

# Hiram Village Council Meeting

Rosser Municipal Building

11617 Garfield Road, Hiram, Ohio 44234

April 11, 2023

The following Members of Council were present: Mr. Szell, Mrs. Greenwood, Mr. Hemphill arrived at 7:08 pm, Mr. McCreight, Mr. Smith and Mr. Spencer. The following were also present: Mayor Lou Bertrand, Village Solicitor Tom Reitz, Fiscal Officer Susan Skrovan-DeYoung, Police Chief Brian Gregory, Fire Chief Bill Byers, Asst. Fire Chief Jason Groselle, Village Administrator James McGee and Asst. Village Administrator Steve Schuller.

The following persons were present: Hiram College student Madison Palmer, Hiram College President Dr. David Haney, Stacy Turner; Reporter with The Weekly Villager.

Mayor Bertrand called the regular meeting to order at 7:00 p.m. The Mayor asked that all cell phones be silenced. There was a moment of silence in remembrance to the victims of the mass shooting in Nashville and other victims of crazy crimes going on in our country followed by the pledge to the flag.

Mayor asked for a motion to approve the regular meeting minutes of March 14, 2023. A motion to approve the meeting minutes as presented was made by Mr. Szell and seconded by Mr. Smith. The result of the voice vote was 5-0 in favor.

Mayor asked for a motion to approve the proposed agenda as amended. There was four more pieces of legislation added to the agenda following the Mayor's meeting with Department Heads. A motion to approve the proposed amended agenda as submitted was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 5-0 in favor.

## GUEST AND PUBLIC COMMENT

Hiram College student Madison Palmer said she was here to observe the meeting. Madison did want to confirm Wednesday, April 19<sup>th</sup>, as the upcoming Village meeting about the parking permit legislation. Chris Szell said yes.

## DEPARTMENT HEAD REPORTS

*\*Fire Chief Bill Byers provided their monthly report.*

Chief Byers did include a 30-page booklet he received today from the State of Ohio on the labor shortage, labor crisis.

The Mayor noted the fire department has a piece of legislation, Resolution 2023-08 for a then-n-now purchase order. Bill said yes, from talking with Susan, this is the first time in twelve years he made the mistake of not opening a purchase order ahead of time and the purchase was over \$3,000 which then prompted legislation. It was for turnout gear; the funds are in the budget to purchase the gear. Bill rotates the purchase of turnout gear over several years.

There is another added piece of legislation to accept a grant for the MARCS radios for service fees.

*Village Administrator James McGee provided their monthly report.*

James reported they have started their spring mowing and preparing the cemetery for Memorial Day.

They have been working at the water plant to fix the driveway to well #2.

Trash Day for the Village is set for Saturday May 6<sup>th</sup>.

James asked Council for some guidance. NOPEC has sent letters for our electricity accounts; if we do not want NOPEC, we have to opt-out or we will be a part of NOPEC. We are with IGS Energy currently. The rate they offer is 6.45 cents per kilowatt hour. We have used NOPEC in the past as well as IGS. James was not sure what our current rate is with IGS. Deadline is May 2<sup>nd</sup>. Council would like James to use his best judgement but shop around to check rates.

David Smith said there have been no further issues with discolored water since he notified James, thank you!

The Mayor wanted to note that any cleanout on a state highway is done by ODOT, they do it for nothing!

**\*Police Chief Brian Gregory provided their monthly report.**

There were 276 offense reports for the month of March. Parking tickets are down; traffic & citation stops are up. His department is dealing with ghost calls for the Police. They come from a blocked number and cannot be traced.

Pancake breakfast fundraiser is this Saturday from 9-1:00 pm at the Kennedy Center, Dix dining hall.

The Annual Car Show is set for Saturday, June 3<sup>rd</sup> at the same time, 9-1 pm on Hayden & Dean Streets.

Brian has brought up in the past the idea of having parking boots for parking violators. They cost \$300 and up. The Attorney General's office is now collecting parking tickets for the City of Cleveland! The AG has the ability to collect it from many more sources than we are able to do, they can assess properties or take it from lottery winnings. We are at \$7,100.00 in violations not being paid. If we decide to go with the parking boots; the Chief would like to put the boot on first and give them 24 hours to pay the ticket. If they do not, the car gets towed. We are starting to tow vehicles in the daytime whenever possible. There are outstanding parking tickets at the College as well; students are not paying tickets! Chief Gregory said at the end of the school year when students go home; for any outstanding student parking tickets, Wendelin will send out letters to their homes. Parents are upset but they do send the money to pay the tickets.

The Mayor recognized the President of Hiram College, Dr. David Haney and asked whether he wanted to respond to the issue of unpaid student parking tickets. Dr. Haney said yes, is there something they can do to help with communication. Brian said they all know. Dr. Haney said for internal tickets the College does have a program, created by the students; food for fines. They can donate a certain amount of food and get their fines reduced or eliminated.

Beth Greenwood asked the Chief if we have easy payments terms for students like Venmo? Brian said no, we have nothing set up yet. Hopefully in the future we can. Steve Schuller, Assistant VA, said we are looking into that with the water and sewer billing. We are working on payment options through our website.

## **Mayor's April 11, 2023 Report to Council**

### **PLANNING & ZONING:**

- The Village is in need of a representative to attend the Portage County Planning meeting scheduled for the second Wednesday of the month in Ravenna beginning at 4 p.m. (tomorrow).
- I was directed to invite the Director of the Portage County Regional Planning Commission, Todd Peetz, to attend Hiram's Planning and Zoning Commission meeting on Tuesday, April 4, 2023. However, our esteemed Chair cancelled the meeting.
- There is a Portage County Comprehensive Plan meeting on Thursday, April 20, 2023 beginning at 5 p.m. at the New Center, Cook Hall, 2<sup>nd</sup> floor, 4211 SR 44, Rootstown, OH 44272.

### **LIGHT PLANT PROPERTY:**

I recommend that the "Light Plant" property be advertised for bids and sold. With the estimated costs of \$100,000 rehabilitation by our engineers, it would be a misdirection of government funds. I will endeavor to obtain an ingress and egress easement from Hiram College to the property from Wakefield Road/SR 305 in the very near future.

### **LEASE WITH COLLEGE:**

The proposed 99-year lease with the College for property to deposit Village compost has been prepared and submitted to the College.

### **MEMORIAL DAY:**

We have engaged a keynote speaker for the Hiram Memorial Day Service; LTC Barnnard Shattuck (USA, Retired). Col. Shattuck is famous for his Memorial Day Speech in Hudson, Ohio 2 years ago where his microphone was silenced because certain members of the Hudson American Legion were offended by the subject of the Colonel's speech. A public reception at Koritansky Hall will follow.

Submitted by:

**Mayor Lou Bertrand**

The Mayor asked Council for a motion to have our law director prepare legislation to sell the light plant property.

**A motion to direct our Law Director, Tom Reitz, to prepare legislation to advertise for the sale of the Light Plant building by bid was made by Mr. Hemphill and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.**

The Mayor provided an update on the 11846 Plum Ridge property. There will be a sheriff's sale online auction on April 24<sup>th</sup>. And, if they need to list it again, the second online auction will be held May 8<sup>th</sup>. It has been appraised at \$150,000 so the minimum opening bid is \$100,000!

**\*The Fiscal Officer Report: Susan Skrovan-DeYoung presented the monthly financial reports for March.**

**The following reports were provided to Council for this meeting:**

March Bank Reconciliation balanced with the UAN with no adjusting factors, has been posted to the UAN and is now available for signing by Council & Mayor.

Cash Summary by Fund as of March 31, 2023 was provided last Friday by email & in their packets.

List of bills as of April 7, 2023 was provided to Council last Friday by email & in their packets.

Council Regular meeting minutes of March 14, 2023 was provided to Council yesterday by email & in their packets.

R.I.T.A. income tax receipts YTD report was provided to Council yesterday by email & in their packets.

Comparison of Budgeted & Appropriated YTD report was provided to Council last Friday by email & in their packets.

Susan asked Council for a motion to approve the health insurance renewal with Anthem on May 1<sup>st</sup>. Council received copies. We saw a slight increase in the medical of 8% and a small increase in our dental coverage of 4%, that is it.

**A motion to approve the Anthem health insurance renewal effective May 1<sup>st</sup> was made by Mr. Hemphill and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.**

Susan brought up the liability insurance renewal effective April 1<sup>st</sup> through the Ohio Municipal Joint Self-Insurance Pool (OMJSIP) which included terrorism risk coverage; does Council wish to have that included or to remove it from our coverage? The cost is \$228.00 for the year. The Mayor would prefer we keep the coverage; it is worth the cost.

**A motion to renew the liability coverage including the terrorism risk for 2023 was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.**

Susan updated Council on the final payout for our laid off Officer Devin Brown which was made on March 23<sup>rd</sup>. He was notified when it was ready and he picked it up that day. We still have an ongoing claim with the BWC and do not know at this time whether he will sign up for unemployment. The Mayor noted that unemployment with government; we have to pay it.

Susan provided Council with a new spreadsheet for our municipal income tax. It will be updated every month with what we have received into the UAN; the gross tax less the retainer fees. Chris Szell asked about the two columns of figures; can Council simply add them together. Susan said yes, they do not go into the same fund; one is for the General Fund and the second is the Street Infrastructure fund. By adding them, you would get the total collections for each month.

Susan informed Council that a new mailbox has been installed by James outside of the Rosser Municipal building. Plans are to keep the post office box for a year in order to have time to notify vendors and residents of mail delivery at our location. It is a locked mailbox that requires a key to open and a slot that no one can reach into to gain access.

Susan said our current post office box renewal was \$114.00. Something we will be saving moving forward. Paul would like Susan or Wendelin to look into the costs we have already paid for a post office box, we may be able to get a refund. He believed the Village should never have had to pay for the box. Susan said we have since she started with the Village.

David Smith asked about the new UAN income tax report compared with the RITA report that Wendelin provides; the numbers do not match up. Susan said they won't since RITA is usually a month or more behind when they collect. David does not feel we need to keep getting the report from Wendelin, other Council members agreed.

**The bill's list was reviewed. A motion to approve the bill's list as submitted was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.**

**A motion to approve the Fiscal Officer's reports for March as submitted was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.**

## **HIRAM TOWNSHIP REPORT**

No Township report tonight.

## **LEGISLATION**

### **ORDINANCES**

**2022-20: AN ORDINANCE ENACTING SECTION 351.17 OF THE VILLAGE OF HIRAM CODIFIED ORDINANCES TO ESTABLISH PARKING PERMIT PROVISIONS. TABLED ON 2<sup>nd</sup> READING.** The Mayor noted the upcoming public townhall meeting coming up on April 19<sup>th</sup> for this. Paul asked whether legislation that is tabled can be discussed? Solicitor Tom Reitz asked if this meeting was a meeting of Council? Paul said no. Tom asked if Council would be conducting any business at this discussion? Or, is it designed to simply receive information and input from your citizens? Tom explained that if it is a scheduled meeting of Council for it to conduct its business, then you should observe the formalities of a Council meeting. Tom Reitz said, if you advertised it as a meeting of Council, then you need to follow your procedures. Chris Szell asked Susan if that is how we advertised it. Susan said she does not believe Wendelin advertised it as a meeting of Council at all. It was advertised as a townhall meeting for public input. Tom said if that is how it was advertised, then you make sure you do not take any action or discuss it or make promises. You are here only to solicit information from your residents. Chris said he has a representative from Pay by Phone that will be there to go through their program. Tom said it sounds like you set it up well.

**2023-02: AN ORDINANCE ENACTING SECTION 941.19 OF THE HIRAM CODIFIED ORDINANCES TO ESTABLISH A PENALTY FOR VIOLATING THE PROVISIONS OF CHAPTER 941 OF THE VILLAGE CODIFIED ORDINANCES. 3<sup>rd</sup> READING.** A motion to approve was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

**2023-03: AN ORDINANCE AMENDING SECTION 521.10 OF THE HIRAM CODIFIED ORDINANCES TO PROHIBIT SMOKING IN VILLAGE OWNED PARKS. 3<sup>rd</sup> READING.** A motion to approve was made by Mr. Szell and seconded by Mr. McCreight. David Smith asked what the penalty is for violating this ordinance? Chief Gregory said it is a \$150.00 fine and is a minor misdemeanor. Signs will be posted. More discussion. Paul Spencer wanted to know if this will include vaping? Chris Szell asked if vaping was considered smoking? If it is, then this would apply. President David Haney spoke up and said the college campus is a non-tobacco use campus which would include vaping, chewing tobacco, snuff, cigarettes and cigars. At the moment, marijuana is taken care of by the State. Chris Szell called the question. The result of the voice vote was 5-1-0 in favor with a nay vote by Mr. Spencer.

**2023-04: AN ORDINANCE ENACTING CHAPTER 191 OF THE HIRAM CODIFIED ORDINANCES TO IMPOSE AN EXCISE TAX ON LODGING WITHIN THE VILLAGE. 3<sup>rd</sup> READING.** A motion to approve was made by Mr. Spencer and seconded by Mr. Szell.

Solicitor Tom Reitz said before Council votes on this, you will notice on the copy attached that some text has been marked out and some new language inserted and underlined. This is consistent with the direction Council gave to him at the last Council meeting. Tom would ask that Council check it to make sure it is what they wanted. Paul Spencer called the question. The result of the voice vote was 6-0 in favor.

**2023-08: AN ORDINANCE TO AMEND SECTION 333.11 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM TO ESTABLISH A PROHIBITION AGAINST CELL PHONE AND COMPUTER USE WHILE DRIVING WITHIN THE VILLAGE OF HIRAM. 1<sup>st</sup> READING.** A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 5-1-0 in favor with a nay vote by Mrs. Greenwood. A motion to adopt on first reading was made by Mr. Spencer and seconded by Mr. Hemphill. President Haney asked if this was just for handheld cell phones or all cell phone use? Chief Gregory said you can have a cellphone at your ear taking a call, you cannot have it out in front of you like you are texting. You can also have hands free like most cars have now with Bluetooth. Beth Greenwood asked the Police Chief to explain the computer part, what can be used while driving and what would be covered by this legislation as prohibited use. Chief Gregory explained that if you are navigating on the car's computer or your phone, you are allowed to do that per the ORC. Beth asked if that would be probable cause to pull someone over. Chief Gregory said yes, if he sees you, he can stop you and sees what you are doing and then he can tell you to have a nice day! This law is going to be very vague for a while until there is case law on it. He cannot ask to see someone's cell phone without a warrant. This is mostly for texting while driving. The Mayor said they are just trying to correct a problem. Chief Gregory said there are a lot of crashes because of this. Beth just wanted to clarify her position on this; she is against the use of cellphones while driving. She wanted to understand how the computer pieces in your car would be affected by this. Chris Szell called for the question. The result of the voice vote was 6-0 in favor.

#### RESOLUTIONS

**2023-05: A RESOLUTION ACCEPTING A LEASE FROM HIRAM COLLEGE FOR USE OF REAL ESTATE LOCATED NEAR THE VILLAGE OF HIRAM WATER TREATMENT PLANT. 1<sup>st</sup> READING.** A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 5-0-1 in favor with an abstention by Mr. McCreight. A motion to approve on first reading was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 5-0-1 in favor with an abstention by Mr. McCreight.

**2023-06: A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT 2023-2024 FOR ROAD SALT AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Spencer and seconded by Mrs. Greenwood. The result of the voice vote was 6-0 in favor.

**2023-07: A RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS OF NO MORE THAN TWO HUNDRED DOLLARS FOR A RECEPTION FOLLOWING THE MEMORIAL DAY OBSERVANCE ON MAY 29, 2023. 1<sup>st</sup> READING.** A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor. Paul Spencer asked if \$200.00 will be enough? Susan said it has been in the past. We do not have it catered, we order from Sam's Club and it is picked up by our Police Chief. A motion to amend Resolution 2023-07 to increase it to \$250.00 was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor. A motion to approve on first reading as amended was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

**2023-08: A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF HIRAM TO CREATE A THEN AND NOW PURCHASE ORDER TO PAY MUNICIPAL EMERGENCY SERVICES (MES) AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

**2023-09: A RESOLUTION AUTHORIZING SPECIFIC ENUMERATED TRANSFERS BY THE FISCAL OFFICER BETWEEN FUNDS OF THE VILLAGE OF HIRAM FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND. 1<sup>st</sup> READING.**

**2023-10: A RESOLUTION AUTHORIZING THE APPLICATION FOR AND SUBSEQUENT ACCEPTANCE OF GRANT FUNDS BY THE VILLAGE OF HIRAM AND RATIFYING PAST ACTIONS WHICH ARE NOW AUTHORIZED BY THIS RESOLUTION AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Smith and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.

**ANY OTHER BUSINESS:**

Chief Gregory noted the next round of Hiram Community Trust applications are available. The Mayor added the deadline is May 8<sup>th</sup>; they have \$30,000 to distribute this year.

David Smith wanted to acknowledge the passing of Carol Donley, a longtime resident of Hiram. The Mayor provided the details for her service. She was a learned professor and a great lady; wife to former Councilman Alan Donley who passed in 2020. She will be missed!

Paul Spencer provided Council with an update on recent property issues within the Village. They are pursuing action against them; letters have been sent out. We are going to be spending some money with our Solicitor Tom Reitz to get these properties cleaned up. It is long overdue!

The Mayor said to add to that; he brought in an engineer who looked at our light plant, looked at the property behind the corner store as well as the store and Plum Ridge. He is very skilled in rehabilitation of properties. He is very interested in the Plum Ridge property but the Mayor believes it is overpriced!

Chris Szell complimented Stacy Turner on her article in the Villager about the Boreal Chickadee in Hiram!

**A motion to adjourn the meeting was made by Mr. Spencer and seconded by Mrs. Szell. The result of the voice vote was 6-0 in favor. The meeting adjourned at 8:14 pm.**

These minutes are pending approval by Council.

  
Mayor Lou Bertrand

ATTEST:

  
Fiscal Officer, Susan J. Skrovan-DeYoung