

# Hiram Village Council Meeting

Rosser Municipal Building

11617 Garfield Road, Hiram, Ohio 44234

November 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, 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: Jennifer Berendt with Reitz, Paul & Shorr, Madison Palm; student at Hiram College, Denny Taylor, Sean Fabich, Ed Frato-Sweeney; Councilman elect, Trevor Elkins with Targeting Solutions, Fred Miavitz and Kristen and several others.

Mayor Bertrand called the regular meeting to order at 7:08 p.m. following the public hearing. The Mayor asked that all cell phones be silenced. There was a moment of silence at which time the Mayor read all the names of those who died from a military helicopter going down followed by the pledge to the flag.

Mayor asked for a motion to approve the regular minutes of October 10, 2023. A motion to approve the meeting minutes as presented was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

Mayor asked for a motion to approve the proposed amended agenda as presented. A motion to approve the amended agenda 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

The Mayor said given the number of guests at the meeting; comments will be limited to three minutes. The Mayor also noted that any proposed emergency legislation before Council to be adopted at this meeting, the public can comment on at that time.

Mr. Sean Fabich asked the Council why everything is on emergency? He then continued to go on and on about the leaves not being picked up and having no police past the first shift! Mr. Fabich said the last meeting, Mrs. Greenwood stated that paying Council gets this Village the best of the best and the cream of the crop! Beth Greenwood said that is not what I said. Beth clarified to Mr. Fabich that what she said was, she would give up her salary, happily. If this Village does not pay Council people, it will not attract the cream of the crop! Sean Fabich proceeded to keep talking about what Beth said and about her family! Beth objected to Mr. Fabich speaking about her or her family. He then turned on Mr. Hemphill and his personal health! Chris Szell said this has nothing to do with the meeting. More discussion between guests in the audience. Sean Fabich felt the Village looks like shit, with rotting piles of leaves everywhere! Sean Fabich asked Council to do the right thing and table all legislation until Ms. Haynam takes office. Mr. Fabich continued to go on and on about Mr. Hemphill's personal health. Steve Schuller asked him if he was a doctor? Mr. Fabich replied yes! Steve said no he wasn't. Mr. Fabich said you don't know that and on and on. Chris Szell informed Mr. Fabich that his three minutes were up. Mr. Fabich wanted Council to table everything! He left into the hallway.

Madison Palm; a member of the Student Senate at Hiram College, reported they held a senate meeting last night. The Village was going to form a committee for the paid parking permit proposal and that you would like a student on it? Chris Szell said we are still working through how Council will be implementing the program. Finance is typically where they will discuss it. Paul Spencer said it was discussed at Finance about possibly having a student be a member on the Parking Bureau.

Mr. Williams asked if there was any update on the leaf pickup issue? Chris said we will have an update in the department head reports.

## **DEPARTMENT HEAD REPORTS**

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

Chief Gregory first apologized to the public for the comments this evening! We have to listen to the comments.

There were 263 offense reports for the month of October with 29 traffic stops resulting in 13 citations issued; which have gone down. His department has also issued 58 parking tickets, which is up.

Chief Gregory reported on his department being awarded last week, the AAA Platinum Award again this year; their 12<sup>th</sup> consecutive year!

Shop with a Cop event will be held on Saturday December 9<sup>th</sup> from 9:00 am to 12:00 pm at the Streetsboro Target. Brian invited any of Council and their families to come out and participate, help wrap or shop for a good cause. Following the shopping, families will come back to our Fire Department bays. AVI has volunteered to pay for and cook the breakfast.

For Halloween, they had 150 children attend the event at the fire station.

CPT training, we have received a check for \$2,454.50 to reimburse for officer training; about \$1,500 more to come.

Brian is working on the Ohio Collaborative re-certification; it should be done before year end.

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

Chief Byers said his report was emailed to Council. The Chief commended all the elected officials and our Solicitor for maintaining their composure and professionalism at all times; especially during public comments!

They are in the process of onboarding to a new State reporting system which will be required for their fire reports.

The Medicare/Medicaid revalidation for billing has been completed with Lifeforce Management.

The fleet will be going out for preventive maintenance in the coming weeks.

Halloween was a success; Bill thanked the Village and Township for sponsoring the event! Sam and Trish Eisele with Eisele's Catering came out and grilled the food for the event. They do this for the Fire Department every year!

David Smith asked about our mutual aid calls? Bill said yes, there has been an uptick in mutual aid calls. All departments in our area help each other when they are needed. Staffing has been down everywhere!

Chief Byers reported that Hiram Township voters supported and approved a replacement levy for Fire!

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

James announced that the new water tower has had its main line pressure tested and chlorinated; it passed the engineer's test. The week after Thanksgiving, the water tower will be sanitized and filled.

For the water plant; we have the new control panel which will be installed December 26<sup>th</sup>.

The 700-lift station or Constance lift station pump failed, it was down for four days and required a company to come in and pump it out every eight hours at \$1,430.00 per day!

With regard to the leaves; the leaf machine, which had work done to it last year and was running fine, had its crank shaft snap! A quote to rebuild the engine would run \$14,000. James called multiple places for quotes. James received a quote from M & M Landscaping to pick up leaves at \$4,300 per pick up. It is the best option they have right now.

Steve located a 1997 machine in Indianapolis for \$13,500, ours is a 1993. The dealer in Indianapolis is having some trouble getting their machine started. M & M is our only option at this point; Steve's Leaves could not make the trip this year with the condition of his truck; maybe next year. Chris Szell said M & M would be the most expedient at this point. Paul Spencer asked what a new machine would cost. Steve said for what we have now, a new one is around \$116,000. Steve added the one from Indianapolis has not run for two year. The Mayor said Ravenna has several leaf machines; can we contact them to borrow one. Mayor's have talked about it before; shared services. Steve said we could, but if their machine breaks, we would be liable to fix their machine. We would still not have a leaf machine of our own. Chris Szell is not sold on the 1997 machine. Beth Greenwood asked what M & M's one load quote would include. James said it would be one pick up around the Village and it may be more since we now have more leaves around the Village. James would suggest to Council to hire M & M for a one-time pickup sometime after Thanksgiving. We could advertise it so that all our residents know when they will come. More discussion.

**A motion to hire M & M Landscaping for a one-time pick up of leaves of \$4,300 was made by Mr. Spencer and seconded by Mr. Hemphill.** Chris McCreight asked what line item that would be paid from? Steve said the General Fund or Street Infrastructure (Fund 2012). Chris Szell would like to split the cost between the two funds. There was discussion about advertising it to the public. Steve said our departments are restricted from communicating to the "public" or to the "media" as per the Mayor; it is in our employee handbook. Can we have a motion to allow us to do that. The Mayor said he approves the Street Department communicating with the public. James said he is not sure whether their quote will be sufficient to collect all the leaves and wanted to have enough on the purchase order. Chris Szell called for the question. **A motion to amend the motion to hire M & M Landscaping to pick up leaves not to exceed \$6,000 and split between General Fund and Street Infrastructure Fund was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.**

## Mayor's November 14, 2023 Report to Council

### PLANNING & ZONING:

The Commission did meet on Tuesday, November 7<sup>th</sup>. However, at the time, I was engaged at the polls handing out candy and pens with little or no effect on election results for the mayoral race. The Township FIRE/EMS 2 mil replacement levy on real estate passed with over 2 to 1 support. (The November Planning and Zoning Commission report will be given by Mr. Paul Spencer.)

### TOWNSHIP FIRE LEVY:

The 2 mils \$130,000 to \$172,000 passed by 2/1 majority.

### LIGHT PLANT PROPERTY:

As reported the "Old Light Plant" property is to be advertised for bids and sold. The ingress and egress easement to and from the College property to access Wakefield (SR 305) has been signed, notarized and recorded. Solicitor Reitz asked Susan if the easement has been recorded; Susan said yes. So we are ready for the advertisement; Tom will be happy to draft the legal ad for the sale of the property.

### COMMUNICATION WITH AND BY HIRAM COLLEGE:

There was no meeting today as President Bohrer was engaged with college meetings that conflicted with our scheduled meeting.

### SPEEDING IN VILLAGE:

There is considerable concern with speed within Village limits, both on the State Routes and on Village streets. (Yes, speed cameras operated by police officers that are authorized to issue civil penalties is a solution.)

### 33<sup>rd</sup> MAYOR ELECT, MS. ANNE HAYNAM:

I have been in contact with and have congratulated Hiram's Mayor elect Ms. Anne Haynam and we will be working on a smooth transition to her leadership of our Village.

**BECAUSE OF THE RETIREMENT OF OUR LEARNED VILLAGE SOLICITOR, HIRAM VILLAGE WILL BE RETAINING A NEW VILLAGE SOLICITOR:**

The Committee consisting of Council President, VA, Police Chief, Fiscal Officer and Mayor will meet this week to consider the excellent Candidate/applicants. The committee has recommended the selection of Attorney Jenn Kangas Berendt, an associate of Attorney Thomas Reitz for a one (1) year contract.

Planning & Zoning update; Paul Spencer as chair reported on several issues including the zoning map and the owner of Great Northern Apartments being asked to sell her property. We found out that about half of her apartments are sitting on an R-2 District; if anything happened to them, they could never be rebuilt or restored. There are others that do not meet current zoning for size and setbacks. There was never a conditional use applied or a variance applied. In addition, the nuisance properties; the Zoning Inspector was directed to take additional photos.

Brock Benner came to the last P & Z Commission meeting with an approved site plan of their property for twelve homes! This development will be coordinated with our Street Department and the P & Z Commission as things move forward. They want to be sure their development will fit the existing area.

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

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

The October 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 October 31, 2023 was provided last Friday by email & in their packets.

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

Council Regular meeting minutes of October 10, 2023 was provided to Council today by email & in their packets.

UAN Municipal Income Tax receipts YTD report was provided to Council today & in their packets.

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

**A motion to approve the Fiscal Officer's report for October as submitted was made by Mr. Spencer and seconded by Mr. Szell. 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**

**2023-17: AN ORDINANCE TO AMEND CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM REGARDING NUISANCES. 3<sup>rd</sup> READING.** A motion to approve was made by Mr. Spencer and seconded by Mr. Szell. Madison Palm asked with the passage of this legislation, will the feral cat program at Hiram College be able to continue? Paul Spencer said as long as the College approves the program; it is on their property. Davis Smith said he did not see anywhere in the legislation where it states it would be okay on private property. Chris McCreight said there should be another line added to not include, "trap, neuter and release or TNR". Chris Szell spoke about how you would enforce this and about having a permit issued through the Village to allow for TNR. Solicitor Tom Reitz said he is completely unknowledgeable about a TNR program. If Council would like him to look for legislation under other communities' ordinances, he could do that. Beth Greenwood said she is not comfortable with legislation that requires enforcement and fining residents without a productive way of handling this nuisance; it is not a solution. Chief Gregory said we have hundreds of feral cats in our Village!

Denny Taylor commented about having a better education program for the Village. The American Bird Conservancy has data that shows the trapping, neutering and release program is the primary factor causing the decline of American songbirds! Chris McCreight said there should be another line added to not include, “trap, neuter and release or TNR”. He Mayor felt Council should table this ordinance until we know more. More discussion. Trevor Elkins with Targeting Solutions commented on where he lives in Newburgh Heights and how they are trying to handle the problem of feral cats. His community spent about \$25,000 and it did help the problem but unless you continue to invest in the program, it will continue to be a problem. Beth Greenwood felt we have a problem in the Village; we do not have a clear solution to the problem and she felt this ordinance is not a solution. She would recommend tabling the legislation. A motion to table Ordinance 2023-17 on third reading was made by Mr. Smith and seconded by Mrs. Greenwood. The result of the voice vote was 6-0 in favor. Council asked Tom Reitz to see what he can find on the subject in other legislation.

**2023-19: AN ORDINANCE TO AMEND SECTION 1113.21 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM REGARDING CHICKENS. 2<sup>nd</sup> READING.** The Mayor said we will refer this back to Planning & Zoning. Solicitor Tom Reitz said it actually has not been amended yet. Your code says if you are going to amend your zoning code; you must consult with your Planning Commission. Since this amendment started here at the Council level, it had to be referred to the Planning Commission. Tom sent an email to your liaison to your Planning Commission; Paul Spencer, and he was very proactive and held the Planning Commission meeting before you made the referral! So, you have a resolution later tonight to refer this matter to the Planning Commission; please pass it so that the Planning Commission can consider it a second time. Your amendment here isn’t actually something that’s been acted on by the Village Council; it’s the recommendation of the Planning Commission. They should meet again before your next Council meeting and before your public hearing on this matter and then you should have just one version of this legislation to consider. The next Planning & Zoning meeting is scheduled for December 5<sup>th</sup>. Chris Szell felt that until we have all our answers to these questions; he felt Council should be prepared to table this at their next meeting. Paul Spencer brought up a question, we have several individuals now that are in violation of our current zoning code that we are aware of and that we are supposed to go after within 30 days of noting this and we have not taken any action on any of these individuals. The codified does not give us the right not to. So, we are not holding individuals up to the letter of the law! Paul said we are already past the 30-day mark.

**A motion to have a moratorium on enforcing the regulations with respect to chicken ownership in the Village until Ordinance 2023-19 has been finally determined was made by Mr. Smith and seconded by Mr. Szell. The result of the voice vote was 5-0-1 with an abstention by Mr. McCreight.**

**2023-20: AN ORDINANCE AMENDING THE INCOME TAX REGULATIONS, CHAPTER 182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HIRAM. 2<sup>nd</sup> READING.**

**2023-22: AN ORDINANCE ADOPTING AN AUTOMATED TRAFFIC CONTROL ENFORCEMENT PROGRAM, ESTABLISHING CIVIL PENALTIES FOR AUTOMATED VIOLATIONS, 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 table Ordinance 2023-22 was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

**2023-23: AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 319 ENTITLED “MANUALLY-OPERATED TRAFFIC LAW ENFORCEMENT DEVICES,” ESTABLISHING CIVIL PENALTIES, AND REPEALING ORDINANCES IN CONFLICT HEREWITH 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. Szell and seconded by Mr. Spencer. Chris Szell said Trevor Elkins with Targeting Solutions is here tonight. Chris said the contract does not include and upfront costs even though eventually we do pay the \$25,000 set up as we incur income. Chris would like to see a 70/30 split on the contract. Mr. Elkins said the 60/40 is consistent with the other communities they do business with and with the industry standard.

Trevor said the larger Cities like Cleveland or Youngstown, because of the volume, the number is depressed. More discussion about the Village's upfront costs of having police officers staffed for the hand-held units versus the stationary cameras. Trevor said he could do a 62/38 split. Paul said that is better than the 60/40 split. Chris Szell would like to see this passed. Chief Brian Gregory has other questions for Trevor on the program; maybe discuss it with him after the meeting. Solicitor Tom Reitz said Council has two action items on this; the first one is to establish the code, that is what's before you now. Later this evening, you have a resolution to approve the contract and the contract is where you will make a motion to amend the percentages of the contract. Chris McCreight asked about monthly reports to the Village. Trevor said yes, what will happen is a report will go to the Police Chief, the Fiscal Officer and if you would like, any individual Council member. The report will have a listing of all the citations issued, the speed the individual was traveling and the fine amount. Trevor said usually, you set the civil penalty at 10 or 11 mph over. He would recommend 11 mph over. The Mayor asked Trevor what effect, if any, will this have on our Local Government Funds. Trevor said manually operated hand held units do not sacrifice the Local Government Funds as per the opinion of the State Treasurer. Chris McCreight said he is very hopeful this will help to curb the speeding issue on our State Routes. Paul Spencer called for the question. The result of the voice vote was 6-0 in favor.

**2023-24: AN ORDINANCE ESTABLISHING SECTION 351.16 OF THE VILLAGE'S TRAFFIC CODE RELATING TO PAID PARKING. 1<sup>st</sup> READING.**

**2023-25: AN ORDINANCE AUTHORIZING THE CREATION OF A PARKING VIOLATIONS BUREAU WITHIN THE VILLAGE OF HIRAM, OHIO AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Spencer 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. Szell and seconded by Mr. Spencer. David Smith asked who the members will be for the bureau? Chief Brian Gregory said any Village employee can be on the bureau. Solicitor Tom Reitz explained what is being repealed and what and when the new is being enacted. More discussion. Chris Szell clarified that the purpose of this is for the street parking, not for traffic cameras correct? Solicitor Reitz said correct. Chris does not wish to pass this as an emergency and would like to keep this at the first reading so Tom has a chance to make sure all the procedures are ready to go. Solicitor Reitz said if you were to wait on this a month, he would not be opposed to it. A motion to table was made by Paul Spencer without a second. A motion to reconsider the suspension of rules was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. It can now go to a second reading.

**2023-26: AN ORDINANCE AMENDING THE VILLAGE OF HIRAM'S EMPLOYEE HANDBOOK, APPENDIX A. 1<sup>st</sup> READING.**

**2023-27: AN ORDINANCE TO PUT IN PLACE TEMPORARY APPROPRIATIONS AT THE FUND LEVEL FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF HIRAM, DURING THE FIRST QUARTER OF THE FISCAL YEAR ENDING DECEMBER 31, 2024 AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.**

**RESOLUTIONS**

**2023-24: A RESOLUTION REFERRING A PROPOSED AMENDMENT TO SECTION 1113.21 OF THE HIRAM VILLAGE ZONING CODE TO THE PLANNING COMMISSION AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Szell 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. Szell and seconded by Mr. Hemphill. We need 30 days' notice to the public hearing. The next Council meeting would not be 30 days. We will need to advertise for the hearing on December 19<sup>th</sup> at 6:00 pm before the Finance & Safety meeting and have Finance immediately following the public hearing. Chris Szell called for the question. The result of the voice vote was 6-0 in favor.

**2023-25: A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH TARGETING AND SOLUTIONS LIMITED FOR SPEED ENFORCEMENT SYSTEMS IN THE VILLAGE OF HIRAM 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 amend page six of the agreement, paragraph 3.a.ii.b. to read, 38% and 62% 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 amended as an emergency was made by Mr. Szell and seconded by Mrs. Greenwood. The result of the voice vote was 6-0 in favor.

**2023-26: A RESOLUTION AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES 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. Spencer and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

Chairman Chris Szell wished to thank all of the public that was present this evening. He hopes that they trust that the members of this legislative body are your neighbors; we have all raised children in this neighborhood. Chris said he trusts every person on this committee and he has trust in all of our staff. If you don't, please come and talk with us; we are trying to do our best to serve this community and he appreciates their attendance this evening! The Mayor seconds his comments.

A motion to convene in Executive Session for pending litigation at 8:50 pm was made by Mr. Hemphill and seconded by Mr. Szell. Solicitor Tom Reitz suggested to Council they ask that our Police Chief and Fiscal Officer remain. The result of the voice vote was 6-0 in favor.

A motion to reconvene in Regular Session at 9:21 pm was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

**ANY OTHER BUSINESS: None.**

A motion to adjourn the meeting was made by Mr. Hemphill and seconded by Mrs. Greenwood. The result of the voice vote was 6-0 in favor. The meeting adjourned at 9:21 pm.

These minutes are pending approval by Council.



Mayor Lou Bertrand

ATTEST:



Fiscal Officer, Susan J. Skrovan-DeYoung



10/10/10