
- Mayor Hale: with Tammy's absence we cannot confirm this is in the budget amendment.
- Maistros: Should be fine to pass budget amendment for repairs to the truck in September.
- Whitmyer: asked how long the repairs will take.

- Maistros: it is 24 hours of work- so 1-2 weeks to complete the repairs.
- Mayor Hale- asked for part-time help.
- Maistros: Part-time help for the “Leaf pick-up” from approximately October 15th until November 30th. – Mr. Maistros asked Mr. Nemer if there was something in the pay ordinance regarding part-time/craftsman. Ordinance lists \$18 - \$21.00 per hour and also lists seasonal help at \$12.00.
- Mr. Nemer: Is this the current pay ordinance?
- Maistros: Yes.
 - Maistros: Regarding wintertime- to hire an “on call” person for \$40 per hour to plow, which the Village pays the service department more in overtime to plow. This is all contingent on how the weather and snow is for the winter season.
 - Mayor Hale: asked if he has a person or people in mind for this position.
 - Maistros: Yes, he does. The individual he has in mind for seasonal help, leaf pick up would also be the same person for snow plowing. He is a retired union road worker; he would like to have something to do a couple days a week.
 - Mayor Hale: asked where he lives.
 - Maistros: He lived in Moreland Hills/Orange area.
 - Chief: asked about the wages associated with plowing
 - Maistros: Yes, plowing \$40 per hour, leaf pick-up \$20 per hour.
 - Maistros: Spoke of the 2019 passed Ordinance for seasonal help, not sure if the Ordinance would have to be amended?
 - Kvacek: Regarding the seasonal help, would be more like a high school student helping at the lower rate listed vs. someone part-time for leaf pick-up and plowing. They would have a CDL, an experienced guy- big difference.
 - Maistros: This would only be if the Council approved it.
 - Council & Maistros discussed the rate of \$40 per hour (on call) for plowing.
 - Kvacek: Asked if Maistros knew what was in the service department budget for seasonal help.
 - Maistros: He believes there is around \$3,000 in the budget.
 - Maistros: Cleveland Water and the Fire Hydrants, he was reached out to that department, still waiting for a call back. The Guardrails are on schedule with Auburn Fence.
 - Maistros: Spoke of items to go on the Village Website, (Oil based paints-stains, etc.) and last day for tire disposal.
 - Maistros: Last item, leaf pick-up, reached out to company who the Village purchased the new leaf machine, any way to provide machine to use until the new one is delivered. Have not heard back. If not, the leaf machine is on its “last leg,” would have to put notice to resident that it would have to be “leaves only” no grass cuttings, etc.
 - Garage doors are measured and ordered; basement door should be ready in another month.
 - Mayor Hale: asked regarding Village Hall maintenance.
 - Maistros: Yes, all on schedule.

CHIEF’S REPORT 00: 43:32 Chief Barone’s report is on file.

- Chief: Spoke of police car #1545 2018 Ford Explorer that has been in the repair shop for 2-3 months, under warranty work for a transmission. This process takes some time due to Ford having the dealership run extensive tests.
- While they were road testing the vehicle, the hood was not secure. The hood blew up-crashed into the windshield – sprung the hinges out and damaged both the fenders.
- Chalfant: How fast do you think they were going to do that? Maybe 30 – 40 miles?

- Chief: If the hood is unsecure, they say that the newer cars have release on the inside - so the service manager got out on the road to test drive and he heard an awful noise—so the car spent 2 weeks in the body shop then back to the service department and they finally had the new transmission from Ford and put the transmission in- then the process of getting the new transmission to accept all the new computer codes, it was finally done but while there the saw that the car needed front and back brakes. The front/back brakes were done and oil change. (cost of \$950.00) Transmission was all under warranty. Car is back on the road and running very well.

COMMITTEE REPORTS: 00:48:07

STREETS AND SAFETY REPORT: 00:48:12

- Goetsch: Wanted to back up talk about (Streets & Safety) about reports that Jeff Filarski had prepared-Road Program for Chagrin River Road and Holbrook Road. A small part on Cannon Road. Also, the major concrete repair project for Solon Road (bridge) with a cost of \$100,000. There should be some kind of funding from the county for the project, but per Jeff it is not super urgent. (Recommendation for Solon Road Project to push that off until next year.
- The Asphalt Project for this year, Jeff solicited for bids which came in at last minute and unfortunately were higher than Jeff's estimate, we thought the asphalt amount would be under current Streets Budget. Do we do a budget amendment to cover the extra costs?
- Mayor Hale & Mr. Nemer discussed either putting Asphalt Resolution on 1st reading or Table it.
- Mr. Nemer & Councilmembers discussed the bids for asphalt paving and striping.
- Mr. Maistros spoke of Holbrook Road that needs extensive repairs.

FINANCE, GRANTS & INSURANCE REPORT: 00:59:18

Committee met before Council meeting.

PLANNING AND ZONING REPORT: 00:59:21

- Mayor Hale- Planning & Zoning met in August, Motions were approved.

PARKS: 00:59:23

- Kvacek: The Bocci Ball finals are now in process and your very own Bentleyville Bombers made it through the 1st round. Unfortunately, we lost.
- Mayor Hale: Who are the players?
- Kvacek: Myself and MaryAnn, Jeff & Penny Widmar and Bruce & Carol Trapp, and another couple
- Goetsch & Hemmelgarn: ask questions about the bocce league, the number of teams, etc.
- Kvacek: Around 22 teams this year- so roughly 180- 200 players
- Council discussed the court at Village Park and condition, etc.
- Kvacek: Spoke about Street Fund and taxes that come in later in the year.
- Kvacek: No other comments for Parks
- Mayor & Council: discussing budget item transfers that were proposed for the budget amendment.
- Mr. Maistros: read his email from Jeff Filarski regarding amount for proposed road projects.
- Discussion with Mr. Nemer and Councilmembers whether to approve or not approved proposed Resolutions for Road Asphalt & Road Striping.

UTILITIES COMMITTEE: 01:09:09

- The Committee did not meet this month.

EMPLOYEE SAFETY: 01:09:10

- The Committee did not meet this month.

OLD BUSINESS: 01: 09:12

None

NEW BUSINESS: 01:09:22

2024-35 An Ordinance for the payment of bills in the month of August in the amount of \$173,803.48 and declaring an emergency.

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

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

Motion to adopt by Rubin; second: Whitmyer

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

2024-36 A Resolution authorizing the mayor to enter into a contract with The Fowler Company for electrical repairs to Village Hall and declaring an emergency.

- Goetsch: Is this totally covered by the NOPEC Grant
- Mayor Hale: Yes
- Kvacek: Spoke of the amount of the NOPEC Grant that the Village received,

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

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

Motion to adopt by Rubin; second Whitmyer.

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

2024-37 A Resolution amending the Bentleyville Budget for fiscal year 2024 and declaring an emergency. TABLED

Motion to Table Resolution 2024-37

Motion to table by: Rubin second: Whitmyer

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

2024-38 A Resolution authorizing the mayor to enter into a contract with American Roadway Logistics and declaring an emergency. TABLED

Motion to Table Resolution 2024-38

Motion to table by: Hemmelgarn second: Whitmyer

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

2024-39 A Resolution authorizing the mayor to enter into a contract with Specialized Construction for the 2024 Asphalt Pavement Repairs and declaring an emergency: TABLED

- Discussion as to approving or to table.
- The council discussed project costs and Streets Funds -the Finance Reports and money in accounts.

Motion to Table Resolution 2024-39

Motion to table by: Rubin Second: Whitmyer

Roll call: Chalfant: yes Rubin: yes Whitmyer: yes Hemmelgarn: yes Goetsch: yes Kvacek: yes.

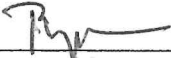
COMMENTS FROM THE FLOOR: 01:23:57

- None

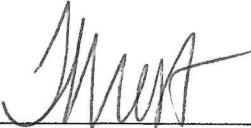
ADJOURNMENT: 0:1:25:01

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

Respectfully submitted.



Ryan Rubin
President of Council



Tammy Most
Fiscal Officer