

# Hiram Village Council Meeting

Rosser Municipal Building  
11617 Garfield Road, Hiram, Ohio 44234

November 8, 2022

The following Members of Council were present: Mr. Szell, Mrs. Greenwood, Mr. Smith, Mr. Spencer and Mr. Hemphill arrived at 7:05. 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, Village Administrator James McGee and Asst. VA Steve Schuller.

The following persons were present: Dr. David Haney; President of Hiram College, Madison Paul with Hiram College Student Senate and others.

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 proposed agenda. The agenda was amended to reflect an addition under the Department Head reports for a CI; Village Solicitor report. A motion to approve the proposed agenda as amended was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 4-0 in favor.

Mayor asked for a motion to approve the regular meeting minutes of October 11, 2022. A motion to approve the meeting minutes as presented was made by Mr. Spencer and seconded by Mrs. Greenwood. The result of the voice vote was 4-0 in favor.

**GUEST AND PUBLIC COMMENT** – Hiram College President David Haney discussed with Council a plan which was initiated by the students to have a gathering space on campus that would also sell alcohol. It would be located in the lower level of the Kennedy Center. Dr. Haney said they would apply to the municipality for a liquor license. They already have one for the Hiram Inn. This, obviously, is for a different location. They plan to start this process very soon. This is modeled from the College of Wooster. Students would have to have a Hiram ID and an age ID. The College would very carefully control that with arm bands and their security. They probably would apply for the top-level liquor license; then they could also use the facility for trustee meetings and other events and for the Village. It would be made available to the Village but not just open to anyone; maybe with a membership. They would work very closely with the Village Police and Chief Gregory along with our own campus security. He felt this will also help to prevent students from driving to Garrettsville to drink. They would be safer on campus. He would like any input from Village Council.

Dr. Haney would also like to say they plan a faculty/staff lunch hosted by the College in December and perhaps use that as some kind of fundraiser for the Village.

Dr. Haney also mentioned after the holidays, Hiram College wants to host an open house for Village residents to introduce the new faculty and staff as well as to squash rumors that may be out there.

They would love to see their students more involved with community projects in the Village. Chief Brian Gregory said this sounds good, he would love to see more involvement with the students and community events. Paul Spencer felt this is a good idea; we need to treat the students as adults. They would benefit from more social interactions with their community. Chief Brian Gregory spoke about the issues in the past with the College having a bar establishment that was there; he is going to be the negative one with this. This would be managed by their division of student affairs. The College would work closely with Chief Gregory to make sure all the proper protocols were put in place. Paul would rather see a student sneak a beer on campus and go back to their dorm rather than drive to Garrettsville! Chief Bill Byers complimented the College on probably the best group of RAs' they ever had; great interaction!

## **DEPARTMENT HEAD REPORTS**

**\*Police Chief Brian Gregory provided their monthly report.** There were 372 offense reports for October; it was a busy month! His department has undergone a lot of training; CPT professional training continues.

Halloween went well with five officers on duty and over 300 children, many from outside the Village.

Shop with a Cop event will again be at Target in Streetsboro with a tentative date of Saturday, December 3<sup>rd</sup> at 9:00 am. The schools will provide the Chief with a list of families and names. The kids are from the Crestwood and the Garfield School Districts. This year they will have \$325.00 per family.

Chief Gregory reported one part-time officer of his has retired; John Buettner after 29 years of service here. Chief Gregory said he obtained a plaque for him. The Mayor will do a proclamation.

Chris McCreight asked Chief Gregory about possibly getting the speeds of drivers off the machine? Brian said yes.

**\*Fire Chief Bill Byers provided their monthly report.** Bill had emailed his report.

The replacement bumper has finally come in for Engine 2. The new rescue squad came in; it is at the dealer in PA.

Chris Szell asked Bill about Santa on the fire truck; are they planning on doing that this year? Chief Byers said they are looking at doing it if they can get the help.

The Halloween party was a success! They went through 175 bags of candy! Sam & Trish Eisele, who always donate the food and cook, has finally accepted something! The Fire Association gave them \$150.00. Bill thanked Council for their support. Bill also received positive feedback on the back parking lot being paved!

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

The Street Department has set a one-time leaf pickup for November 18<sup>th</sup>. Residents must have their leaves out to the curb by November 17<sup>th</sup> and the contractor will come by and pick them one. The contractor is Steve's Leaves. James' office put out a notice at the post office, our posting locations and on our website. The contractor will be working the weekend, but once he goes by your house, he will not be back.

**Village Solicitor Thomas Reitz report.**

1): There is a private residence in the Village that is being sold and at closing, it was discovered that the use does not conform with your zoning code; it is a non-conforming use. The purchaser's lender wanted an assurance that should the structure burn to the ground; they could rebuild. Tom could not guarantee them this assurance; your zoning code prohibits it. These people had been tenants on the property and now want to purchase it. Without financing, they would have to leave. Tom told them if the structure burns down; they would have to make an application to the Village for zoning compliance, demonstrate that they were legally established or obtain a variance to comply with the zoning code. As it stands now, this would be very difficult for them to do. The component we have now in our zoning code is that with a non-conforming use that says, if it is destroyed, you cannot rebuild it. It would be a policy decision to change it. You may want to consider circumstances under which a non-conforming use could be restored or rebuilt perhaps more in conformity with your current zoning code. Paul commented on the current code and this property.

2): Update on Plum Ridge property; both property owners have been charged with a minor misdemeanor maintaining a nuisance on their property! Trial is set for December 8<sup>th</sup>. This case may not move forward since both owners have been unable to meet their obligations to their mortgage co. and the property is in foreclosure. The first Sheriff's sale is set for November 14<sup>th</sup>, if unsuccessful, the second sale is set for November 20<sup>th</sup>. They may no longer own the property. Tom said he will dismiss the case if they no longer own the property with costs paid by Mr. Miles and Ms. Texler.

3): Keith Holmes easement for a carport in the right-of-way; Tom still does not have a legal description from him! Planning & Zoning on Tuesday suggested to him to get his property surveyed. Tom said as an alternative, Council may want to offer him a “License” or permission rather than an easement. James spoke about an easement the Village is going to need from Keith Holmes on his property for a storm drain! The Village Administrator will contact him.

4): On September 13<sup>th</sup>, Council enacted Ordinance 2022-08 changing your income tax code. Regional Income Tax Agency or RITA has asked the Village when does it become effective. Legislation is effective 30 days after passage unless passed as an emergency. This went into effect and became law on October 12<sup>th</sup>. Tom did not believe that was Council’s intention at the time to make this change occur in the middle of the 10<sup>th</sup> month. Tom believes Council’s intent was to have it effective January 1, 2023. The Mayor said we need to do a technical change in the law and pass it. Tom said he will write up a piece of legislation for December’s Council meeting to do a technical change.

**A motion to make Ordinance 2022-08 effective January 1, 2023 was made by Mr. Szell and seconded by Mr. Hemphill. The result of the roll call vote was as follows: Mr. Hemphill-aye, Mr. McCreight-aye, Mrs. Greenwood-aye, Mr. Spencer-aye and Mr. Szell-aye. Motion passed unanimously.**

## Mayor’s November 8, 2022 Report to Council

### Planning & Zoning Commission Meeting:

The Planning & Zoning Commission met on Tuesday, November 1, 2022 and granted after review, a Zoning Permit to Ann Haynam’s proposal to install solar panels on her property on the northeast corner of Peckham and Bancroft.

The Commission also reviewed and granted a zoning permit to AT&T to construct an additional generator at the cell tower on Hiram College’s property north of the college’s town houses on Winrock Road.

### Cash Collateral Loan:

In 2019 the Village financed the sidewalks project balance of \$300,000. The Mayor feels this should be a commercial loan of twenty (20) years at 3% APR and a cash collateral loan of a 2% difference; this should be corrected.

### College Safety Contract Has Been Terminated By Both Entities:

Hiram College terminated the said safety contract effective September 30, 2022. See attached letter from Hiram College President Dr. David Haney.

### November 8<sup>th</sup> Election And What’s At Stake:

- Attached to this Mayor’s report are true copies of the maps of Ohio’s Congressional Districts, State Senate Districts, State House Districts and State Board of Education Districts.
- Also attached to this report are the Statewide Candidates and Ohio District Candidates, both Federal and State, together with the write-in Candidates.

The Mayor commented on the updated district map, thanked the Ohio Municipal League for the information on candidates, the sad situation he believed the country is in and the lack of information on voting day!

President David Haney wanted to clarify something in the Mayor’s report. The Village was cancelling the contract in December; Hiram College just went ahead and cancelled it as of September 30<sup>th</sup>.

**\*The Fiscal Officer Report: Wendelin Taylor presented the monthly financial reports for October.**

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

October Bank Reconciliation balanced with the UAN with only one adjusting factor, a bank error of .30 cents on a check which has been corrected with the bank for next month, has been posted to the UAN and is now available for signing by Council & Mayor.

Cash Summary by Fund as of October 31, 2022 was provided to Council last Friday by email & in their packets.

List of bills as of November 4, 2022 was provided to Council last Friday by email & in their packets.  
Council Regular meeting minutes of October 11, 2022 was provided to Council last Friday by email & in their packets.  
R.I.T.A. income tax receipts YTD report was provided to Council last Friday by email & in their packets.  
Comparison of Budgeted and Appropriated YTD report was provided to Council last Friday by email & in their packets.

Susan passed out updates to the Village's Codified Ordinances. Her assistant Wendelin, was able to order flash drives and install the update onto those flash drives for Council and Village Solicitor. Wendelin will also update the website.

**A motion to approve the Fiscal Officer's report for October as submitted was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 5-0 in favor.**

President Haney asked about the legislation for tonight; is there a way for the public to know about these? Can they be put on the Village's website as "drafts" so that the public can see what Council is considering and voting to pass? Tom Reitz said putting these on the website is an excellent idea! More discussion followed about the website, how to get the updates onto the Village's website and when that happens. Section 351.15 is not on our website! We can list it as "Pending" or "Draft" legislation. Create one PDF folder for the agenda and pending legislation with the exhibits.

**The bill's list was reviewed. A motion to approve the bill's list was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 5-0 in favor.**

## **HIRAM TOWNSHIP REPORT**

No Township report tonight.

## **LEGISLATION**

### **ORDINANCES**

**2022-13: AN ORDINANCE AMENDING THE VILLAGE OF HIRAM'S EMPLOYEE HANDBOOK, APPENDIX A. 2<sup>nd</sup> READING.**

**2022-14: AN ORDINANCE SETTING BASE COMPENSATION RANGES FOR EMPLOYMENT POSITIONS AT THE VILLAGE OF HIRAM, REPEALING ORDINANCE 2020-02 AND OTHER INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES. 2<sup>nd</sup> READING.** Council wishes to discuss any changes at their next Finance & Safety meeting. Paul Spencer wants to see the older legislation next month to make a comparison during their discussion.

**2022-16: 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, 2023 AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.**

**2022-17: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN SEVERAL FUNDS AND DECLARING AN EMERGENCY.** A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Hemphill. Vote: Mr. McCreight-aye, Mrs. Greenwood-aye, Mr. Spencer-aye, Mr. Szell-aye and Mr. Hemphill-aye. **Motion to approve as an emergency was made by Mr. Spencer and seconded by Mr. Szell.** Chris Szell asked under Fund 2152, American Rescue Plan Act, why are we appropriating all of the monies available even though we do not anticipate spending it all? Susan said it is just as easy to appropriate all of it since we did receive the second tranche payment just in case Council finds an additional use for those funds. If we do not use it by year end, those appropriations go away. Chris said they did already approve using \$30,000 of it for the new squad. Vote: Mrs. Greenwood-aye, Mr. Spencer-aye, Mr. Szell-aye, Mr. Hemphill-aye and Mr. McCreight-aye. The motion passed 5-0 in favor.

**2022-18: AN ORDINANCE AMENDING TITLE 7 CHAPTER 351.16 OF THE TRAFFIC CODE. 1<sup>st</sup> READING.** The Mayor commented the key on this would be the exhibits A and B. Council members questioned which exhibit they should be reviewing; is it A and B or A or B? Solicitor Reitz said he gave Council two exhibits which are different. Some members did not get exhibit A and some did not get exhibit B? Susan has them both, sent them out to Council and will make sure everyone gets both exhibits. Chris Szell had one comment; in exhibit B, under section E, we talked about a traffic fine of \$25.00 which seems inconsistent with exhibit A of Ordinance 2022-19. We need to be careful. The Mayor felt it should be the same. Chris said to be consistent, it should be \$30.00 rather than \$25.00 dollars.

**2022-19: AN ORDINANCE AMENDING SECTION 351.15 OF THE VILLAGE OF HIRAM CODIFIED ORDINANCES AND REPEALING INCONSISTENT PARKING FINE PROVISIONS. 1<sup>st</sup> READING.** Under item #8; Chris Szell asked how we define “tree lawn”. Is that the devil’s strip or someone’s front yard, is it already defined in our codified? Under item #15; it says parking violations not listed, what does that mean? Chief Gregory said we may have violations that we need to make amendments for in the future. The Mayor would suggest we say, public right-of-way. Codified Ordinances Section 351.15; a misdemeanor of the 3<sup>rd</sup> degree, what is that fine? Tom Reitz said the fine is \$500.00 and up to 60 days in jail. The Mayor said that is defined by State law. Tom looked at the exhibit and said, what Chris is saying is that the exhibit maxes out at less than that and by the way, parking in a handicap area is a 1<sup>st</sup> degree misdemeanor which is a \$1,000 fine and up to six months in jail! Solicitor Reitz made it clear to Council that none of this legislation originated from him. Any marching orders that were given were to Steve Schuller and he sent them to Tom. He has not received any feedback from Council on them. Paul felt we should turn these several ordinances back over to Tom and let him review them to be sure they are up to State law and then provide Council with a revised update.

**A motion to turn these over to the Village Solicitor Tom Reitz and let him review and make sure they conform to State law was made by Mr. Spencer and seconded by Mr. Szell. Vote: Mr. McCreight-aye, Mrs. Greenwood-aye, Mr. Spencer-aye, Mr. Szell-aye and Mr. Hemphill-aye. Motion passed 5-0 in favor.**

**2022-20: AN ORDINANCE ENACTING SECTION 351.17 OF THE VILLAGE OF HIRAM CODIFIED ORDINANCES TO ESTABLISH PARKING PERMIT PROVISIONS. 1<sup>st</sup> READING.** Solicitor Tom Reitz again does not know what Council is looking for with this legislation. So far, all Paul has said was to make sure they are consistent with ORC. Tom does not know what direction Council wants or what their goal is? Chris Szell felt these are safety concerns, we should discuss these further at Finance & Safety and iron out any questions. The Mayor would suggest under section 351.17; A, C and G where it says “the Mayor”, he would suggest that be changed to our Police Chief. Steve Schuller spoke about the parking software. The ticketing equipment actually links to the app. The reason Steve brings this up is the fact that you can connect to a bill collector. As of July 2021; we have 265 unpaid parking tickets totaling \$10,600! We have no teeth right now! Chris’ concern was around our businesses. Chris McCreight would ask, regarding the annual parking permit of \$100, to consider a calendar year versus an academic year. Dr. Haney would ask when Council is discussing this legislation, that it coincides with Hiram College and what they are doing since they have most of the vehicles in the Village. He would like to know how this will impact our students, faculty and staff and have those discussions beforehand. The Mayor would invite everyone to come to the next Finance & Safety meeting on Tuesday, November 29<sup>th</sup> beginning at 6:00 pm.

**2022-21: AN ORDINANCE AMENDING SECTION 311.02 OF THE VILLAGE OF HIRAM CODIFIED ORDINANCES AND REPEALING INCONSISTENT ROAD CLOSURE PROVISIONS. 1<sup>st</sup> READING.**

RESOLUTIONS

**2022-31: A RESOLUTION RETAINING THOMAS REITZ, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF HIRAM, OHIO, AND FIXING HIS FEES FOR THE PERIOD FROM JANUARY 1, 2023 TO DECEMBER 31, 2023, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.**

The Mayor wondered why this was on emergency, it should not be. Solicitor Reitz said it should be on emergency in December so that you are not without a solicitor on January 1<sup>st</sup>! Chris Szell asked Solicitor Reitz how he derived at his salary? Tom Reitz said he figured approximately 3% increase over his current salary. The other change was for his appearance in prosecution cases which he has charged \$90.00 for thirteen years; he raised it this time to \$95.00. Susan said Solicitor salary comes out of our General Fund. Chris said the 3% he has a little heartburn with; staff increases have not been considered for others, Council will need to consider all of the salaries and what increases may be considered and that Tom's be in line with that. Solicitor Tom Reitz asked Council to consider a couple of other things before their decision. Tom has more experience as a Village Solicitor than any other attorney in Portage County. Hiram enjoys a lot of benefits from economies of scale because of that and because he also represents the Village of Windham. Finally, the average hourly rate of a relatively new attorney in Portage County is over \$200.00 per hour. Tom's standard hourly rate for everyone else except Hiram is \$300.00 per hour! Please consider it all.

**ANY OTHER BUSINESS:** Paul Spencer thanked President Dr. David Hancy for coming tonight! Dr. Hancy said he felt it was important to be a good citizen involved in their community.

Chris McCreight asked about radar/speed detectors, he is still interested in learning more about them. Chief Brian Gregory said he does not agree with speed cameras; people should be able to face their accusers! Chris said speed is a continuous concern of his along our state routes. Brian's other concern is having the funding in our General Fund to staff enough officers to help control speed violators! Chris Szell would love to see all of our speeds be at 25 MPH within the Village. Beth Greenwood said this is a conversation that we need to continue.

**A motion to adjourn the meeting was made by Mr. Szell and seconded by Mr. McCreight. The result of the voice vote was 5-0 in favor. The meeting adjourned at 8:54 pm.**

These minutes are pending approval by Council.

  
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Mayor Lou Bertrand

ATTEST:

  
Fiscal Officer, Susan J. Skrovan-DeYoung