



VILLAGE OF MILLERSBURG

6 North Washington Street
Millersburg, Ohio 44654
FAX (330) 674-9044
www.millersburgohio.com

Jeff Huebner, Mayor

Kevin Brooks, Village Administrator

Karen Shaffer, CMC, Village Clerk-Treasurer, Tax Administrator

S. Thomas Vaughn, Police Chief

Nate Troyer, Zoning Inspector

Village Offices (330) 674-1886

Income Tax (330) 674-6891

Police Department (330) 674-5931

The Council of the Village of Millersburg met in regular session on June 22, 2009 at 7:00 p.m. Council President Jim Beechy 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, Jim Beechy and Ruby Baird. Solicitor Hines was also present. Motion made by Hardesty to excuse Mayor Huebner from the meeting. Seconded by Uhl. Upon roll call motion carried with Hardesty, Uhl, Beechy, Baird, Vaughn, and Polen voting aye.

VISITORS: Cheryl Staron of the Ohio Regional Development Council addressed Council regarding Fair Housing. Since the Village receives CDBG monies through the county, the Village must have information available on Fair Housing to meet the requirements of formula grant money. Staron noted that the Fair Housing Commission assists individuals with tenant and landlord issues. Brochures will be left at Village Hall. The local contact for Fair Housing questions is Arnold Oliver at the County Planning Commission.

MINUTES: Motion made by Baird to accept the minutes of the previous meeting as presented. Seconded by Hardesty. Upon roll call, motion carried with Baird, Hardesty, Polen, Uhl, Vaughn, and Beechy voting aye.

BILLS: Motion made by Uhl to pay bill resolution 2009-26 bills' \$48355.70, payroll \$46370.37; total \$94726.07. Seconded by Vaughn. Upon roll call, motion carried with Uhl, Vaughn, Baird, Hardesty, Polen, and Beechy voting aye.

REPORTS OF OFFICERS

Administrator Brooks: Informed Council the RFQ's for the SR 83 S Sidewalk project are being scored. The Village will consult with ODOT and have a recommendation next meeting.

Informed Council the Stimulus Paving project parameters are set. Paving will be done on Jackson to Monroe and from Logsdon Ave. to Wal-Mart's southern entrance. Projected cost is \$296,000 and the Village will be responsible for any cost overruns.

Informed Council Gospel Haven Church requested a waiver of fees for use of Deer Run Park. They would like to use the fields on Labor Day, September 7th for a church function. Motion made by Hardesty to waive the fees. Seconded by Polen. Upon roll call, motion carried with Hardesty, Polen, Uhl, Vaughn, Baird, and Beechy voting aye.

Reminded Council the July 4th events are scheduled all day throughout Downtown.

Informed Council Mariel Habrun, Pool Supervisor is asking for an increase in the number of employees on payroll for the pool. Previously, Council set the limit at 15. She is asking for 18 to allow more flexibility in staffing. The increase in employees will not affect the budget but will allow a larger pool of individuals to schedule from. Motion made by Uhl to allow the increase to 18. Seconded by Baird. Upon roll call, motion carried with Uhl, Baird, Beechy, Hardesty, Vaughn, and Polen voting aye.

Clerk-Treasurer Shaffer: Presented a partial draft of the budget. Council had no questions on what was completed so far. The remaining funds are Street, Water, Sewer, and General. Those reports will be provided to Council as soon as possible.

Shaffer asked Council to approve the payment of \$49705.00 to W.E. Quicksall for design fees on the SR 83 Sidewalk project. The Village received ARC funds in the same amount, and will now be paid forward to Quicksall. Motion made by Hardesty to approve the payment. Seconded by Uhl. Upon roll call, motion carried with Hardesty, Uhl, Polen, Vaughn, Baird, and Beechy voting aye.

Solicitor Hines: Informed Council of a Federal law passed in 2006 requiring all swimming pools to have an un-blockable drain installed. The State/County Health Departments are responsible for the enforcement. Hines noted the Village may be in violation and suggested hiring a professional engineer to inspect the pool. He has contacted an engineer from Cleveland who will do the inspection for \$1,000. In the engineer's opinion, the highest amount he has seen to correct the drain has cost \$5,000. Hines noted that the safety issue is of the most concern, not the fines that could be issued for a violation. If corrective measures need to be taken, it would more than likely be after the pool is drained. Motion made by Hardesty to approve the engineer at a cost of \$1,000. Seconded by Polen. Upon roll call, motion carried with Hardesty, Polen, Uhl, Vaughn, Baird, and Beechy voting aye.

Informed Council the Village has two ordinances on the books that pertain to residency issues of employees. In a Supreme Court Opinion, municipalities can only limit residency requirements in certain circumstances. Cases of response time for disasters or emergencies are such reasons. The current ordinances provide that the Chief of Police and the Village Administrator must live in the corporation limits and all other employees must live within 15 miles. Solicitor Hines told Council they could rescind the existing ordinances and adopt a new resolution that requires all employees to reside within the county and include this as part of the personnel policy. This would be acceptable under the new residency law. Council instructed Hines to prepare the legislation.

Council President Beechy: Informed Council the term of Bonnie Self on the Economic Development Advisory Board expires on July 1. Motion made by Uhl to re-appoint Bonnie Self to a three year term on the Board expiring July 1, 2012. Seconded by Polen. Upon roll call, motion carried with Uhl, Polen, Vaughn, Hardesty, Baird, and Beechy voting aye.

LEGISLATION: Council President Beechy read Ordinance 2009 -105 “An Ordinance Amending The Millersburg Zoning Code Restricting Multi-Family Residence Secondary Uses From First Stories In Downtown Business District” for the third time by title only. Motion made by Baird to pass and adopt Ordinance 2009-105. Seconded by Hardesty. Upon roll call, motion carried with Baird, Hardesty, Beechy, Vaughn, Uhl, and Polen voting aye.

Beechy read Resolution 2009-24 “A Resolution To Allow The Mayor To Sign A Quit-Claim Deed Regarding A Ten Foot Strip Of Property In The Village” for the second time by title only.

Beechy read Resolution 2009-25 “A Resolution To Adopt The Solid Waste Management Plan For The Holmes County Solid Waste Management District” for the first time by title only. Motion made by Vaughn to suspend the rules requiring the second and third reading of Resolution 2009-25. Seconded by Uhl. Upon roll call, motion carried with Vaughn, Uhl, Polen, Hardesty, Baird, and Beechy voting aye. Motion made by Hardesty to pass and adopt Resolution 2009-25. Seconded by Baird. Upon roll call, motion carried with Hardesty, Baird, Beechy, Vaughn, Uhl, and Polen voting aye.

Beechy read Emergency Resolution 2009-27 “A Resolution By The Village Of Millersburg Authorizing And Directing The Mayor Of Said Village To Advertise For Bids For The Construction Of The South Washington Street Sidewalk Project [Also Referred To As The Hol-Washington Street Sidewalk Project Pid 84028 Federal Project No. E080 (375)] And Declaring An Emergency” for the first time by title only. Motion made by Uhl to suspend the second and third reading of Resolution 2009-27. Seconded by Polen. Upon roll call, motion carried with Uhl, Polen, Vaughn, Hardesty, Baird, and Beechy voting aye. Motion made by Hardesty to pass and adopt Resolution 2009-27. Seconded by Vaughn. Upon roll call, motion carried with Hardesty, Vaughn, Beechy, Baird, Uhl, and Polen voting aye.

Beechy read Resolution 2009-28 “A Resolution To Authorize The Sale Of Municipal Tangible Personal Property Through Internet” for the first time by only.

Beechy read Resolution 2009-29 “A Resolution To Ratify Action Of Mayor To Commit To Phase I And Phase II Of The Wellfield Project” for the first time by title only. Motion made by Vaughn to suspend the second and third reading of Resolution 2009-29. Seconded by Hardesty. Upon roll call, motion carried with Vaughn, Hardesty, Polen, Uhl, Baird, and Beechy voting aye. Motion made by Uhl to pass and adopt Resolution 2009-29. Seconded by Polen. Upon roll call, motion carried with Uhl, Polen, Vaughn, Hardesty, Baird, and Beechy voting aye.

COMMITTEE REPORTS: Devone Polen, Red Cross Representative, noted the annual Red Cross Benefit Auction at Mt. Hope is Saturday, June 27 with breakfast starting at 7:00 a.m.

EXECUTIVE SESSION: Motion made by Polen to adjourn into Executive Session to discuss the compensation of public employees and to discuss pending litigation. Seconded by Baird. Upon roll call, motion carried with Polen, Baird, Beechy, Hardesty, Vaughn, and Uhl voting aye.

EXECUTIVE SESSION ACTION: Motion made by Vaughn to approve the Administrator entering into a loan agreement for 10 years in the amount of \$200,500.00 with the Ohio Public Works Commission for Phase II of the well field project. Seconded by Uhl. Upon roll call, motion carried with Vaughn, Uhl, Polen, Hardesty, Baird, and Beechy voting aye.

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

Date Approved

Karen Shaffer, Clerk-Treasurer

Jeff Huebner, Mayor