

Hiram Village Council Meeting

Rosser Municipal Building
11617 Garfield Road, Hiram, Ohio 44234

October 9, 2018

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 Asst. Village Administrator Steven Schuller.

The following persons were present: Ed Frato-Sweeney with Hiram College and Debra Blake; Hiram Township Trustee.

Mayor Bertrand called the regular meeting to order at 7:03 pm. He asked that all cell phones be silenced. There was a moment of silence followed by the pledge to the flag.

The Mayor asked for a motion to approve the proposed agenda as amended. A motion to approve the agenda as amended was made by Mr. Hemphill 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 9/11/18 as presented. A motion to approve the minutes as presented was made by Mr. Smith and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor.

GUEST AND PUBLIC COMMENT

Ed Frato-Sweeney announced that Hiram College has hired a new CFO, Nancy Rubin. Mr. Frato-Sweeney thanked Brian and his staff as well as the fire and EMS staff and all those involved with homecoming. Trick or Treat in the residence halls will be October 25th. There will be a candidate's night, Monday, October 29th at 7:00 pm, at Koritansky Hall.

DEPARTMENT HEAD REPORTS

*Police Chief Brian Gregory provided their monthly report. The department had 292 offense reports for September. They also added five more criminal arrests to the number presented for a total of 17. Speed violations are down.

Halloween will be October 31st from 5:00 to 7:00 pm; candy, bracelets and anti-bullying items will be passed out.

Body cameras have been used over the past three years; Brian will be transitioning back to mandatory body cameras starting January 1, 2019. There have been a lot of incidents that warrant the cameras which have helped in court.

Chief Gregory is looking into several grants to purchase ten Marcs radios; one is the Homeland Security grant (a 100% grant) which they went into along with Garrettsville and Windham. The other is the JAG LE grant (a 90/10 grant match) to purchase a couple speed monitors.

The Police Department opposes State Issue 1 from a law enforcement and prosecutor standpoint. The Mayor added that this would be an amendment to the Ohio Constitution; something that is extremely dangerous to do!

*Fire Chief Bill Byers provided their monthly report by email and copied for tonight. Runs are up.

Regarding the preventive maintenance on the equipment; there was a problem with squad 1. The sway bar/swing arm busted, blew the inside tire. F & S Automotive is performing the preventive maintenance and repairs; we are staying within our budget. The part may be under warranty or we may look into an insurance claim, if necessary.

*Village Administrator James McGee presented the monthly water/sewer report. James reported there is no definite start date for Karvo Paving. Karvo is aware of the November 2nd deadline for project completion. Steven spoke with CT Consultants; Karvo is within their deadline at this time. CT Consultants are not happy either about the delay.

Regarding the sidewalks ordinance to advance funds from the General Fund to the Streets Infrastructure Fund. This would be to cover the sidewalks from the intersection up past the Hiram Inn to Bates Hall. There will be a cost of trees to be removed as we progress with sidewalk replacement.

The Asset Management Program through the EPA; they are gathering data and will be out next week to meet with us.

The letter Council requested be sent out has been sent to the Hiram Christian Church for the property purchase.

James explained the ordinance before Council to advance funds from the General Fund to the Street Infrastructure Fund is to purchase a 4WD diesel RTV to replace the 1982 golf cart and our Kubota for plowing the sidewalks.

There is an ordinance on an OPWC application for a new water tower through the Small Government Grant program.

Chief Gregory added that he has notified the person with the abandoned vehicle. There is still one on Peckham.

Brian also added the Police Department is having a steak dinner on October 27th. The cost is \$12.00. Texas Roadhouse is providing the meal at the Dix Dining Hall in the Kennedy Center at Hiram College from 3-6 pm. This is a fundraiser for the K-9 program.

OCTOBER 9, 2018 MAYOR'S REPORT TO COUNCIL

ON SEPTEMBER 13TH YOUR MAYOR ATTENDED THE QUARTERLY MEETING OF AMATS. The annual meeting is at the Cuyahoga Falls Sheraton Suites on Saturday October 6th 8:30 a.m. - 1 p.m.

MEMBERS OF COUNCIL ATTENDANCE AT HIRAM COMMUNITY EVENTS:

Example: MEMORIAL DAY, SHOP WITH A COP, FIRE FIGHTERS ASSOCIATION ANNUAL DINNER, FISHING WITH A COP, PANCAKE BREAKFAST, CLICK IT OR TICKET, CAR SHOW, BIKE RODEO, ADOPT A PET, FILL A CRUISER, DISTRACTED DRIVER, "NONE UNDER 21" [APPROXIMATELY 2000 LOCAL HIGH SCHOOL STUDENTS ATTEND] OCTOBER 31ST FIRE & EMS DEPARTMENT'S HALLOWEEN RECEPTION.

Ordinance 2018-21 beginning JANUARY 1, 2020:

- Compensation for MEMBERS OF COUNCIL be at the rate of **\$95.00 every two weeks.**
- Compensation for COUNCIL PRESIDENT be at the rate of **\$115.00 every two weeks.**
- Compensation for MAYOR be at the rate of **\$770.00 every two weeks.**
- Further pursuant to O.R.C. §731.13 compensation as set forth above shall be adjusted yearly beginning in January 1, 2021 by the prior year's, as is published for the 2019, BUREAU OF LABOR STATISTICS (BLS), CONSUMER PRICE INDEX (C.P.I.).

Note: The above compensation is less than the elected COUNCIL MEMBERS and MAYOR of the **VILLAGE OF BOSTON HEIGHTS** with a similar population and annual budget. [**Council -\$115 every two weeks | Mayor -\$923 every two weeks.**]

OML BOARD OFFICIALLY OPPOSES STATE ISSUE 1

A quorum of the Ohio Municipal League's Board of Trustees has voted unanimously to officially **OPPOSE STATE ISSUE 1**, the proposed constitutional amendment that would reduce penalties for the crimes of obtaining, possessing and using illegal drugs. Issue 1 will appear on the ballot on Tuesday, November 6th for consideration by Ohio voters.

If approved, the amendment would prohibit jail time as a sentence for obtaining, possessing or using illegal drugs until an individual's third offense within 24 months; it would mandate those criminal offenses be classified only as a **misdemeanor** rather than a **felony**; and would require sentence reductions of incarcerated individuals, except individuals incarcerated for murder, rape or child molestation by up to 25% if the individual participates in rehabilitative, work or educational programming, among other provisions.

The Ohio Municipal League stands opposed to Issue 1 for several reasons. The amendment would shift the financial responsibility of prosecuting these misdemeanor offenses to the local governments, making them responsible for the costs of treatment, probation and jail. The amendment will also inhibit the prosecution of drug traffickers, in addition to reducing the sentences of violent offenders such as human traffickers, those convicted of aggravated arson, burglary or robbery, kidnaping and felonious assault - just to name a few.

Ohio's local governments are already struggling with combating the worsening opioid crisis on the front lines of our communities despite repeated cuts to their funding. Issue 1 is projected to save the state millions annually - however, shifting the cost of courts, probation, treatment and jail time to municipalities would create an incredible financial burden in the form of yet another massive unfunded mandate.

Issue 1 also ties the hands of local law enforcement to effectively prosecute drug traffickers, hobbling their ability to dole out the criminal penalties necessary to reduce drug use and crime in their communities. By reducing sentences for violent offenders - not just those possessing drugs - Issue 1 poses a very serious threat to public safety by putting violent criminals back on the streets.

Finally, changing Ohio's constitution creates a long-term challenge, as an entire statewide initiative and election would be necessary to make any needed changes to the amendment in years to come. **Ohio should not legislate via constitutional amendment: such a serious change in sentencing law should be done in the Ohio Revised Code, where the legislature can make necessary adjustments as needed.**

A motion to the State of Ohio that the Council of the Village of Hiram is not in favor of State Issue 1 was made by Mr. Dempsey and seconded by Mr. Spencer. The result of the voice vote was 4-1-1 in favor with a no vote from Mr. Smith and an abstention from Mr. Greenwood.

HALLOWEEN IS WEDNESDAY, OCTOBER 31ST (5pm to 7 pm) then a party and reception at the Fire & EMS station beginning at 7pm and I recommend Council Authorize funds advanced for \$250 for this community event.

A motion to support the Hiram Fire Association with a \$350.00 donation for the Halloween Event was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.

NOPEC ANNUAL MEETING: The Mayor reminded everyone of the upcoming NOPEC Annual meeting on November 13th beginning at 11:00 am in Twinsburg, which is also our next Council meeting.

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

The following reports were provided to Council for this meeting:

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

Cash Summary by Fund as of September 30, 2018 was provided in Council packets.

The list of bills as of October 5, 2018 was provided in Council packets.

Council meeting minutes for September 11, 2018 were provided in Council packets.

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

The comparison of Budgeted versus Appropriated monies report was before Council tonight.

Susan presented the renewals for Guardian Dental and for SummaCare for next year. Guardian there was no increase and SummaCare, less than a 4% increase. We can look at other options but these increases were very minimal.

Susan also reminded Council of the annual Record's Commission meeting scheduled for Tuesday, November 13th at 6:30 pm. Current members include Chris Szell, Rob Dempsey, the Mayor, the Fiscal Officer and Tom Reitz.

A motion to approve the Fiscal Officers report was made by Mr. Smith and seconded by Mr. Dempsey. Dave Smith asked about the funds in the Land & Water/NatureWorks line items. Susan explained that these are the monies that must be moved back to the General Fund. They were originally advances made from the General Fund and until she can draft legislation to return the funds available to the General Fund and make the rest transfers, she cannot move those funds. The result of the voice vote was 6-0 in favor.

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

HIRAM TOWNSHIP REPORT

Trustee Debra Blake reported the Township has completed their budget for 2019. She also noted they have had many positive comments regarding the police presence in the Township; especially on Norton Road. Hiram Township appreciates the coverage. Debra spoke about the Hiram Rotary, the funds they collect and the programs they provide.

LEGISLATION

ORDINANCES

2018-17: AN ORDINANCE SETTING BASE COMPENSATION RANGES FOR EMPLOYMENT POSITIONS AT THE VILLAGE OF HIRAM, REPEALING ORDINANCE 2018-14 AND OTHER INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES. 3rd READING. Council discussed the effective date of this legislation. A motion to amend the ordinance to become effective November 19, 2018 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 as amended was made by Mr. Hemphill and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

2018-18: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) BY \$36,005.80. 2nd READING.

2018-19: AN ORDINANCE AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES. 1st READING.

2018-20: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) AND THE STREET INFRASTRUCTURE/EQUIPMENT FUND (2012) AND AUTHORIZING AN ADVANCE FROM THE GENERAL FUND TO THE STREET INFRASTRUCTURE/EQUIPMENT FUND AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Smith and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Smith and seconded by Mr. Szell. Paul asked if we were doing the extra squares of sidewalks. Steven Schuller said the legislation is asking for the \$15,000; the quote was \$12,948. There is enough there to be able to complete the two squares. The result of the voice vote was 6-0 in favor.

2018-21: AN ORDINANCE ESTABLISHING A RATE OF COMPENSATION FOR COUNCIL MEMBERS AND MAYOR OF THE VILLAGE OF HIRAM EFFECTIVE JANUARY 1, 2020. 1st READING.

2018-22: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) AND THE STREET INFRASTRUCTURE/EQUIPMENT FUND (2012) AND AUTHORIZING AN ADVANCE FROM THE GENERAL FUND TO THE STREET INFRASTRUCTURE/EQUIPMENT FUND AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. A motion to approve was made by Mr. Spencer and seconded by Mr. Hemphill. Paul Spencer asked if this is a multi-purpose vehicle with a plow? James and Steve said yes; this will replace the EX2350 tractor and the golf cart. We are keeping the Kubota tractor. Dave Smith asked if this was written correctly. A motion to amend the legislation to remove the 2000 Kubota BX2350 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 amended was made by Mr. Hemphill and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor.

2018-23: AN ORDINANCE AMENDING THE VILLAGE OF HIRAM'S POLICY FOR CREDIT CARD USE AND PROCEDURES THAT NEED TO BE FOLLOWED BY ALL EMPLOYEES AT THE VILLAGE OF HIRAM AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Dempsey and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor. Council discussed the details of this ordinance. Solicitor Tom Reitz addressed changes made at the State level with regard to credit cards and a deadline of November 4th. Paul Spencer spoke about adding Council members to the list. A motion to amend the legislation to add; Council members and that all members are limited to \$5,000 in charges 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 amended as an emergency was made by Mr. Dempsey and seconded by Mr. Spencer. It was noted that any cards added to this policy, we will have to amend this ordinance each time. The result of the voice vote was 6-0 in favor.

2018-24: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE DRUG LAW ENFORCEMENT FUND (2081) FOR THE POLICE K-9 PROGRAM BY \$2,500 AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Dempsey and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Hemphill and seconded by Mr. Spencer. Paul Spencer posed the question regarding sales tax collected for t-shirt sales? Solicitor Tom Reitz will look into this further to determine whether or not the Village would collect sales tax on these items. The result of the voice vote was 6-0 in favor.

2018-25: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE GENERAL FUND (1000) BY \$4,112 AND AUTHORIZING AN ADVANCE OF \$4,112 TO THE STATE EMS GRANT FUND (2062) 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. Smith and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor.

RESOLUTIONS

2018-28: A RESOLUTION AUTHORIZING THE APPLICATION FOR AND SUBSEQUENT ACCEPTANCE OF GRANT FUNDS BY THE VILLAGE OF HIRAM AND RATIFYING PAST ACTIONS WHICH ARE NOW AUTHORIZED BY THIS RESOLUTION AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Smith and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Hemphill and seconded by Mr. Dempsey. Chris Szell stated that this is a 10% match. Chief Gregory explained the application and our local match which would come out of his budget. The result of the voice vote was 6-0 in favor.

2018-29: A RESOLUTION AUTHORIZING THE PURCHASE AND FINANCING OF A 2019 FORD POLICE INTERCEPTOR VEHICLE, RATIFYING PAST ACTIONS OF THE CHIEF OF POLICE WHICH ARE NOW AUTHORIZED BY THIS RESOLUTION, AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Dempsey 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. Smith and seconded by Mr. Hemphill. Paul Spencer asked about the price. Chief Brian Gregory explained the original price was for a 2018 vehicle; no one has a 2018. This price is for a 2019 vehicle with all the extra items included and it is comparable to the final price for their 2016 vehicle. Susan explained how the Police Department will pay for this vehicle out of their capital funds. The result of the voice vote was 6-0 in favor.

2018-30: A RESOLUTION AUTHORIZING THE VILLAGE OF HIRAM POLICE DEPARTMENT TO UTILIZE MONIES FROM THE K-9 DONATION FUND (2081) FOR ADDITIONAL FUNDRAISING EFFORTS AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Szell and seconded by Mr. Greenwood. 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. Dempsey. The result of the voice vote was 6-0 in favor.

2018-31: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR REPAIRS AND IMPROVEMENTS TO VILLAGE WATER DEPARTMENT, TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Smith and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

2018-32: 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, 2019 TO DECEMBER 31, 2019, AND DECLARING AN EMERGENCY. 1st READING. Council asked why this is on first reading with emergency language. Solicitor Tom Reitz said it is correct, it should go three reads but following the third reading, it would become effective immediately rather than in 30 days.

2018-33: A RESOLUTION AUTHORIZING THE VILLAGE OF HIRAM TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Hemphill and seconded by Mr. Smith. The result of the voice vote was 5-1 in favor with an abstention from Mr. Spencer. A motion to approve as an emergency was made by Mr. Szell and seconded by Mr. Smith. The result of the voice vote was 5-1 in favor with an abstention from Mr. Spencer.

ANY OTHER BUSINESS:

Steven Schuller, Assistant Village Administrator, explained the budget figures in the street infrastructure spreadsheet they had provided to Council. This is a projection based on figures from Regional Income Tax and is conservative.

Solicitor Tom Reitz said the appraisal for the area for the water tower has been ordered and should be in our hands tomorrow.

The second item Tom Reitz wished to report on was that a letter has been sent to Kimble requesting to hold a meeting by next Council; Tom will report back at that time.

Paul Spencer asked about the recent news regarding a local community where the Mayor fired all of his Council; can he do that? A Mayor does not have that authority. Solicitor Tom Reitz said he has never heard of that; they may have a Charter. Hiram Village is a statutory municipal corporation.

Steven Schuller brought up the street paving project; he looked through the contract and said the bond is held by CT Consultants. Solicitor Tom Reitz said the bond would be the contract amount. Council and the Village Solicitor discussed the Karvo Paving project, the street project as a whole and their bond and possible remedial actions by Council.

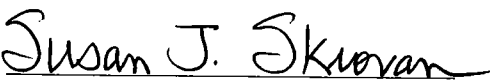
A motion to adjourn the meeting was made by Mr. Hemphill and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. The meeting adjourned at 8:42 pm.

These minutes are pending approval by Council.



Mayor Lou Bertrand

ATTEST:



Fiscal Officer Susan J. Skrovan