

Hiram Village Council Meeting

Rosser Municipal Building
11617 Garfield Road, Hiram, Ohio 44234

April 9, 2019

The following Members of Council were present: Mr. Dempsey, Mr. Greenwood, Mr. Hemphill, Mr. Smith, Mr. Spencer and Mr. Szell. The following were also present: Mayor Lou Bertrand, Village Solicitor Tom Reitz, Fiscal Officer Susan Skrovan, Police Chief Brian Gregory, Fire Chief Bill Byers, Village Administrator James McGee, Assistant Village Administrator Steven Schuller and Officer Dennis Pongracz.

The following persons were present: Debra Blake; Hiram Township Trustee, Stacy Turner; Reporter with The Weekly Villager, Mr. & Mrs. Burdecki, John Evers, Steve Romberger, Angela; Hiram Postmaster, Ed Frato-Sweeney and Robert Faber.

Mayor Bertrand called the regular meeting to order at 7:00 pm. He asked that all cell phones be silenced. There was a moment of silence followed by the pledge to the flag.

The Mayor asked for a motion to approve the regular meeting minutes of 3/12/2019. A motion to approve the minutes as presented was made by Mr. Dempsey and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

The Mayor asked for a motion to approve the proposed final agenda. A motion to approve the proposed agenda as presented was made by Mr. Greenwood and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

GUEST AND PUBLIC COMMENT

Ed Frato-Sweeney announced the next round of applications for the Hiram Community Grant will be available on Friday. Applications are due in by May 22nd. Secondly, Mr. Frato-Sweeney did say in regard to the sidewalks and tree work, that James and Steve have been in regular contact with him and other College officials regarding them.

Robert Faber asked what the story was behind all the trees; he was gone and came back to see a lot of trees down. James explained that some trees had to be removed for several reasons. There were some hazardous trees that were identified by the Beautification Commission. There were also some trees that had to be removed because of our upcoming sidewalk project. If the tree was either too close to the sidewalks or actually heaving up the sidewalks, it was removed. James spoke on the pear trees along State Route 700 near the College being hazardous and needing to be either severely trimmed back or removed; ultimately they were removed. Mr. Faber asked if there was a plan to replace trees. James said there is possibly some funds available through the Beautification Commission if a homeowner wants to put a tree back in their lawn. The trees at the Kennedy Center, James said are currently out of our Village Ordinance, they are too close to the sidewalk and the road. More discussion followed on the tree cutting and the recommendations from an Arborist. The next meeting of the Beautification Commission is April 18th at 7:00 pm here in Council chambers if anyone is interested.

Steve Romberger commented about postal delivery and the repealing of Ordinance 219; he would like Council to make this happen.

DEPARTMENT HEAD REPORTS

*Police Chief Brian Gregory provided their monthly report. There were a total of 295 offense reports for March. Traffic stops have gone up, perhaps twenty higher than usual. His department has been conducting a lot of training.

Their annual pancake breakfast fundraiser raised \$1,700. Brian thanked all of those who volunteered and supported this event. This is a major fundraiser with all proceeds going to Shop with a Cop.

June 15th is the Annual Car Show, which is another fundraiser. To increase the event, they are adding their pet adoption day as well as vendors and hopefully, our community garage sales. Food vendors will be added.

None for Under 21 event is this coming Tuesday, April 16th from 7:30 am to 12:00 pm with around 2,000 students.

Click it or Ticket has been set for Saturday, May 25th from 11:00 am to 1:00 pm.

Cops and Kids Fishing Day event is set for August 17th from 9:00 am to 1:00 pm.

Finally, on a very sad note, Officer David Ovens, who recently retired from Hiram's department, has passed away. Brian has to leave to make arrangements. Calling hours for his funeral are tomorrow from 4:00 pm to 8:00 pm. Chief Gregory will send out emails to everyone with all the details.

Mayor Bertrand stressed the need to support our departments and the fundraisers that support them. Unfortunately, no one from Council was present at the pancake fundraiser.

**Fire Chief Bill Byers provided their monthly report emailed and copied for tonight.* His department had a total of 36 runs this past month. Response times are back in line with what they normally run. It has been a steady month.

Angela; the Hiram Postmaster, is present and wanted to speak on mail delivery should Council rescind Ordinance 219. She explained that the mode of delivery would be on a case by case basis. Currently, there are carriers that travel State Routes 82, 700 and parts of 305. If a postal customer requests mail delivery to their residence along the routes they already travel, that could easily be done. Within the Village where the post office currently does not deliver, residents would have to submit a petition to request a change on a rural delivery and fill out form 4027 for mail delivery to their residence. Delivery could be granted to cluster boxes with a real possibility that the post office would not be the one paying for the cluster boxes or their installation. If the post office could not provide delivery, any resident within a ¼ mile would get their post office box at no charge. Whatever size box you have now; it would be grandfathered. Residents can keep their post office boxes and continue the same way they have with no change. Our post office is all Federal employees, however, they are not funded by tax dollars. They are funded by postage fees, retail sales and box fees. Mr. Burdecki wanted to know how the word would get out to all the residents about their mail options. Chris Szell said to be clear on this, if Council moves to repeal Ordinance 219, that is all Council will act on. We are not then saying that everyone has to go get mail boxes. We are just removing what is perceived to be an obstruction to allowing residents to proceed to get mail at their houses. Paul Spencer said the Village posts legislation that passes in five locations within the Village. FO Susan also added the Village has and will put it in the monthly Communicator. Angela said they need 2,500 residents in the Village to have home delivery. Angela did say that both residents and businesses would be entitled to a free post office box within ¼ mile.

**Village Administrator James McGee presented the monthly water/sewer report.* James reported the ad for the sidewalk project has been placed; bids will be opened on April 29th at noon. There are only four residents who have not yet signed and returned the sidewalk replacement license agreement.

His department has begun ditching on Ryder Road. They have also patched some of the pot holes.

The swings have been replaced at Jagow Park and ordered new backboards and rims for the basketball court.

On May 9th, there is a meeting for the Small Governments loan on the water tower; we will find something out then.

The application for the Ohio Public Works Commission is due by June with the results coming in August.

His department discovered a sink hole on Peckham Road at the corner near State Route 82. They are working to remedy it.

The Street Department has purchased a new zero-turn mower; it is on order.

Michael Greenwood commented on the amount of road salt that has been put down on the roads; it appears to be excessive. He wondered how the employees are trained. James said it is already set at the lowest setting.

Assistant VA, Steven Schuller, explained his new spreadsheet he passed out on the updated budget for the street infrastructure income tax dollars for a breakdown of their expenses, costs of sidewalk work in front of the Inn and equipment. The new dump truck is being paid back in here; the new mower is being paid out of current operating.

APRIL 9, 2019 MAYOR'S REPORT TO COUNCIL

PLANNING & ZONING COMMISSION:

The Commission did not meet in April as no business and/or zoning applications were pending. [Evie Bixler and Sam Bixler have moved from the Village, so that their positions on the ZONING COMMISSION and PARKS BOARD are now open. If any on Council or in the community know of a qualified candidate, please communicate that to me.] The Mayor has received a resume from Dan Burdecki, who is interested in being on the P&Z board.

Council discussed other boards that may need members including the Beautification Commission. Solicitor Tom Reitz read from the code describing who the representing members are for the Beautification Commission. Michael Greenwood mentioned an email from Denny Taylor on a possible tree academy this summer.

PENDING MATTERS:

In November, Council authorized the application for a grant and loan for the construction of a replacement water tower with the OHIO SMALL GOVERNMENTS FUND. [PRETTY GOOD CHANCE IN MID-MAY FOR A DECISION]

Also, the Village will have an application before OPWC issue II monies for the same project.

MEMORIAL DAY:

The keynote speaker this year is **LTC David Simms (USA)**, an Iraqi Freedom combat veteran. His awards and decorations include the Bronze Star Medal with V Device, Bronze Star Medal (2), **PURPLE HEART**, Defense Meritorious Service Medal, Meritorious Service Medal (3), Joint Service Commendation Medal, Army Commendation Medal (4), Army Achievement Medal (4), **Combat Action Badge**, Basic Parachutist Badge, and the Basic Army Instructor Badge.

Respectfully submitted,
Mayor Lou Bertrand

**The Fiscal Officer Susan Skrovan presented some monthly financial reports for March.*

The following reports were provided to Council for this meeting:

The March Bank Reconciliation balanced with the UAN with no adjusting factors and is available for signing by Mayor & Council.

Cash Summary by Fund as of March 31, 2019 was provided in Council packets.

The list of bills as of April 5, 2019 was provided in Council packets.

Council meeting minutes for March 12, 2019 was emailed to Council and a copy provided tonight.

R.I.T.A. income tax receipts YTD report was provided in Council packets.

The Comparison of Budgeted and Appropriated YTD report was provided in Council packets.

A motion to approve the Fiscal Officers report was made by Mr. Hemphill and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

A motion to approve the bills list was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor.

HIRAM TOWNSHIP REPORT

Trustee Debra Blake reported at their last Township Trustee's meeting on March 19th, they all spoke with Mr. Steven Smith running for judge and support him.

The Township is working to remedy the limited site at the northwest corner of Udall Road and State Route 305. Debra is working with ODOT on this issue.

Debra also noted that on April 4th she spoke with our County Auditor, Janet Esposito. This is in regards to Village Ordinance 2019-11. Mrs. Esposito was notified by the Village Solicitor and the title company; she is in the process of re-deeding the property near the existing water tower from Hiram "Hamlet" to Hiram Village.

LEGISLATION

ORDINANCES

2019-03: AN ORDINANCE REPEALING ORDINANCE 219 WHICH ADDRESSED THE CARE AND MAINTENANCE OF PUBLIC HIGHWAYS AND SIDEWALKS IN THE VILLAGE. 3rd READING. A motion to approve was made by Mr. Dempsey and seconded by Mr. Spencer. Dave Smith asked whether the other requirements listed in this legislation are covered elsewhere in our code? Solicitor Tom Reitz replied that before we knew about this old piece of legislation, we had adequate coverage for these items in our code. Ordinance 219 was not drafted in a precise way that we do it now. We are in good condition. Mr. Smith called to question. The result of the voice vote was 6-0 in favor.

2019-08: AN ORDINANCE AMENDING THE VILLAGE OF HIRAM'S EMPLOYEE HANDBOOK, SECTIONS 4.10, 5.2, 8.17, 10.3, 10.4 AND 10.5. 2nd READING.

2019-10: AN ORDINANCE TO AMEND SECTION 909.06 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM REGARDING PROXIMITY OF TREES TO SIDEWALKS. 2nd READING. Solicitor Tom Reitz spoke about the proposed amendment presented by Councilman Greenwood at your last Council meeting. Solicitor Reitz said his notes did not reflect any motion or action on that amendment and asked if Council would like to discuss it further at this time. Michael Greenwood had presented an amendment that he would like to see in the legislation under section 909.06 to provide some flexibility. The amendment would come after sidewalk to add a comma and state, "unless recommended by the Beautification Commission in consultation with the Village Administrator" and Mr. Greenwood made that motion. The motion was seconded by Mr. Hemphill. Paul Spencer asked what determines that the Beautification Commission is qualified to make that decision because it is comprised of volunteers. The eight feet provides a buffer to hold vegetation back. Michael Greenwood commented that the Beautification Commission does have a budget and that Council is supposed to oversee the beautification of the town. More general discussion followed. His amendment provides a lot of flexibility and allows the VA to weigh in on the final decision. Mr. Greenwood felt we need a well thought out plan; most communities already have a plan. Assistant VA, Steven Schuller, commented on the crab apple trees that were cut along Hayden where they had been heaving the sidewalks. Steven added that we are in the middle of formulating a \$300,000 sidewalk program with a lot of that costs being because of trees. Most of the Village's infrastructure is below those same sidewalks. The result of the voice vote was 5-1 in favor with a no vote from Mr. Spencer.

2019-11: AN ORDINANCE DECLARING THE NECESSITY AND INTENT OF THE VILLAGE OF HIRAM TO APPROPRIATE 0.7178 ACRES OF CERTAIN REAL PROPERTY FROM JOHN R. GROSELLE, FOR THE PUBLIC USE OF SUPPLY OF POTABLE WATER, AND DECLARING AN EMERGENCY. 1st READING.

2019-12: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE STREET INFRASTRUCTURE/EQUIPMENT FUND (2012) BY \$300,000.00 FOR THE SIDEWALK IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Smith and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Hemphill and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.

RESOLUTIONS

2019-05: 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 27, 2019. 3rd READING. A motion to approve was made by Mr. Dempsey and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

2019-08: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (S) FOR REPAIRS AND IMPROVEMENTS TO VILLAGE WATER DEPARTMENT, TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY. 2nd READING.

2019-11: A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-20) FOR ROAD SALT FOR 2019 AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Szell and seconded by Mr. Dempsey. 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. Hemphill. The result of the voice vote was 6-0 in favor.

2019-12: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPLY FOR CASH COLLATERAL FINANCING FOR THE SIDEWALK PROJECT AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Dempsey and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Dempsey and seconded by Mr. Greenwood. Paul Spencer asked about our funds being held against the cash collateral loan and our ability to borrow over the 20-year repayment period. The Mayor said sure, however, none of our property is mortgaged that way. Fiscal Officer Susan stated that any loans for equipment use the equipment's value itself as collateral. The result of the voice vote was 6-0 in favor.

2019-13: A RESOLUTION SUPPORTING THE OHIO GOVERNOR'S PROPOSED 18 CENTS PER GALLON GAS TAX INCREASE AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Greenwood and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Dempsey and seconded by Mr. Smith. Paul Spencer said this is actually now a 10.5 cent increase, correct? The Mayor said yes. He felt we should support the Governor in what he proposed; the legislature did not hear any testimony on this. Michael Greenwood stated, even if this is after the fact, he strongly supports the increase. Paul Spencer felt our State legislators did not take care of their own house; they took our money to clean it up. They have not been good stewards of our tax dollars and much of that money should have stayed at the local level. Paul added that this is not the answer to ratify bad behavior by awarding more tax money to a system that is not working properly. Michael Greenwood read that much of this money will come back to the townships, village and cities. Paul said we had the funds in the past and then they took it away to balance their own budgets. Fiscal Officer, Susan, commented the local government funds that were taken away were going into the General Fund for general operations. The gas tax comes in for Village streets and is earmarked for infrastructure; we are well below what states around us are taxed. Mr. Dempsey called to question. The result of the voice vote was 6-0 in favor.

ANY OTHER BUSINESS:

Assistant Village Administrator, Steven Schuller, passed out to Council copies of letters received from Hiram College; one from their arborist on the pear trees and from the Vice President on behalf of President Lori Varlotta. Both letters recommended that the Village to go ahead and take the trees down.

Steven also reported on the water asset management plan; the loan has been submitted through a lot of work on the part of Susan and Wendelin. It has been approved for a principal forgiveness loan of \$7,500 through the Ohio EPA! The only amount the Village will owe is the \$26.00 application fee. Council members commended the hard work.

David Smith inquired on the recent tree removal; it was the same guy getting paid to cut the trees that recommended which ones to cut. He would ask that in the future; it may be wise to get two separate entities to provide their recommendations. Michael Greenwood said the State has an urban forester who does that for free.

Steven Schuller felt it would be a good idea to bring this up to the Beautification Commission to have an arborist, outside of one that owns a chain saw, be part of the plan.

Abandoned automobiles were brought up around the Village; is there something in zoning about them? David Smith said our Police Chief was working on the one on Peckham and one on State Route 82.

A motion to enter executive session for the purpose of Imminent Litigation at 8:32 pm made by Mr. Dempsey and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

A motion to come out of executive session at 8:58 pm was made by Mr. Hemphill and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor.

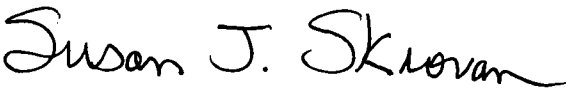
A motion to adjourn the meeting was made by Mr. Szell and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor. The meeting adjourned at 8:59 pm.

These minutes are pending approval by Council.



Mayor Lou Bertrand

ATTEST:



Fiscal Officer Susan J. Skrovan