

# Hiram Village Council Meeting

Rosser Municipal Building

11617 Garfield Road, Hiram, Ohio 44234

March 14, 2023

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

The following persons were present: Betsy Siman, Devin Brown, Middlefield Bank Branch Manager Lisa Lee-Muldowney, Hiram College President Dr. David Haney, Stacy Turner; Reporter with The Weekly Villager, Hiram College student Madison Palmer, Kweethai Neill and Steve Stork.

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 followed by the pledge to the flag.

Mayor asked for a motion to approve the regular meeting minutes of February 14, 2023. A motion to approve the meeting minutes as presented was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

Mayor asked for a motion to approve the proposed agenda as amended. The Mayor noted that Susan had added under her report our Middlefield Bank representative. A motion to approve the proposed amended agenda was made by Mr. Hemphill and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

## GUEST AND PUBLIC COMMENT

Betsy Siman wished to give thanks to the Mayor and to Council and the James gang for three things. The light in front of her house was changed in a very timely manner by the State; the sidewalk in front of her home, working with the contractor on the project, was slanted away from her house and toward the culvert. And the timely repair, in very cold weather, of the water main break! She appreciated everyone's efforts!

Devin Brown asked if there was any word on when he would receive his payout check? The Mayor asked him to address that to the Fiscal Officer. Devin said it has been addressed several times; there has been multiple emails sent out. He talked to the Chief when he turned in the rest of his stuff and the chief told him he would stay on it. Devin said he reached out last Thursday; no response back. He reached out Monday; no response back. Devin stated it has been a month since you guys all chose to lay him off. Devin said he spoke with unemployment and was told they could not start anything until all his funds were paid to him. That is why he is here today; it would be really nice for his family! The Mayor asked if Susan would like to respond to Devin about that. Susan said she could respond if Council would like her to do so. Thursday, Devin's email went to Wendelin, it was regarding getting copies of your pay stubs which, Susan believed, she provided to Devin. The second part of his question in the email was, any word on my payout? At that time, there was no word on the payout. Yesterday afternoon, Devin sent an email asking me about it. Susan said when you were in the office, Susan had told Devin then that it would be after your final paycheck, which is tomorrow. Devin said technically, he has it all recorded, the whole conversation was recorded the entire way! Susan said that's fine. Devin had come to the window at first and then the Chief brought him into the fiscal office. Devin said the Chief's exact words was "that he was staying on top of this, you need to get paid as soon as possible". Devin said it has been a month now, you all have your numbers together! Susan said Devin needs to talk to the Chief then, because what she told her when she came in. Devin said he is not going through all these people, that is why he is bringing it to all you guy's attention right now so we can try and get this resolved in a timely fashion which he thinks it should be! Susan restated as she had said when Devin was in her office that she cannot issue that check until after your last paycheck is delivered to you which is tomorrow! Your last paycheck EFT is tomorrow. Devin said it was already put into his account. Susan said okay, she cannot do anything until the payroll is done for you and then she can calculate his payout. Devin questioned why she could not calculate it until he gets paid out on his last check? Susan said yes, that is correct, until all his numbers are up to date, his final numbers to pay him out. Susan said she did tell Devin by the end of this month you

would be paid out. Devin said, you said within a couple weeks or towards the end of the month. Susan said yes. Devin said so now he is sitting here waiting, you guys all get paid here, where is my check at? Susan said you got paid. Devin said where is my payout for the service that I did for Hiram Village? Susan said she told him when. Devin said again, where is my paycheck for Hiram Village at? Council, I mean, can we try to solve this? Chris Szell said it sounds to him that you are going to get paid tomorrow or that it may have hit your bank using EFT, it may not have hit our account yet. Susan said it did, she has to send it three days before payroll is to hit. Chris said so he is hearing from Susan that she should be able to handle payout by the end of the month, correct? Susan said exactly! Devin said, by the end of the month? Susan said which is within two weeks. Devin said exactly, but he has bills to pay also! Susan said she is hoping that it is a week; but she does have to calculate it. Devin questioned how much she needs to calculate, it is for one officer who is already laid off? Devin said it would be nice to provide for his family as well, for the short notice that he was given being laid off here! Devin said he is not trying to sit here and cause a storm, but this is kind of crazy! Chris Szell asked if by the 24<sup>th</sup> Susan could have that completed, which is the end of next week? Susan said yes, by the end of next week because she will have to do it before the next payroll which will be by the 24<sup>th</sup> so yes, it will be before that time. Devin asked Susan when he could expect the check? Susan said she will have to contact Devin because it will not be electronic, it will be a physical check. Devin said yes, Susan had told him that. Susan said as soon as the check is printed, Susan or Brian can contact him. Devin asked about an email, can someone respond to his email. Sure. There was nothing to tell him today. Devin said a simple, hey it is not ready yet, something to just keep him in the loop, he would be appreciative of. Chris Szell asked Devin if that satisfies him by the 24<sup>th</sup>? Devin said to be honest with him, it doesn't but. Chris said it sounds like that is the quickest we can do it. Devin said it has been a month! Devin said those funds could have already been calculated; we are paying Devin Brown out this month, this amount of money that should already be set aside and according to Sue, it doesn't need to be approved by Council. Devin stated, why can't we just get this check cut? Chris said he does not know the in's and out's, he is sorry. Devin said the 24<sup>th</sup> is when he will have it, is that correct, the 24<sup>th</sup> he will have it? Susan said no later than that. Devin asked again, the 24<sup>th</sup>, he will have it? Yes. Chris Szell said if there are any issues, Susan will communicate that directly. Devin said okay; if Brian was here, he had another question for him, but he is not here. He will save that for the next time.

Hiram College President David Haney commented that it is snowing!

## **DEPARTMENT HEAD REPORTS**

**\*Police Office James Clemens provided their monthly report in the absence of the Police Chief.**

CPT training that is required by the State of Ohio is going to be 24 hours mandated training which must be completed by all officers this year. Those hours will be reimbursed by the State to help offset our payroll.

Pancake Breakfast fundraiser is set for Saturday April 15<sup>th</sup> at Dix dining hall at the Kennedy Center from 9-1:00 pm.

Speed trailer will be taken out of storage and placed throughout the Village to track and deter violators beginning April.

The Police Department will be applying for a Public Safety grant to obtain pole mounted speed/radar monitors.

Beginning April 1<sup>st</sup>, a new Ohio distracted driving law takes effect. In short, no driver shall have a cell phone, or other electronic communication device in their hand while driving. Hands free is permissible or during an emergency. Law enforcement will issue warnings to drivers violating the law for the first six months, after that period, law enforcement will have the authority to issue citations which will include a fine up to \$150.00 for a first offense and two points on their license unless a distracted driving safety course is completed. This information will be placed in our next Communicator and is on the Police's Facebook page. The Mayor asked the officer if he would recommend that Council pass a Village ordinance that conforms to State law? Officer Clemens said it would be a good idea.

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

Chief Byers reported on the recent cot repair bill which will show up on the bill's list. Bill explained what needed to be done including a hydraulic oil leak. The whole system was gone over and checked.

**Village Administrator James McGee provided their monthly report.**

James reported they have made two Federal earmark requests for funds to Congressman Dave Joyce and Senator Sherrod Brown's offices for infrastructure grants. Both grant requests would be 80% of the projects. Our 20% would be funded by OPWC, OEPA loans, or other possible grants.

- The first project is a water treatment plant improvement project estimated at \$1.875 million dollars.
- The second project is widening the main intersection at S.R. 700, 82 and 305 estimated at \$1.6 million dollars. James would ask Council for a motion of support for both of these projects; it would help with receiving the grants. The Village's portions for each project, if successful, would be 20% or \$375,000 for the water project and \$320,000 for the intersection. These would be through loans or grants with OPWC, OEPA, OWDA or AMATS. These are for next year's budget with the Federal Government. Chris McCreight asked about the benefits on the second project for the intersection. James explained what would be improved with the project. President Dr. David Haney noted the College is in total support of this project! It will also allow for a crosswalk on this side of the road allowing people to get to church much quicker this way. The College has already written a letter of support for the project.

**A motion to support the Village Administrator in the applications for Federal Earmark Funding was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.**

James and Steve have met with CT Consultants to go over plans and design for the Constance Road lift station. Bid specifications are being written for the project and should be going out this summer.

Bids were opened for the Hinsdale/Winrock Improvement project on February 24<sup>th</sup>; Grade Line, Inc.'s bid of \$199,000 was the best and lowest bid. All documents have been reviewed and approved by the engineers. There is now room in the project funds to put down thicker asphalt and to possibly pave the hike and bike trailhead parking lot. The project has a \$250,000 OPWC grant and a \$50,000 zero percent loan over 20 years.

The roof work is scheduled to begin mid-April for the Salon building at \$6,775.00 out of the General Fund, the WWTP at \$15,400.00 using sewer capital funds and the Light Plant building at \$15,000 which would also have to be General Fund.

Kimble provided a quote for the spring cleanup of \$1,645.00; which would come out of the General Fund. James would like Council's approval to move ahead.

**A motion to authorize the Village Administrator to move forward with the annual Spring Cleanup with Kimble was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.**

David Smith had asked James and Steve about cleaning out some of our catch basins. James said we have 144 catch basins in the Village. They received a quote for \$65.00 per catch basin if they are vacuumed at the same time for a total cost of \$9,360.00. James said we cannot afford to do all of them at this time. Most of them are flowing; some do need work. Dave said there is a reason other communities clean them out. Steve said it would come out of the General Fund; they have been working on them within their budget each year as they can. Chris Szell asked about Fund 2012? Dave Smith said we have the .25% additional income tax in place for street infrastructure upgrades? Steve would like a list from Dave on the ones he saw that were really bad; they would start with them. Chris Szell would recommend James and Steve work on cleaning the streets this year now that our new equipment is here and then start cleaning out some of the catch basins this year and make plans on a three-year cycle to work on the rest of them. More discussion followed.

**Mayor's March 14, 2023 Report to Council**

**PLANNING AND ZONING:**

- The Commission met on Tuesday March 7<sup>th</sup> and again discussed blighted properties, possible zoning amendments. Hiram's learned Village Solicitor is working with Hiram College's legal counsel to effectuate a plan for the sale of those individual Dodge court structures and property.
- In that vein, the Village needs a representative to attend the County Planning meeting scheduled for the second Wednesday of the month in Ravenna beginning at 4 p.m. (Tomorrow)
- I have been directed to request the Director of the Portage County Planning Commission, Todd Peetz, to attend Hiram's Planning and Zoning Commission meeting on Tuesday, April 4, 2023.

#### **STAR OHIO:**

- The State Treasury Asset Reserve of Ohio (STAR Ohio) is an investment pool managed and administered by the State Treasurer of Ohio. Participation is offered to subdivisions of the State of Ohio as defined in Section 135.45(G)(2)(a).
- Note: FUNDS IN STAR OHIO ARE COMPLETELY LIQUID!
- STAR Ohio Participants have important advantages and with possible small and mid-sized bank problems/failures: The security of an investment pool that has Standard & Poor's highest rating, AAA.
- STAR OHIO provides consolidated monthly account statements.

#### **MONEY IN THE VILLAGE FUNDS:**

As of the end of January 2023, the Village has **\$1,760,537.15 (over \$1.7 million)** as reported in February past. Deposit/Invest 1.3 million in STAR Ohio would yield **\$60,000 p/yr.** whereas our current yield through Middlefield Bank is currently **\$26,000 p/yr.**

#### **LEASE WITH COLLEGE:**

The proposed 99-year lease with Hiram 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 Barnard 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.

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

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

December, January & February Bank Reconciliations all balanced with the UAN with no adjusting factors and following the closing of year-end, have posted to the UAN and are now available for signing by Council & Mayor.

Cash Summary by Fund as of February 28, 2023 was provided last Friday by email & in their packets.

List of bills as of March 10, 2023 was provided to Council last Friday by email & in their packets.

Council Regular meeting minutes of February 14, 2023 was provided to Council last Friday 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 did provide Council with the actual income tax figures in the UAN received monthly from R.I.T.A. These are the gross amounts received less the retainer for collections for each fund. These are real numbers from the UAN.

Susan brought before Council an email notification she received from the State of Ohio, Dept. of Taxation, Andrew Coulter, regarding our municipal net profit tax. Apparently, we had a deficiency! Susan said she had never seen this before. A deficiency of what they collected and sent to us and what actually should have been paid to us! Companies pay estimated tax; this covered a two-year period, 2021 and 2022. Susan had to go online and pull off the distribution reports to see which companies were estimating high. We now have to pay back \$7131.87 which will come out of our General Fund! If we do not pay it back, they will start to take it out of monies they collect or by other means. Paul Spencer asked if we have to pay interest? Susan said no. Her office did contact the company that estimated high so that it can be corrected. Apparently, if companies estimate low, they pay a penalty, so they over-estimate!

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

Susan said following the motion by Council to invest in STAR Ohio, she did go to our local bank branch and spoke with them and let her know what we were planning to do. Susan needed to know how much of our funds could be pulled from our accounts and invested. The bank said they would get back with Susan, which she did. Following that information, Susan also received a call from the branch manager who is here this evening. She asked if she could come this evening and go over our accounts and some of the information they had provided. Lisa Lee-Muldowney, Branch Manager with Middlefield Bank asked to address Council regarding their discussion about going to STAR, Ohio with the State of Ohio to invest their funds. Lisa went onto explain what Middlefield Bank is willing to do for the Village of Hiram to keep them as a customer. Lisa provided a pamphlet of information about the bank and her years in Portage.

Lisa pointed out the benefits of staying local including the fact that funds invested with Middlefield Bank stay in our community! They lend those funds within our own community. She hopes that after today, Council will reconsider to keep the Village's funds with Middlefield Bank.

Middlefield Bank did get the approval to match the interest rate of STAR Ohio at 4.65% for at least six months and will put that in writing effective today, March 14, 2023. Your funds would be liquid and stay local. Lisa said the Village's funds are 100% covered outside of FDIC, the bank has set funds aside for us. The Village has a banking agreement with them so we are covered 100%! Paul Spencer asked Lisa about matching any future STAR Ohio rates? Lisa said if it was brought to her attention, she would see what she could do to match them. The Mayor spoke about where we were at with our interest rates and him contacting the president of the bank. The Mayor did some investigating and found STAR Ohio. The Mayor felt Middlefield Bank has not looked out for the Village's best interest; he believes STAR Ohio will do that since our funds are all public funds! Chris Szell said he appreciates Lisa and the bank matching STAR Ohio and is inclined to stay with Middlefield Bank for the six months at least. Chris McCreight felt we should continue our relationship with our local bank for the trial period of six months. Paul Spencer felt we also should stay with Middlefield Bank, our local bank, however, they need to keep our interests in mind! Lisa said she is committed to this partnership and will plan to meet with Susan on a monthly basis to keep information up to date. Beth Greenwood said she would like to see a base minimum rate set for the interest rate that we could not fall below.

**A motion to stay with Middlefield Bank for a six-month period as long as everything is in writing was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.**

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

## **HIRAM TOWNSHIP REPORT**

No Township report tonight.

## **LEGISLATION**

### **ORDINANCES**

**2022-18: AN ORDINANCE ENACTING TITLE 7 CHAPTER 351.16 OF THE TRAFFIC CODE. TABLED ON 3<sup>rd</sup> READING.** A motion to remove Ordinance 2022-18 from the table was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. A motion to approve on third reading was made by Mr. Szell and seconded by Mr. Hemphill. David Smith asked whether James or Steve would have called a snow emergency today? They said no. The result of the voice vote was 6-0 in favor.

**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.**

**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. 2<sup>nd</sup> READING.**

**2023-03: AN ORDINANCE AMENDING SECTION 521.10 OF THE HIRAM CODIFIED ORDINANCES TO PROHIBIT SMOKING IN VILLAGE OWNED PARKS. 2<sup>nd</sup> READING.**

**2023-04: AN ORDINANCE ENACTING CHAPTER 191 OF THE HIRAM CODIFIED ORDINANCES TO IMPOSE AN EXCISE TAX ON LODGING WITHIN THE VILLAGE. 2<sup>nd</sup> READING.** Chris Szell said there are two provisions for a 3% levy; he wanted to see Council get rid of the second 3% because that would require a tourism bureau that we do not have. Paul Spencer and Frank Hemphill were good with that proposed amendment. A motion to amend on second reading Section 191.05 of the proposed legislation to remove the phrase, “and the additional 3% tax on lodging as levied under Section 191.02” was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

**2023-06: AN ORDINANCE TO PUT IN PLACE PERMANENT APPROPRIATIONS AT THE FUND LEVEL FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF HIRAM, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Hemphill 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. Szell. Steve Schuller had provided a simple table of numbers from the General Fund showing where cuts were made and showing the figures that Susan is presenting Council. Susan did explain the transfers that were discussed at Finance, do come out of the overall funds spent from the General Fund. More discussion followed. Paul Spencer called the question. The result of the voice vote was 6-0 in favor.

**2023-07: AN ORDINANCE ESTABLISHING THE USER TRANSPORT FEE FOR EMERGENCY MEDICAL SERVICES PROVIDED BY THE VILLAGE OF HIRAM FIRE DEPARTMENT AND REPEALING ORDINANCE 2015-11 AND OTHER INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Smith 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. Szell and seconded by Mr. Smith. Solicitor Tom Reitz said it cannot be “retroactive” and will have it effective as of April 1, 2023 in order to have a smooth transition. Chris Szell called the question. The result of the voice vote was 6-0 in favor.

#### RESOLUTIONS

**2023-03: AN EMERGENCY RESOLUTION TO AUTHORIZE THE SOLICITOR TO ACCEPT ON BEHALF OF THE VILLAGE THE MATERIAL TERMS OF PROPOSED SETTLEMENTS WITH ALLERGAN, CVS, TEVA, WALGREENS AND WALMART, ALL UNDER THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Spencer 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. Spencer and seconded by Mr. Szell. Beth Greenwood asked why this was an emergency? Solicitor Tom Reitz replied the deadline falls before three reads. We will not see any of this money; it will all go to Portage County. The result of the voice vote was 6-0 in favor.

**2023-04: A RESOLUTION AUTHORIZING A CONTRACT WITH GRADE LINE, INC. FOR THE HINSDALE ST. & WINROCK DR. PAVEMENT RESURFACING IMPROVEMENT PROJECT WITHIN THE VILLAGE OF HIRAM, PORTAGE COUNTY, OHIO AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Szell and seconded by Mrs. Greenwood. 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 Mrs. Greenwood. Chris McCreight asked if paving the parking by the Hike & Bike was included in the project? James said yes. Chris McCreight said it may benefit us to keep it unpaved near the retention pond. The result of the voice vote was 6-0 in favor.

**ANY OTHER BUSINESS:**

Solicitor Tom Reitz wanted to provide an update on the Plum Ridge property and the bankruptcy proceedings of Donald Miles. His case was dismissed at the end of February due to the failure of Mr. Miles to cooperate with the bankruptcy court. Tom asked for some guidance from Council as to whether you want further enforcement. It did not result in any improvements to the property. Paul said can we motivate the bank for a sale? Tom said he can certainly informally communicate that to them.

Betsy Siman asked permission with Hiram College President to go on college property with her pitch fork and remove a dead squirrel. She was given approval to collect him or any dead animal and give them a burial.

Hiram College student Madison Palmer asked about the townhall meeting that was cancelled in February. Chris Szell said it has been rescheduled for Wednesday April 19<sup>th</sup> at 7:00 pm.

Chris Szell also brought up the college property that the Village would like to acquire in order to stockpile natural materials. Chris spoke with Nancy Rubin, CFO with Hiram College who said they do not have any problem with leasing the property to the Village; it would need to be surveyed at a cost of \$2,000. Chris felt the Village should cover the cost of the survey.

**A motion to pay no more than \$2,000 for a survey of a piece of Hiram College property to be leased to the Village was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 5-0-1 with an abstention from Mr. McCreight.** Chris Szell directed the Fiscal Officer to pay for the survey out of the General Fund.

Chris Szell said that Hiram was put on the map this weekend; there was a Boreal Chickadee sighting at Dave Factor's house! The last time a Boreal Chickadee was seen in Ohio was 80 years ago, 1943!

**A motion to adjourn the meeting was made by Mr. Szell and seconded by Mrs. Greenwood. The result of the voice vote was 6-0 in favor. The meeting adjourned at 8:37 pm.**

These minutes are pending approval by Council.

  
Mayor Lou Bertrand

ATTEST:

  
Fiscal Officer, Susan J. Skrovan-DeYoung