

The Council of the Village of Millersburg met in regular session at the Millersburg Auxiliary Building on May 10, 2021 at 7:00 pm. The meeting was streamed on YouTube for public viewing (Covid-19). Mayor Huebner called the meeting to order. Assistant Clerk-Treasurer Karen Cool Miller gave roll call, and the following members were in attendance: Devone Polen, Brent Hofstetter, Tom Vaughn, Bob Shoemaker, Kelly Hoffee, and Brad Conn. Motion to excuse Karen Shaffer from the meeting was made by Hoffee. Seconded by Shoemaker. Motion passed with Hoffee, Shoemaker, Vaughn, Conn, Polen and Hofstetter voting aye. Chief Shaner was in attendance for the meeting and Solicitor Robert Hines was in attendance via phone.

MINUTES: Motion made by Hofstetter to suspend the reading of the minutes of Council held May 10, 2021. Seconded by Polen. Upon roll call, motion carried with Hofstetter, Polen, Conn, Hoffee, Shoemaker, and Vaughn voting aye.

BILLS: Hoffee questioned if the payment for Valley View Repair was for one vehicle. Troyer replied that yes, it was one vehicle for the street department that needed front end work done to it: axle shaft, front suspension, alignment etc. Motion made by Hoffee to pay Bill Resolution 2021-14: Bills \$26,065.15 Payroll \$55,234.92 for a total of \$81,300.07. Seconded by Hofstetter. Upon roll call, motion carried with Hoffee, Hofstetter, Conn, Shoemaker, Vaughn, and Polen, voting aye.

REPORTS OF OFFICERS

Chief Shaner: Nothing to report

Administrator Troyer: DRB & P&Z Commission: DRB met on May 5, 2021 and approved COA applications for a 2.8 square foot projecting sign for Harmon Road at 172 W. Jackson Street, a 7.75 square foot projecting sign for Gypsy & Sage at 127 W. Jackson Street, and 48 square feet of wall signs at 111 E. Jackson Street for OSU Extension Office. The Planning and Zoning Commission approved the variance application submitted by OSU Extension Office for 16 square feet of additional signage at 111 E. Jackson.

Resurfacing/Sidewalk Projects: Received the signed documents back from Melway Paving for the SR 241 repair. Troyer suggested that we weigh our options for the intersection of SR 241 and SR 39. Other towns that have gone with the concrete have been noticing that after five years, the concrete shifts and is no longer flush with the road. He suggests that we dig up the bricks, and redo it all from the ground up. Vaughn mentioned that Sugarcreek is now having problems with their concrete intersections. Hofstetter mention Johnstown was as well. Troyer stated that we will review it further and speak with the engineers before we make a final decision.

Airport Park: Tennis Courts-Vasco has not gotten back with us yet about the Tennis/Pickle Ball Courts. Troyer asked if anyone has been down to Airport Park. Due to all of the rain the previous night, it is flooded. The ball fields and the path to the ball fields are fine, but everything south and west is flooded. Hofstetter asked about the Pollinators and when we can expect them. Nate replied that he has not heard yet, but he does know that the Brownies/Girl Scouts are going to be working on making clay seed bombs in May, that they can just throw down in the area in question. Once there, they will start to grow inside the clay.

Skate Park: Asking if we wanted to set a date for the dedication. Mayor Huebner stated that we need to contact the representative of the skate park to see if they would want to be there and what dates would work for them. Troyer also stated that the Disc Golf Course was supposed to have their grand opening on Saturday, May 8, 2001, but it got postponed.

ODOT Projects Update: Wooster Road Culvert-received word from ODOT that this project is slated to begin June 21st with a September 30 completion date.

Downtown Signal Improvement-project was sold and has not been awarded yet. Unsure of contractor or contract times yet.

Misc.: Kidron Tree Service was in town to removed 5 trees and trimmed another. We will be scheduling a stump grinder service to restore the areas where trees were removed.

Street Sweeping: Buckeye Sweeping bought out by The Sweeping Company of America. He had a hard time getting ahold of someone, but he did and stated that they were there today (May 10, 2021) and scheduled to be back on Tuesday (May 11, 2021) to finish up.

Clerk-Treasurer Shaffer: Karen Cool-Miller representing Clerk-Treasurer Shaffer, in her absence.

Cyber Liability Insurance: Cool-Miller asked council if they had reviewed the Cyber Liability Insurance information that was sent out last week. That the current coverage that we have is \$5,000,000 limit, retention of \$15,000, and Cyber Deception at \$1,000,000 in coverage. This has always been a no cost benefit for the village. However, they are now going to start charging us a premium to have any cyber liability coverage. Cool-Miller stated that there were three options, and for the price, the option that would be best for us would be \$3,000,000 limit, a retention of \$2,500, with cyber deception coverage with a sublimit of \$250,000. The pool is paying for half of the regular annual fee, so the fee we would pay is \$1,956.00. Hoffee spoke up and stated that she had done some research on this and spoke to Amy at Assured Partners. She stated that the Cyber Liability Insurance would cover the village's liability for a data breach in case hackers get access to our information. That there are two types of liability: 1st party liability and 3rd party liability. 1st party liability being where we hire investigators for crisis management, public relation, and business interruption. 3rd party would be for attorney fees, legal fees, out of court settlements, and the like. Hoffee asked Amy which one of the options this liability would be for. Amy responded that it covers both. Amy also suggested that we implement three more things in addition to this insurance:

1. Having ordinances limiting the types of damage we are liable for.
2. Having limits on the amount of money we are liable for.
3. Holding manufactures of the software liability for defects, if that is the issue on how the breach was made.

She stated that Amy told her that the cost of a data breach is \$250 per record. She stated that after all of her research that the 1st option would be best. Shoemaker asked if we would be bonded for that. Hines stated that the bond would not cover something like this. Hoffee made a motion to go with the first option of \$3,000,000 limit, \$2,500 retention, \$250,000 sublimit. Seconded by Vaughn. Motion passed with Hoffee, Vaughn, Shoemaker, Conn, Hofstetter and Polen voting aye.

ARAP Funding – Determination of Use: Cool-Miller stated that the email we have been waiting for to explain the funding came in at 3:00 pm and was 150 pages long. That we don't have all the information read right now, but we will know more at the next meeting.

April Financial Reports: The acknowledgement sheet was passed around and initialed by all of Council and Mayor stating that they had received April 2021's financial packets.

Solicitor Hines: Stated that he had nothing to report. Shoemaker had a question to Hines about reopening alleys that had been closed for several years. Hines stated that any alleys that were used and closed can still be utilized by those people as egress and ingress. However, if they wanted it to be a village street, then they would have to have it rededicated to the village to maintain it. Shoemaker stated that it has never been utilized. Stated that the land that was sold, the new owners want to build on it, but that they wanted to use the alleys because they couldn't use the streets as well because they have been closed too. The owners of the alley don't want the alley reopened. Hines stated that the developer can't use the land as an alley because it is not their land to use. Shoemaker stated that the road was Mayor's Alley. Hines stated he thought that was one of the roads they had closed years ago. Troyer agreed. He said that the way he understands it, that if they wanted to reopen it, that they would have to dedicate it back to the village, but that they aren't the owners of that alley, so therefore, they could not develop on someone else's land.

Mayor Huebner:

Legislation: Mayor Huebner read Resolution 2021-11 "A Resolution To Authorize The Sale Of Municipal Tangible Personal Property" for the 3rd time by title only. Motion made by Shoemaker to pass. Seconded by Hoffee. Motion carried with Shoemaker, Hoffee, Polen, Conn, Vaughn, and Hofstetter voting aye.

Mayor Huebner read Resolution 2021-13 "A Supplemental Appropriation Resolution For The Accumulated Leave Fund" for the 2nd time by title only.

Mayor Huebner read Ordinance 2021-102 "An Ordinance Granting Approval And Consent To The Director Of The Ohio Department Of Transportation To Apply, Maintain, And Repair Standard Longitudinal Pavement Markings And Erect Regulatory And Warning Signs On State Highways Inside Village Corporation Limits; Remove Snow And Ice And Use Snow And Ice Control Material On State Highways Inside The Village Corporation Limits and Authorize The Mayor To Sign An Agreement With The Director Of The Ohio Department Of Transportation For The Removal And Control Of Snow And Ice On State Highways Inside The Village Corporation Limits" for the 2nd time by title only.

COMMITTEE REPORTS: No committee reports

OLD BUSINESS Shoemaker reminded Council that the caravan for National Nurses Week (May 6 – 12) and National Hospital week (May 9 – 15) is this Wednesday May 12, at 4:00 pm. It will begin at the firehouse and proceed to the hospital. He instructed everyone to be at the firehouse at 3:45 pm to get in line.

Hoffee stated that she had pulled minutes from March 26, 2018 where council was talking about getting a strategic plan in place, and three years later we still do not have a strategic plan in place. Troyer stated he agreed 100% and that he had talked to Arnie last week and already set up a meeting in June to kick it off.

NEW BUSINESS: Shoemaker stated that walking from Napa Auto Parts across from Dollar store, there was an elderly man with a walker walking in the street because there was no sidewalk, and he was walking with traffic and traffic was going around him. He also stated that there was an elderly lady walking down State Route 83 and there is no sidewalk there to the clinic. However, she was walking and facing traffic. Huebner stated that we are extending sidewalks from Marchand to Menezes this year. Next year he would like to put a cross walk on the east side with a sidewalk going to the medical building. The south end sidewalks are in the TAP Project for 2022. So, we are working on all of those projects.

COMMENTS: None

EXECUTIVE SESSION: Motion made by Conn to adjourn into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. Seconded by Vaughn. Upon roll call, motion carried with Conn, Vaughn, Hofstetter, Hoffee and Shoemaker voting aye.

REGULAR SESSION

EXECUTIVE SESSION ACTION: Hoffee made the motion to accept the resignation of Kevin Vaughn effective May 31, 2021. Seconded by Polen. Upon roll call, motion carried with Hoffee, Polen, Conn, Hofstetter, and Shoemaker voting aye. Vaughn abstaining.

Motion made by Shoemaker to appoint Nathan Skolmutch to Utility Superintendent effective June 1, 2021. Seconded by Vaughn. Upon roll call, motion carried with Shoemaker, Vaughn, Conn, Hofstetter, Hoffee, and Polen voting aye.

Motion made by Polen to appoint Blake Judson to the vacant utility department seat. Seconded by Conn. Upon roll call, motion carried with Polen, Conn, Vaughn, Hofstetter, Shoemaker, and Hoffee voting aye.

ADJOURNMENT: Motion made by Conn to adjourn the meeting. Seconded by Hofstetter. Upon roll call, motion carried with Conn, Hofstetter, Polen, Shoemaker, Hoffee, and Vaughn voting aye.

Approved Date _____

Karen Shaffer, Clerk-Treasurer

Jeff Huebner, Mayor