

Hiram Village Council Meeting

Rosser Municipal Building
11617 Garfield Road, Hiram, Ohio 44234

February 9, 2016

The following Members of Council were present: Mr. Cobb, Mr. Dempsey, Mr. Hemphill, Mr. Smith, Mr. Spencer and Mr. Wadkins. The following were also present: Mayor Lou Bertrand, Village Solicitor Tom Reitz, Fiscal Officer Susan Skrovan, Fire Chief Bill Byers, Fire Captain Gary Bott, Police Chief Ed Samec, and Village Administrator James McGee.

The following persons were present: Hiram Township Trustee; Steve Pancost, Hiram College Chief of Staff; Cristine Boyd, Park Board member; Susan Merrill and Stacy Turner; Reporter for The Weekly Villager.

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 minutes of 1/12/16 as presented. A motion to approve the minutes as presented was made by Mr. Wadkins 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 agenda as amended. A motion to approve the agenda as amended was made by Mr. Dempsey and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

GUEST AND PUBLIC COMMENT

Park Board member Susan Merrill provided Council with their 3rd annual report for the Park Board. Chairman Wadkins thanked her and the other park board members for all their efforts. Susan Merrill laid out their plans for 2016 and the development of the new park. Bids are being received for a gazebo. The fence is done and there is some additional land work to be done. The prairie will hopefully be put in sometime in March. The trail is going through the prairie and into a 100' x 200' strip into the woods. The most northern ball field will be coming out in the spring. It is a lot of equipment and a lot of work and thanks to Chris Szell who has brought in a lot of grant funds. Mr. Hemphill asked about future volunteer workdays. Susan said nothing is scheduled yet but will be planned for the future.

DEPARTMENT HEAD REPORTS

Police Chief Ed Samec provided his monthly report. They had 233 offense reports for the month of January. His department was awarded \$1,680 from the State of Ohio to help maintain compliance with training. They were also successful in being awarded a \$3,395.00 grant from the Ohio Department of Justice to be used towards an in-car camera system for the new cruiser.

Chief Samec's annual report is finished and has been provided to Council.

The Police Department purchased a 2010 Crown Victoria from the Village of Sagamore Hills for \$1,000! Unit #17 is out of service. This vehicle is being outfitted and inspected so that it can be placed in service as soon as possible.

Solicitor Tom Reitz added to the Police report; they have had 80 court cases filed without a loss, all convictions.

Fire Chief Bill Byers provided their 2015 year-end report. Chief Byers went through the grants funds awarded to his department over the last year including the State EMS grant and the FEMA grant. Improved ISO ratings, the purchase of a new Lucas device and the levies that passed allowing his department to go to 24/7 staffing.

Fire & EMS calls were up about 40 calls over last year and his department increased training over the last year. He gave a sincere "Thank You" for all the support they have received over the past year.

Village Administrator James McGee presented their new monthly report thanks to the request from Chris Cobb. James provided updates to the following projects;

- East Side Sanitary Sewer line: this is in the bidding process.
- Hike & Bike Trail Project: the site plan review with the Planning & Zoning Commission went well.
- Expansion of Safety Services building: James is working with Dave Smith on the details.
- Sidewalks on State Routes: James brought up discussion regarding the resident's share of the cost.

Chairman Wadkins asked Village Solicitor, Tom Reitz, to look into our laws and whether we will follow it or repeal it. Solicitor Tom Reitz spoke on the options Council has; they can repeal it by ordinance with three readings and unless you repeal it, you must follow it. Paul Spencer asked if Council could waive it for this project. Solicitor Reitz said you either live by it or change it. Council may make an exception for "special conditions" and may offer your residents some relief. The 10 percent can be assessed to the property on their property tax bill. Mayor Bertrand spoke on spreading the costs for all residents as an assessment; like Gambier. The Mayor added this would grant us a fund for improvements to storm sewers, sidewalks, curbs and gutters. He felt that Council was putting the Village Administrator in a very difficult position. Chairman Wadkins would like to repeal it; pay for this project ourselves and then put a sidewalk assessment committee together to work on this moving forward. Susan Merrill suggested getting the public involved. Frank Hemphill felt it would be best to inform the public first. Rob Dempsey would be in favor of a referendum. Chris Cobb felt this was an unfair burden on the residents. Dave Smith said it has not been enforced; either enforce it or change/repeal it. Chairman Wadkins would be favorable to setting up a Saturday morning meeting with the public. Mayor Bertrand felt maybe we can expand the "special conditions" and keep the section in our code. More discussion followed.

Paul Spencer would like to see a total for water produced and a total affluent on James' annual report. He would also like to see the number of gallons not billed. More discussion followed.

Mayor Lou Bertrand's report:

Mayor's Report for February 9, 2016

PLANNING AND ZONING COMMISSION:

At the February 2nd meeting, the Application for signage of the Little Village Early Learning Center was approved just south of the Church Driveway on Garfield Rd. Also, the 56 page engineers' site plans were presented, submitted and approved for the Hike and Bike Trail across College property from Winrock Rd to Wakefield Rd near the Village water plant. [*Copies are available to the public*]

FINANCE AND SAFETY MEETING OF JANUARY 26, 2016:

- A draft of the Police, EMS and Fire contract with the College was reviewed and amended and tendered to a representative of the College.
- Also discussed were the impending retirement of two Village employees and their retirement reflecting on work responsibilities and the Village budget.
- The question was advanced as to the financing of the additional new sidewalks on State Routes that are AMATS grants for 80% of the cost of these improvements. An Ordinance in effect now requires the Village to pay for one-half and the property owner(s) to pay the other half of the 20% total construction cost.

OR as presented by me in my **REPORT TO COUNCIL** on March 18, 2014 as follows:

Ohio Revised Code §727.01 - Power to levy and collect special assessments. Each municipal corporation shall have special power to levy and collect special assessments. The legislative authority of a municipal corporation may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, any part of the cost connected with the improvement of any . . . sidewalk(s) . . . special assessments may be levied by any of the following methods:

(A) By a percentage of the tax value of the property assessed;

(B) In proportion to the benefits that may result from the improvement;

(C) BY THE FRONT FOOT OF THE PROPERTY BOUNDING AND ABUTTING UPON THE IMPROVEMENT. [Effective Date: 06-28-2002]

OHIO REVISED CODE § 729.01. Construction or repair of sidewalks, curbs, and gutters may be required

In addition to the power conferred upon municipal corporations under §727.01 of the Revised Code to construct sidewalks, curbs, or gutters and levy an assessment therefor, the legislative authority of a municipal corporation *may require the construction or repair of sidewalks, curbs, or gutters* within the municipal corporation by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs, or gutters within the time prescribed in the resolution adopted under §729.02 of the Revised Code, may cause such sidewalks, curbs, or gutters to be constructed or repaired and assess the total cost thereof against the lots or lands abutting thereon, notwithstanding the provisions of §§ 727.03 and 727.05 of the Revised Code. [Effective Date: 01-01-1962]

NOTE: This special assessment can be levied against Township, public, non-profits and church property. See: **JACKSON -v- Board of Education of Cedarville Township Rural School District** (1926), 115 Ohio St. 368 and 1931 OAG 3823

All Council Members:

Ohio Municipal League is sponsoring their 2016 Council Training Program at Embassy Suites Rockside Road, Independence, Ohio on Saturday, March 19, 2016 beginning at 9am concluding at 4pm, lunch included. I believe every Council member should attend. The total cost will be paid by the village, plus mileage reimbursement.

Submitted by:

MAYOR LOU BERTRAND

March 7, 2016

The Fiscal Officer Susan Skrovan presented her monthly financial reports.

The following reports were provided to Council for this meeting:

Bank reconciliation report for January 2016 was not available due to the UAN system being in temporary mode.

Cash Summary by Fund as of January 31, 2016 was in the Council packets.

The list of bills as of February 5, 2016

R.I.T.A. income tax receipts YTD

Susan reported receiving in the updates to the codified ordinances books; departments will be receiving their hard copies. A CD of the codified will be coming in shortly and she will make copies for all Council at that time.

The 17th Annual Local Government Conference in Columbus is March 22, 23 and 24th. Susan will be attending and riding with other Fiscal Officers and Clerks.

A new feature in the UAN this year is the option to send employee's EFT payroll advice by email. This is optional and must have a policy passed by Council prior to initiating this option. Susan felt this would be great and reduce the amount of paper we go through for payroll as well as envelopes every two weeks. Chief Samec asked the Village Solicitor if this gets sent to a personal email; does it make their personal email subject to public records? Solicitor Reitz said only those things that are from the Village on that email are subject to public records. Tom Reitz noted that he is very pleased the Village provides a Village email for use of official Village correspondence.

A motion to authorize the Fiscal Officer to pursue the option of EFT Payroll by email with the UAN was made by Mr. Wadkins and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

Susan determined the reasonable value of our old copier, given the large number of copies, has a value of \$500.00 or less. A motion that the Kyocera Copier is no longer needed for any municipal purpose and authorize the Fiscal Officer to attempt to sell it, dispose of it, obtain as much money as possible for it was made by Mr. Smith and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor.

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

A motion to pay the bills as presented was made by Mr. Wadkins and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

HIRAM TOWNSHIP REPORT

Trustee Steve Pancost had nothing to report.

LEGISLATION

ORDINANCES

2015-37: AN ORDINANCE ESTABLISHING CHANGES TO THE RULES, REGULATIONS & BY-LAWS OF HIRAM VILLAGE WATER AND WASTEWATER SYSTEMS. 3rd READING. James McGee, VA, spoke on what brought us all to the percentage in the legislation. Finance recommended the 8% increase on the water only. James is okay with this. Chris Cobb would like to see a 5-year plan on improvements. James said we do have a 5-year plan; there just have not been any changes to it in 10 years. Dave Smith felt it was more recent than 10 years. Rob Dempsey caught an error on the calculation of gallons for those outside of the Village. A motion to amend Ordinance 2015-37 with respect to the gallons for those outside the Village was made by Mr. Dempsey and seconded by Mr. Wadkins. The result of the voice vote was 6-0 in favor. A motion to approve as amended on third reading was made by Mr. Wadkins and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

2016-01: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) POLICE LAW ENFORCEMENT (110) PERSONAL SERVICES BY \$23,300 AND IN OTHER OPERATIONS BY \$3,700 IN ORDER TO CONTINUE TO FUND THE DRUG TASK FORCE AGENT/EMPLOYEE FOR CALENDAR YEAR 2016 AND DECLARING AN EMERGENCY. TABLED ON 1st READING. This legislation was originally an emergency, however, once tabled, it remains on first reading. A motion to take off the table was made by Mr. Wadkins and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. A motion to suspend the rules was made by Mr. Smith and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. A motion to approve was made by Mr. Wadkins and seconded by Mr. Dempsey. Chris Cobb said they will need to discuss this again before year end. Chairman Wadkins noted this had been discussed at length at Finance. Last year it was \$25,000; the Chief is asking for \$27,000 this year. Members felt this is not how a raise is usually done. A motion to amend legislation to \$25,000 was made by Mr. Dempsey and seconded by Mr. Cobb. The result of the voice vote was 6-0 in favor. A motion to approve as amended was made by Mr. Dempsey and seconded by Mr. Cobb. The result of the voice vote was 6-0 in favor.

2016-02: AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PART OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF HIRAM, OHIO. 1st READING.

2016-03: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) POLICE DEPARTMENT (110) AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Wadkins and seconded by Mr. Cobb. 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. Smith. The result of the voice vote was 6-0 in favor.

2016-04: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) BY \$40,000 AND AUTHORIZING AN ADVANCE OF \$40,000 TO THE SPECIAL REVENUE FUND (4203) HIRAM HIKE AND BIKE TRAIL AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Dempsey and seconded by Mr. Spencer. The result of the voice vote was 5-1 in favor with a no vote from Dave Smith. A motion to approve as an emergency was made by Mr. Wadkins and seconded by Mr. Dempsey. Dave Smith asked if there was a time issue for this to pass as emergency. James said yes, to keep things moving, get the deeds and get trees cut before April 1st. ODNR says these trees are the long-eared bat's habitat and if they are not cut before April 1st, they cannot be cut until October and therefore, cannot do any construction. Chris Cobb asked if, by that time, we will have met all of our matching funds. Susan said we will not quite meet that limit; some invoices from CT are in the process of being submitted to ODNR. The result of the voice vote was 5-1 in favor with a no vote from Dave Smith.

2016-05: AN ORDINANCE RATIFYING THE PAST ACTIONS OF THE FISCAL OFFICER OF THE VILLAGE OF HIRAM TO AMEND THE PERMANENT APPROPRIATIONS IN THE WATER FUND (5101), TRANSFER OUT (PROFITS TRANSFERS) (910) AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Wadkins and seconded by Mr. Cobb. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Smith and seconded by Mr. Wadkins. Chris Cobb asked what happened with this fund. Fiscal Officer Susan Skrovan explained how this came about and how this line item is nothing more than a projected profits transfer line that was appropriated too high for the water funds. Water has been running very close in its revenue funds and this corrects the appropriations total for the year. The result of the voice vote was 6-0 in favor.

2016-06: AN ORDINANCE AUTHORIZING SPECIFIC ENUMERATED ADVANCES FROM THE GENERAL FUND TO THE LAND AND WATER CONSERVATION GRANT FUND (2910) AND THE NATURE WORKS GRANT FUND (2911) 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. Dempsey and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

RESOLUTIONS

2015-31: A RESOLUTION ESTABLISHING THE FEES FOR SERVICES PROVIDED BY THE VILLAGE OF HIRAM POLICE DEPARTMENT AND SUPERSEDING INCONSISTENT RESOLUTIONS AND ORDINANCES OR INCONSISTENT PARTS OF RESOLUTIONS AND ORDINANCES. TABLED ON 3rd READING.

2015-32: A RESOLUTION ESTABLISHING THE FEES FOR SERVICES PROVIDED BY THE VILLAGE OF HIRAM FIRE DEPARTMENT AND SUPERSEDING INCONSISTENT RESOLUTIONS AND ORDINANCES OR INCONSISTENT PARTS OF RESOLUTIONS AND ORDINANCES. TABLED ON 3rd READING.

2016-01: A RESOLUTION GRANTING RELIEF FOR A PERIOD OF ONE YEAR FROM THE CAPITAL IMPROVEMENT FUND CONTRIBUTION REQUIREMENTS ESTABLISHED IN RESOLUTION 2009-08 AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Wadkins and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Wadkins and seconded by Mr. Cobb. Chairman Wadkins read the obligation of the Village to Hiram Township to move \$26,000 into capital from their payments to Fire. There will be no impact on this obligation. The result of the voice vote was 6-0 in favor.

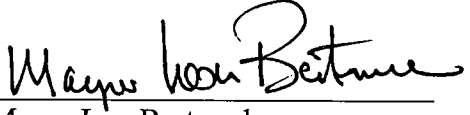
2016-02: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN LAND FROM HIRAM COLLEGE AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 5-1 in favor with an abstention from Mr. Hemphill. A motion to approve as an emergency was made by Mr. Wadkins and seconded by Mr. Spencer. Paul Spencer asked if Ohio Edison property was not included in this and whether that was correct. Solicitor Tom Reitz said yes, they were not quite ready to do this and Tom went on to explain what has transpired between Ohio Edison, Doug McGee and the Village. This property must be received and formally accepted by the Village. As soon as Hiram College executes the deed; it can be recorded and the tree clearing can begin. James said Ohio Edison has given us a right of easement and in exchange, they want an easement off the Village's drive for future access to their property and a possible substation. The result of the voice vote was 5-1 in favor with an abstention from Mr. Hemphill.

ANY OTHER BUSINESS:

None.

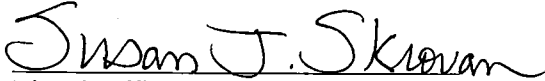
A motion to adjourn was made by Mr. Wadkins and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. The meeting adjourned at 8:56 pm.

These minutes are pending approval by Council.



Mayor Lou Bertrand

ATTEST:



Fiscal Officer Susan J. Skrovan