

# Hiram Village Council Meeting

Rosser Municipal Building  
11617 Garfield Road, Hiram, Ohio 44234

January 8, 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 and Assistant Village Administrator Steven Schuller.

The following persons were present: Debra Blake; Hiram Township Trustee.

Mayor Bertrand called the regular meeting to order at 7:04 pm. He asked that all cell phones be silenced. The Mayor recognized WWII Bombardier Navigator Robert Minor's 100<sup>th</sup> Birthday. Mr. Minor resides in Freedom Township. There was a moment of silence followed by the pledge to the flag.

The Mayor asked for a motion to nominate Council President for 2019. A motion to nominate Robert Dempsey as Council President was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 5-1 in favor with one abstention from Mr. Dempsey.

The Mayor asked for a motion to adopt the rules of Council. A motion to adopt the Roberts Rules of Order 10<sup>th</sup> edition was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

The Mayor asked for a motion to approve the calendar for 2019. A motion to approve the Council meeting calendar for 2019 as the second Tuesday of every month at 7:00 pm was made by Mr. Spencer and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor.

The Mayor asked for a motion to approve the regular meeting minutes of 12/11/18 with the understanding that the NOPEC year-end report that the Mayor presented in December will be attached to the minutes. A motion to approve the minutes as presented with the noted attachment 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 amended agenda. A motion to approve the proposed agenda as presented was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

## GUEST AND PUBLIC COMMENT

None.

## DEPARTMENT HEAD REPORTS

*\*Police Chief Brian Gregory provided their monthly and year-end reports.* The calls and/or stops were down with many personnel out with the flu. Brian sent out his department's year-end report. He apologized for trying to get the report done quickly, he found four grammatical errors in it. Brian explained his year-end report in detail.

The speed survey they were conducting on Peckham has been stopped for now due to bad weather.

*\*Fire Chief Bill Byers provided their monthly report by email and copied for tonight.* The Fire Department's calls were just shy of 500 this past year. Response times dropped down from 6:40 to 6:00 minutes flat.

*\*Village Administrator James McGee presented the monthly water/sewer report.* James received a letter back from the Hiram Christian Church regarding the Village's proposal to purchase the property in front of our Rosser Municipal building. The Church does not wish to move forward at this time with the sale of the property. Their original proposal to sell the property came with the stipulation that the Village could not "develop" more than 1/3 of the property. Mayor Bertrand would like permission from Council to go back to Hiram Church to accept their restrictions. The Mayor went onto say the price is right and he would not want to lose this opportunity to purchase the property for the public good. Village Administrator, James McGee, spoke about his concerns with their restrictions as it would pertain to any underground drainage or improvement to the property in front of any building addition we might consider. Until we can put a plan together and know exactly what we would need, James did not feel the Village could agree to their restrictions. The Mayor said if we include any restrictions in the purchase agreement and not on the deed itself, then it would only apply to them. Should the church sell that property, then it does not go any further than the purchase agreement. Solicitor Tom Reitz agreed with the Mayor's analysis. Tom explained that if the Village contractually obligates itself to restrict the use of the property in the purchase agreement, it is binding on you and on the seller. If you do not put it in the deed, then it ends with those two parties; it does not run with the land. If it is put on the deed, it stays there and affects all future purchasers. Paul Spencer felt the church is probably not going anywhere. Mayor Bertrand provided examples of churches being sold to other churches. Chief Brian Gregory spoke about the church presently being down to about 35 parishioners; they are struggling. Paul Spencer thought we should wait a few months and approach them again. Dave Smith felt no one is pushing to buy this property and he agreed with James that we would be obligating ourselves and may need to do more beyond the footprint of a new structure. The offer was at fair market value; \$35,000. Steven Schuller, Asst. VA, specified the amount of property we could develop would be approximately 160 feet x 75 feet; it is approximately 400 feet to the road. Chris Szell asked if the Village would consider entering into a right of first refusal with the church; that way if they do decide to sell, they would come to the Village first. Rob Dempsey stressed the importance of keeping communications open with the church. More discussion followed regarding the present need for the property and a need for expansion including additional parking and ADA accessibility. Steven Schuller asked if we should go with our architect and complete a master plan; the cost would be approximately \$8,400. That is essentially what we are all talking about here. The Mayor added that they could probably sell this property for a lot more than we are offering.

**A motion to have Mayor Bertrand respond to the Hiram Christian Church with a letter requesting a Right of First Refusal on the property was made by Mr. Dempsey and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.**

James continued with his water and sewer report.

The water asset management plan loan and legislation before Council was discussed.

The Ryder Road agreement was discussed. Paul Spencer talked about the condition of the road and the potholes that has damaged a family member's tire and rim. Michael Greenwood spoke on the poor condition and damages as well. James said they have temporarily patched the potholes with gravel until they can be fixed. Hiram Township Trustee Debra Blake has received two calls; thanking them for the temporary repairs and wanted to acknowledge those calls.

Paul Spencer brought up complaints he received on damage to headstones in the cemetery. James responded.

Assistant Village Administrator Steven Schuller brought up the water tower. The property has been surveyed as of Monday. They are waiting on the final information from the survey; it may take two to three weeks. Solicitor Tom Reitz spoke about the appraisal of the property, the grant deadline and for Council to consider their next step. Paul Spencer felt our VA, James McGee and Tom Reitz should move ahead; they have the best interest of the Village. Other Council members agreed to allow the Village Administrator and the Solicitor to proceed. More discussion followed regarding the actual layout of the property and the amount needed by the Village for a new water tower. Solicitor Reitz asked, that since this is an acquisition of land, he would prefer this discussion in executive session.

Dave Smith inquired about the generator set up and about the cleaning of the storm water drains around the Village. James explained what has been completed and what still needs done with the paving company. Frank Hemphill asked about the delay in the paving. James explained the paving company was asked to hold off until Spring.

## **JANUARY 8, 2019 MAYOR'S REPORT TO COUNCIL**

**OHIO REVISED CODE §733.41** states: *“At the first regular meeting in January of each year, and at such other times as the Mayor deems expedient, the Mayor shall report to the legislative authority concerning the affairs of the municipal corporation, and recommend such measures as seem proper.”*

### **REPORT TO COUNCIL**

This is the 113<sup>th</sup> annual meeting of HIRAM VILLAGE COUNCIL and I again report that HIRAM MUNICIPAL GOVERNMENT is in stable financial condition operating in an efficient manner and providing good service to the general public, village residents, businesses, Hiram College students, staff and faculty.

**THIS IS MY 12<sup>TH</sup> ANNUAL MAYOR'S REPORT GIVEN IN MY 12<sup>TH</sup> YEAR AS THE ELECTED HIRAM MAYOR, FURTHERMORE, THIS IS MY 40<sup>TH</sup> YEAR AS AN ELECTED OFFICIAL IN HIRAM VILLAGE.**

### **PLANNING & ZONING COMMISSION:**

The Commission did not meet in January as no business and/or zoning applications were pending.

### **FINANCIAL HISTORY:**

At the end of 2007 when I took office the total balances in all funds was **\$1,367,231**; twelve (12) years later at the end of 2018 the balances in all funds was **\$1,902,223**. This is an increase of **\$535,002**. Again this coming year with the fluctuation in Hiram College enrollment, the Village must be cautious in its economic future. However, the College appears to be doing very well from their fundraising efforts and infrastructure maintenance. Locally it should be noted that Crestwood Local Schools' enrollment has gone from 2,600 in 1998 to now 1,600.

### **COUNCIL PRESIDENT TOM WADKINS RESIGNATION:**

Effective in July 2018, because of his family's relocation to Streetsboro, 12-year veteran Tom Wadkins resigned from Council and was replaced by Michael Greenwood, Ph.D. to serve the balance of Mr. Wadkins' term until December 31, 2021.

### **OVERVIEW OF THE PAST YEAR:**

Last year Council considered approximately 33 Ordinances and 37 Resolutions, the highlights are:

### **LEGISLATION:**

In April, Council approved the \$135,000 Constance Avenue Project for the benefit of Mantaline Corporation, Hiram College and Applejack Development, LLC; the Industrial zoned area of the Village.

Also in April, Council approved in Ordinance 2018-11 for the Village streets improvements project; a \$225,000 grant and a \$225,000 loan payable over 16 years from the Ohio Public Works Commission (OPWC).

In May, Council passed Ordinance 2018-07 changing the financing of Village sidewalks, so that the installation and repairs of same do not create an undue hardship on property owners subject to the availability of MUNICIPAL FINANCING. Then in October in Ordinance 2018-20, \$15,000 was appropriated to repair the sidewalk in front of the Hiram Inn.

In July, Council passed Ordinance 2018-14 and readjusted in October in Ordinance 2018-17, setting forth the base salary ranges for all Village employees, except elected officials which was enacted in December 2018 in Ordinance 2018-21.

In November in Ordinance 2018-30, Hiram Police, Fire and EMS Services agreed to pay annually the City of Aurora for Dispatch Services of \$45,588.56 in quarterly payments of \$ 11,397.14 beginning November 16, 2018.

In December in Ordinance 2018-33, Council enacted temporary annual Appropriations for the Village through March 31, 2019; a total of \$1,170,515.00.

### **RESOLUTIONS:**

In February, Council enacted Resolution 2018-03 purchasing a 2017 Ford F550 dump truck with snow

plow for \$80,000.

In March, Council authorized a contract with CT Consultants to advise and design a new water tower for the Village and to prepare plans and maintain supervision over the Constance Avenue, Village Streets resurfacing, repair and construction project.

In June, the College and Village entered into an agreement for Police, Fire and EMS enumerated services at an annual cost of \$30,000 with quarterly payments from June 2018 to 12.31.18.

In June, KARVO Companies, Inc.'s bid of \$461,853 was accepted for both repair and resurfacing of Village streets and Constance Ave projects.

In September, Council accepted the alternate plan for Local Government Funding of the Sales Tax revenues for a period of five (5) years. Council further passed a resolution requesting the return of the annual loss of \$64,400 from the Local Government Fund and addressed same.

In October, Council passed a resolution for the purchase of a police interceptor Ford Explorer and financing of same for \$41,112.50.

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.

#### **PURCHASE OF HIRAM CHURCH'S PROPERTY:**

I, as Mayor, strongly opine that we should at this time ask our Village Solicitor to prepare a purchase/sales agreement agreeing to the stipulation that the Village agree that 33% is the most that can be developed by the grantee, Village of Hiram, and that the Village purchase same at the sales price of \$35,000.

#### **COMMITTEES FOR 2019:**

THE APPOINTED COMMITTEES ARE AS FOLLOWS:

FINANCE & SAFETY: SMITH, SPENCER, DEMPSEY & HEMHILL

INVESTMENT: DEMPSEY

BEAUTIFICATION, RECREATION&PARKS: HEMPHILL, GREENWOOD, SZELL & FRATO-SWEENEY

PUBLIC RECORDS RETENTION: DEMPSEY

ECONOMIC DEVELOPMENT: SPENCER & DEMPSEY

FIRE & EMS ADVISORY: SMITH

PLANNING & ZONING COMMISSION: SPENCER

BLIGHTED PROPERTIES & SIDEWALKS: DEMPSEY, SPENCER, ED FRATO-SWEENEY & SMITH

WEB SITE COMMITTEE: SZELL & DEMPSEY

*\*The Fiscal Officer Susan Skrovan presented the monthly financial reports for December.*

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

December bank reconciliation balanced with no adjusting factors and is available for signing by Mayor & Council.

Cash Summary by Fund as of December 31, 2018 was provided in Council packets.

The list of bills as of January 4, 2019 was provided in Council packets.

Council meeting minutes for December 11, 2018 were provided by email and at the meeting tonight.

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

Susan does not yet have the year-end closed. She is working in temporary mode in the UAN system. More general discussion followed on the revenue and appropriation budgets, and on transfers throughout the year.

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

Dave Smith brought up a duplicate Linde oxygen invoice on the bills list. A motion to amend the bills list to strike the second Linde Gas oxygen invoice was made by Mr. Smith and seconded by Mr. Spencer. The result of the voice vote was 5-1 in favor with one abstention by Mr. Dempsey. A motion to accept the bills list as amended was made by Mr. Hemphill and seconded by Mr. Smith. The result of the voice vote was 5-1 in favor with one abstention by Mr. Dempsey.

## **HIRAM TOWNSHIP REPORT**

Trustee Debra Blake had several items she wanted to report.

1. Hiram Township Trustees approved a new service garage to be erected; the new building was to be 50' x 100'. However, the EPA required they install a septic area for their wash bay. Their new building will now be 46' x 46'.
2. The Township has been talking with a gentlemen representing the Hungarian Society on Abbott Road. They have asked to install a sign for their group; "TODS".
3. Santa Claus made five deliveries in Hiram Township. It was very well received!
4. Debra wanted to mention that she bought the Kosher house on State Route 305 about 15-16 months ago. She was denied a permit. Debra said she has put a lot into the house and is working on drawings to re-submit.

## **LEGISLATION**

### **ORDINANCES**

**2018-31: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF HIRAM DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019. 3<sup>rd</sup> READING.** The Fiscal Officer explained that this piece of legislation should be tabled until February or March for final approval. A motion to table Ordinance 2018-31 was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

**2019-01: AN ORDINANCE RATIFYING THE PAST ACTIONS OF THE FISCAL OFFICER OF THE VILLAGE OF HIRAM IN ORDER TO AUTHORIZE THE NECESSARY PAYMENTS ON INVOICES RECEIVED INTO THE VILLAGE BETWEEN THE LAST COUNCIL MEETING IN DECEMBER AND THE END OF THE YEAR 2018 AND DECLARING AN EMERGENCY.** 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. The exhibit A showing the paid invoices showed a duplicate Linde Gas oxygen invoice that should be stricken. A motion to amend the Exhibit A to strike the duplicate invoice for Linde Gas 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 with the amendment to Exhibit A was made by Mr. Hemphill and seconded by Mr. Smith. The result of the voice vote was 5-1 with an abstention from Mr. Dempsey.

**2019-02: AN ORDINANCE RATIFYING THE PAST ACTIONS OF THE FISCAL OFFICER OF THE VILLAGE OF HIRAM TO AMEND APPROPRIATIONS IN FUND 2912 IN THE AMOUNT OF \$558.17 IN ORDER TO CORRECT HOW COLLECTION FEES ARE CHARGED WHEN FIRE LEVY REVENUE IS COLLECTED FOR THE HIRAM FIRE DEPARTMENT AND DECLARING AN EMERGENCY.** 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. A motion to approve as an emergency was made by Mr. Dempsey and seconded by Mr. Smith. Dave Smith asked about the details of the legislation. Fiscal Officer Susan explained how this came about through our two-year audit earlier this year. The Fire levy revenue had to be moved out of the General Fund and into its' own Special Revenue fund. Monies received from the County for the Hiram Fire levy are charged a collection fee by the County; that fee must be expended out of the same Special Revenue fund that the revenue is received. The result of the voice vote was 6-0 in favor.

### **RESOLUTIONS**

**2018-35: A RESOLUTION APPROVING AN INCREASE IN THE SET LIMIT OF THE MIDDLEFIELD BANK VISA CREDIT CARD ACCOUNTS ESTABLISHED FOR THE VILLAGE OF HIRAM. 3<sup>rd</sup> READING.** A motion to approve was made by Mr. Smith and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

**2018-36: A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH HIRAM TOWNSHIP FOR THE SHARED MAINTENANCE OF RYDER ROAD. 3<sup>rd</sup> READING.** Paul Spencer asked when it becomes effective. Solicitor Tom Reitz explained that the Village Resolution would be effective in 30 days. Tom does not know how resolutions work with Hiram Township. James McGee talked about the work they are doing now on the road. Council felt this should be made an emergency.

A motion to amend the legislation to make it an emergency was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. A motion to approve on third as an emergency was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

**2019-01: A RESOLUTION AUTHORIZING THE INTERNET SALE OF UNNEEDED, OR UNFIT, OR OBSOLETE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES AND EQUIPMENT OWNED BY THE VILLAGE OF HIRAM. 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. A motion to approve on first reading was made by Mr. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

**2019-02: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) AGREEMENT ON BEHALF OF THE VILLAGE OF HIRAM FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN. 1<sup>st</sup> READING.** Council members wished to amend this as an emergency to file the application in a timely fashion. A motion to amend the legislation to make it an emergency was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. 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 amended as an emergency was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

**2019-03: A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH HIRAM COLLEGE FOR THE HIRAM FIRE DEPARTMENT AND HIRAM VILLAGE POLICE DEPARTMENT TO PROVIDE SERVICES TO HIRAM COLLEGE AND DECLARING AN EMERGENCY.** 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 as an emergency was made by Mr. Hemphill and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

**ANY OTHER BUSINESS:**

Paul Spencer asked what could be done about houses within the Village where roofs are falling in? People are living in them; what is the Village's responsibility? Council discussed further what can and what cannot be done.

A motion to convene in executive session for the purpose of purchasing property pursuant to Ohio Revised Code 121.22 at 9:00 p.m. was made by Mr. Dempsey and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

A motion to come out of executive session and reconvene in regular session at 9:23 p.m. was made by Mr. Dempsey and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor.


A motion to empower our Village Administrator, Assistant Village Administrator and our Village Solicitor to handle the acquisition of the property for the new water tower on behalf of the Village was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.

A motion to adjourn the meeting was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. The meeting adjourned at 9:24 pm.

These minutes are pending approval by Council.

  
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Mayor Lou Bertrand

ATTEST:

  
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Fiscal Officer Susan J. Skrovan