

**ENTITY NAME: VILLAGE OF MILLERSBURG**

**BOARD NAME: MILLERSBURG VILLAGE COUNCIL**

**TYPE OF MEETING: Regular**

**VOTING SESSION: Yes**

**DATE: 12/12/2022**

**START TIME: 7:00 P.M.**

**MEETING LOCATION: COUNCIL CHAMBERS – 6 N WASHINGTON ST.; MILLERSBURG, OH 44654**

**CALLED TO ORDER BY: MAYOR, JEFF HUEBNER**

## **RECORD OF PROCEEDINGS**

### **COUNCILMEMBERS ROLL CALL**

| <b>NAME:</b> |         | <b>NAME</b> |         |
|--------------|---------|-------------|---------|
| Polen        | Present | Shoemaker   | Present |
| Hoffee       | Present | Vaughn      | Present |
| Conn         | Present | Hofstetter  | Present |

### **IN ATTENDANCE**

| <b>NAME:</b>    |                 | <b>NAME:</b> |                       |
|-----------------|-----------------|--------------|-----------------------|
| Jeff Huebner    | Mayor           | Nate Troyer  | Administrator         |
| Bob Hines       | Solicitor       | Matt Shaner  | Police Chief          |
| Karen Shaffer   | Clerk-Treasurer | Bobbie Curry | Assist Fiscal Officer |
| Melissa Patrick | Visitor         | Kevin Lynch  | Visitor               |
| Nick Mullet     | Visitor         |              |                       |

### **VISITORS:**

Nick Mullet addressed Council on his request for the use and approval of ATV/UTV's in the Village. He provided copies of ORC section 4511.215 that he believes make these under speed vehicles legal and lawful to operate in a municipality. He noted three items need to be added to any legislation Council would consider. 1.) Required license plate; 2.) Driver's License; and 3.) Proof of Insurance. He would like to be able to drive his vehicle from his home outside of the corporation limits into the Village to tend to his property for snow removal and other maintenance issues. He provided his personal insurance cards and registration documents for Council to review on both and ATV and UTV he currently owns. Mullet offered to sit on a committee to assist in drafting legislation allowing these vehicles. He also noted he spoke with BMV this morning and was told that if his under speed vehicles are license plated by BMV and meet all safety requirements, they are operational on township and county roads and between fields on state highways. Mullet commented that previously, Councilman Vaughn indicated that if the Village were to "register" a vehicle, that vehicle would then not be permitted to be utilized anywhere else, and he noted he is not able to find any documentation confirming that. Councilwoman Hoffee commented that in her vehicle she drives 55mph out of town and 35mph in town, no different than an ATV/UTV would. Traffic laws would need to be obeyed for everyone. She also said at her house, she can be in her basement and hear loud engines and loud music coming from vehicles, and she does not feel ATV/UTV vehicles would be any worse. She commended Mullet for coming back to the meeting and providing this information. Hoffee also noted she has spoken with several individuals and business owners (both Village residents and out of town residents). Kerry Taylor provided her a letter supporting the use of the vehicles in the Village and she encouraged Village residents and taxpayers to call and voice their opinion. Councilman Conn noted that requirements are stringent, and he believes that Section B of this code (4511.215) is included as part of the inspection process. He asked Mullet if he is only advocating for UTV's or if he also referring to ATV's and golf carts. Mullet noted, for himself, he is referring to a UTV/Side-by-Side, but he believes that section would also include golf carts. Conn said he was not sure golf carts are part of this section. Mullet said his focus is on UTV's and ATV's. Solicitor Hines asked Mullet if his vehicle has a bed on the back, to which Mullet indicated it does. Hines said the definitions are strict and a UTV has to have a bed. A UTV is different than a low-speed/under-speed vehicle. An under-speed vehicle is a golf cart. Hines noted that Mullet's vehicle is a UTV with a bed, but his registration indicates AT (All-terrain Vehicle), and he feels that all are referred to as ATV's which they are not, by definition. Hines said a municipality could allow a UTV/Golf Cart/or Low Speed Vehicle. The difference between a low-speed and under-speed is: Low-speed goes between 20-25mph and an under-speed goes less than 20mph. A UTV is defined by must having a bed. Council cannot pass an ordinance

for ATV's (Side-by Side/Razers) to operate on municipal roads. Hines noted legislation could be passed by County or Townships for ATV's, but there is no statute allowing them for municipality streets/roads. Council could pass an ordinance to allow UTV's to drive in the Village, however, how Mullet would get to the Village is another issue. Hoffee said she felt that is not our problem, only what would be allowed in the village should be Council's only concern. Hines said in Mullet's case, he would be driving from his residence in Lake Buckhorn on SR 83/CR 58. Those roads have speed limits in excess of 35mph, so he would be driving illegally. Speed limits are the issue as pointed out by Vaughn and Hofstetter. Mullet said Port Washington Road @ Glen Drive would meet the mph requirements. Troyer noted one-half of the road coming in on Port Washington (heading north) is not in the village limits until reaching Glen Dr. The other half (going south) is in the limits to the end of the property owned by Danbury. Bottom line per Solicitor Hines, Council has the authority to allow UTV's, but no authority to permit ATV's. Hoffee urged people who are residents of the Village to contact Council members and let them know their opinions. Mayor Huebner said the only concern Council should have, is what could take place in the village limits, not outside of it. Council decided they would take comments until January 14, 2023 before discussing the matter again.

**APPROVAL OF PREVIOUS MINUTES & PUBLIC HEARING**

|  |     |            |       |
|--|-----|------------|-------|
| <b>TYPE OF MEETING:</b>                    |     | Regular    |       |
| <b>SUSPEND READING OF MINUTES HELD ON:</b> |     | 11/28/2022 |       |
| <b>MOTION BY:</b>                          |     | Polen      |       |
| <b>MOTION SECONDED BY:</b>                 |     | Hoffee     |       |
| <b>VOTING ROLL CALL:</b>                   |     |            |       |
| Polen                                      | Yes | Hoffee     | Yes   |
| Conn                                       | Yes | Shoemaker  | Yes   |
| Vaughn                                     | Yes | Hofstetter | Yes   |
| <b>VOTING RESULTS:</b>                     |     | YES: 6     | NO: 0 |
| <b>MOTION TO APPROVE BY:</b>               |     | Hofstetter |       |
| <b>MOTION SECONDED BY:</b>                 |     | Conn       |       |
| <b>VOTING ROLL CALL:</b>                   |     |            |       |
| Hofstetter                                 | Yes | Conn       | Yes   |
| Polen                                      | Yes | Hoffee     | Yes   |
| Shoemaker                                  | Yes | Vaughn     | Yes   |
| <b>VOTING RESULTS:</b>                     |     | YES: 6     | NO: 0 |

**APPROVAL OF BILLS**

|                                |                 |                     |                    |
|--------------------------------|-----------------|---------------------|--------------------|
| <b>BILL RESOLUTION 2022-31</b> | Bills 53,079.91 | Payroll \$48,100.02 | Total \$101,179.93 |
| <b>MOTION BY:</b>              |                 | Vaughn              |                    |
| <b>MOTION SECONDED BY:</b>     |                 | Hoffee              |                    |
| <b>VOTING ROLL CALL:</b>       |                 |                     |                    |
| Vaughn                         | Yes             | Hoffee              | Yes                |
| Hofstetter                     | Yes             | Shoemaker           | Yes                |
| Conn                           | Yes             | Polen               | Yes                |
| <b>VOTING RESULTS:</b>         |                 | YES: 6              | NO: 0              |

**DEPARTMENT HEAD/OFFICIAL REPORT**

|  |                                  |
|--|----------------------------------|
| <b>DEPARTMENT:</b>   | <b>ADMINISTRATION</b>            |
| <b>REPRESENTATIVE'S NAME:</b>  | <b>ADMINISTRATOR NATE TROYER</b> |
| <p><b>Resurfacing/Sidewalk Projects ODOT TAP Project:</b> Informed Council the project has been filed for sale. The bid opening date is 3/9/23 with an estimated construction start date of 5/1 and completion of 8/31. Utility line relocations are ongoing.</p> <p><b>ARPA Projects:</b> Informed Council draft plans were reviewed for the storm sewer project and were returned to engineer with our comments/corrections.</p> <p><b>Appalachian Community Grant:</b> Informed Council OMEGA has submitted the technical assistance grant application to the State. Awards are to be announced sometime in early 2023.</p> <p><b>CDL Training:</b> Informed Council there is now a requirement that new CDL applicants must complete an approved training course before they are eligible to take their test and receive a license. We are</p> |                                  |

researching available courses for an employee who recently received their permit. What we are finding is the courses are around 2 weeks long and range from \$3,000-4,500. Availability is limited so we will likely need to waive our 6-month requirement for obtaining a CDL. I believe we should also amend Chapter 7 of the personnel manual to include a reimbursement schedule for this training. Council agreed. A Resolution will be prepared for Council consideration.

**Comment:** Councilman Shoemaker thanked Holmes Soil & Water for the presentation and update at the last meeting for the Killbuck Creek logjam project.

|  |                                      |
|--|--------------------------------------|
| <b>DEPARTMENT:</b>   | <b>FISCAL</b>                        |
| <b>REPRESENTATIVE'S NAME:</b>  | <b>CLERK-TREASURER KAREN SHAFFER</b> |
| <p><b>November Financial Statement:</b> Presented the November Financial Statement and acknowledgement form that Council received the report consisting of the Bank Reconciliation; Appropriation Summary, Fund Summary, Revenue Summary, Payment Summary, and Payroll.</p> <p><b>Platinum Savings:</b> Presented a proposal from Commercial &amp; Savings Bank to enroll in a Platinum Savings account at the current interest rate of 2.50%. Funds may be transferred from Savings to Checking as often as needed. There are no fees and no limits on the number of transfers. The only fees involved is if the balance would drop below \$100,000, and then there would be a \$25 per transaction fee. Shaffer recommended that \$6 million be placed in the savings upon opening the account. The current "Sweep" Repurchase Agreement that is currently earning .50% interest would be eliminated. CSB has provided new signature cards for the savings that may be signed tonight, if approved. The effective date of the savings would be Jan. 1, 2023. Motion made by Vaughn to approve the Platinum Savings account. Seconded by Polen. Upon roll call, motion carried with Vaughn, Polen, Hofstetter, Conn, Hoffee, and Shoemaker voting aye. Roll call vote: 6 Yes 0 No</p> |                                      |

**LEGISLATION**

|   |  |
|---|--|
| <b>NUMBER:</b> 2022-105   | Mayor Huebner gave the second reading by title only. |
| <b>TITLE:</b> An Ordinance Vacating a Street Known as Mayers Avenue in the Village of Millersburg |  |
| <b>CLASSIFICATION:</b>  | Ordinance  |
| <b>STATUS:</b>  | 2nd Reading  |

|  |  |            |     |
|--|--|------------|-----|
| <b>NUMBER:</b> 2022-106  | Mayor Huebner gave the second reading by title only. |            |     |
| An Ordinance Amending The Sewer Ordinance (Chapter 929) To Add A Capital Improvement Fee |  |            |     |
| <b>CLASSIFICATION:</b>   | Ordinance  |            |     |
| <b>STATUS:</b>   | Suspend the Rules for 3rd Reading                    |            |     |
| <b>MOTION BY:</b>  | Hoffee   |            |     |
| <b>MOTION SECONDED BY:</b>   | Conn   |            |     |
| <b>VOTING ROLL CALL:</b>   |  |            |     |
| Hoffee   | Yes  | Conn       | Yes |
| Polen  | Yes  | Shoemaker  | Yes |
| Vaughn   | Yes  | Hofstetter | Yes |
| <b>VOTING RESULTS:</b>   | YES: 6 NO: 0   |            |     |
| <b>MOTION TO:</b>  | Pass & Adopt   |            |     |
| <b>MOTION BY:</b>  | Hofstetter   |            |     |
| <b>MOTION SECONDED BY:</b>   | Shoemaker  |            |     |
| <b>VOTING ROLL CALL:</b>   |  |            |     |
| Hofstetter   | Yes  | Shoemaker  | Yes |
| Polen  | Yes  | Vaughn     | Yes |
| Conn   | Yes  | Hoffee     | Yes |
| <b>VOTING RESULTS:</b>   | YES: 6 NO: 0   |            |     |

|  |  |
|--|--|
| <b>NUMBER:</b> 2022-30   | Mayor Huebner gave the second reading by title only. |
| A Resolution To Amend The Millersburg Personnel Policy Regarding Medical Marijuana |  |
| <b>CLASSIFICATION:</b>   | Resolution   |
| <b>STATUS:</b>   | 2nd Reading  |

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|--|---|
| <b>NUMBER:</b> 2022-32   | Mayor Huebner gave the first reading by title only. |
| A Resolution Setting Wages And Salaries For Elected Officials, Salaried And Hourly Employees Of The Village Of Millersburg, And To Define Vacations, Sick Leave And Holidays |   |
| <b>CLASSIFICATION:</b>   | Resolution  |
| <b>STATUS:</b>   | 1st Reading   |

|  |   |
|--|---|
| <b>NUMBER:</b> 2022-107  | Mayor Huebner gave the first reading by title only. |
| An Ordinance To Make Appropriations By Fund For Current Expenses And Other Expenditures Of The Village Of Millersburg, State Of Ohio, During The Fiscal Year Ending December 31, 2023. |   |
| <b>CLASSIFICATION:</b>   | Ordinance   |
| <b>STATUS:</b>   | 1st Reading   |

#### NEXT SCHEDULED MEETING

|                                   |   |
|-----------------------------------|---|
| <b>TYPE OF MEETING:</b>           | Regular                                   |
| <b>DATE:</b>                      | 12/27/2022                                |
| <b>TIME:</b>                      | 7:00 PM                                   |
| <b>LOCATION:</b> Council Chambers | 6 N Washington St.; Millersburg, OH 44654 |

#### ADJOURNMENT

|                            |            |            |     |
|----------------------------|------------|------------|-----|
| <b>MOTION BY:</b>          | Conn       |            |     |
| <b>MOTION SECONDED BY:</b> | Hofstetter |            |     |
| <b>VOTING ROLL CALL:</b>   |            |            |     |
| Conn                       | Yes        | Hofstetter | Yes |
| Polen                      | Yes        | Shoemaker  | Yes |
| Vaughn                     | Yes        | Hoffee     | Yes |
| <b>VOTING RESULTS:</b>     | YES: 6     | NO: 0      |     |

#### MINUTES PREPARED BY

|                                 |                 |             |
|---------------------------------|-----------------|-------------|
| <b>SIGNATURE:</b> Karen Shaffer | <b>TITLE</b>    | <b>DATE</b> |
|                                 | Clerk-Treasurer | 12/19/2022  |

#### ATTESTED BY

|                                 |                 |             |
|---------------------------------|-----------------|-------------|
| <b>SIGNATURE:</b> Karen Shaffer | <b>TITLE</b>    | <b>DATE</b> |
|                                 | Clerk-Treasurer | 12/27/2022  |

#### CERTIFICATION

|                                |              |             |
|--------------------------------|--------------|-------------|
| <b>SIGNATURE:</b> Jeff Huebner | <b>TITLE</b> | <b>DATE</b> |
|                                | Mayor        | 12/27/2022  |