

The Council of the Village of Millersburg met in regular session on March 9, 2009 at 7:00 p.m. Mayor Huebner called the meeting to order followed by the Pledge of Allegiance. Clerk-Treasurer Karen Shaffer gave roll call and the following members were in attendance: Devone Polen, Mike Uhl, Junior Vaughn, Greg Hardesty, and Ruby Baird. Village Solicitor Robert Hines was also present. Motion made by Baird to excuse Councilmen Beechy. Seconded by Hardesty. Upon roll call, motion carried with Baird, Hardesty, Vaughn, Uhl, and Polen voting aye.

VISITORS: Michelle Pollard, HDM Manager provided brochures and magazines to Council to show them the how the Bed Tax Grants money is being used. She also noted she received a congratulatory letter from State Representative Zack Space, for HDM becoming accredited. She also told Council HDM applied for stimulus money for benches, planters and bike racks for the downtown area. Also noted was the Airport Greenhouse will be doing the hanging baskets for main street and will also provide the maintenance for them throughout the summer.

Pollard asked Council for \$3,000 for a deposit on the fireworks. Cost of fireworks last year was \$10,000. This year the display will run \$12,000. Pollard noted that the local banks that provided funds last year, have not committed yet this year. Clerk-Treasurer Shaffer asked if the deposit is refundable if the remaining funds are not raised for the fireworks. Pollard did not know if it was. After some discussion by Council, it was decided that HDM should contact other contributors for funding first and find out if the deposit is refundable and then return to Council with the information.

MINUTES: Motion made by Hardesty to suspend the reading of the minutes of the previous meeting. Seconded by Uhl. Upon roll call, motion carried with Hardesty, Uhl, Polen, Vaughn, and Baird voting aye. There were no additions or corrections. Motion made by Baird to accept the minutes as presented. Seconded by Vaughn. Upon roll call, motion carried with Baird, Vaughn, Hardesty, Uhl, and Polen voting aye.

BILLS: Motion made by Uhl to pay bill resolution 2009-10 bills' \$67,593.30, payroll \$38,057.73; total \$105,651.03. Seconded by Hardesty. Upon roll call, motion carried with Uhl, Hardesty, Polen, Vaughn, and Baird voting aye.

REPORTS OF OFFICERS:

Administrator Brooks: Informed Council the Village received the ARC contracts for the SR 83 South Sidewalk project.

Informed Council the Village applied for \$215,000 from RCAP and \$215,000 from the Economic Stimulus to fund Phase II of Project of the Northern Well Filed project, which is the chlorination system. It is the hope that funding will be awarded from at least one of the sources.

Informed Council requests for \$300,000 were submitted to the Economic Stimulus for Street Paving, concentrating on SR 39 & SR 83 (south), and \$200,000 for equipment including a Street Sweeper. Brooks noted the Village has also have been involved with Senior Center & HDM application requests.

Informed Council the application to Nature Works was submitted on February 27 requesting \$24,287.00 matched by the Village with \$10,000 cash, and \$10,083 in kind work for a project total of \$44,370.00 to construct basketball courts at Deer Run Park. In addition the Village also applied to Land & Water Conservation Fund for funding as a backup if the funding through Nature Works is not awarded.

Reminded Council and residents Clean up Day is scheduled for Saturday April 18 from 8:00 a.m. to noon. All Brown's customers may drop off trash with proof of service and non-Browns customers will be permitted to drop off at a cost of \$10 per load.

Informed Council Hydrant flushing will be done the week of May 17-22.

Informed Council the Easter Egg Hunt sponsored by the Holmes County Park District will be held at the Trail Depot on Saturday, April 4 at 10:00 a.m.

Informed Council the Septage Receiving total for February is \$715.00.

Clerk-Treasurer Shaffer: Presented the February 2009 Financial reports consisting of the Bank Reconciliation; Appropriation Summary, Fund Summary, Revenue Summary, Payment Summary, and Payroll. There were no questions or comments.

LEGISLATION: Solicitor Hines explained a proposed ordinance regarding a Video Service Provider Fee (VSPF). The fee charged by Time Warner can be in an amount up to 5% of gross revenue for cable service only as determined by Council. Most municipalities have a VSPF and the current Village ordinance allows for this. Time-Warner advertising sales could also be included in the gross revenues, if Council chooses to

include it. Estimated revenue per year to the Village is \$40,000 and would cost the subscriber \$2.50 per month on a \$50.00 cable bill. The deadline to adopt a VSPF ordinance and submit to Time Warner is March 12, 2009. Mike Uhl asked what dollar amount the Village is losing in personal property tax since that tax is being eliminated. Clerk-Treasurer Shaffer indicated that the amount is in the \$40,000 range. After some discussion, a motion was made by Uhl to adopt a VSPF in the amount of 5% and to not include the advertising sales. Seconded by Baird. Upon roll call, motion carried with Uhl, Baird, Hardesty, Vaughn, and Polen voting aye.

Mayor Huebner read Ordinance 2009-103 "An Ordinance Establishing A Video Service Provider Fee To Be Paid By Any Video Service Provider Offering Video Service In The Village; Authorizing The Mayor To Give Notice To The Video Service Provider Of The Video Service Provider Fee; And Declaring An Emergency" for the first time by only. Motion made by Vaughn to suspend the rules requiring the second and third reading of Ordinance 2009-103. Seconded by Hardesty. Upon roll call, motion carried with Vaughn, Hardesty, Polen, Uhl, and Baird voting aye. Motion made by Hardesty to pass and adopt Ordinance 2009-103. Seconded by Baird. Upon roll call, motion carried with Hardesty, Baird, Vaughn, Uhl, and Polen voting aye.

Mayor Huebner read Resolution 2009-12 "A Resolution To Authorize Filing Of An Application For Financial Assistance Through The Land And Water Conservation Fund Program And Enter Into An Agreement To Obligate The Necessary Funds To Complete The Project" for the first time by title only. Motion made by Vaughn to suspend the rules requiring the second and third reading of Resolution 2009-12. Seconded by Polen. Upon roll call, motion carried with Vaughn, Polen, Uhl, Hardesty, and Baird voting aye.

COMMITTEE REPORTS: Junior Vaughn submitted the minutes of the Park/Cemetery/Building Committee meeting held on February 25, 2009. With no comments, a motion was made by Vaughn to accept the committee minutes. Seconded by Polen. Upon roll call, motion carried with Vaughn, Polen, Uhl, Hardesty, and Baird voting aye.

EXECUTIVE SESSION: Motion made by Polen to adjourn into executive session to discuss the conveyance of real estate and to discuss personnel. Seconded by Uhl. Upon roll call, motion carried with Polen, Uhl, Vaughn, Hardesty, and Baird voting aye.

Mayor Huebner read Resolution 2009-11 "A Resolution To Support The Construction And Operation Of A Joint Emergency Operations Center (EOC) And Network Operations Center (NOC) And To Offer Village Property As The Site Thereof" for the first time by only. Motion made by Polen to suspend the rules requiring the second and third reading of Resolution 2009-11. Seconded by Hardesty. Upon roll call, motion carried with Polen, Hardesty, Baird, Vaughn, and Uhl voting aye.

ADJOURNMENT: Motion made by Polen to adjourn the meeting. Seconded by Uhl. Upon roll call, motion carried with Polen, Uhl, Vaughn, Hardesty, and Baird voting aye.

Date approved

Karen Shaffer, Clerk-Treasurer

Jeff Huebner, Mayor