



VILLAGE OF MILLERSBURG

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Jeff Huebner, *Mayor*

Kevin Brooks, *Village Administrator*
Karen Shaffer, **CMC**, *Village Clerk-Treasurer, Tax Administrator*
S. Thomas Vaughn, *Police Chief*
Nate Troyer, *Zoning Inspector*

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The Council of the Village of Millersburg met in regular session on November 14, 2011 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, Jim Beechy, and Ruby Baird. Village Solicitor Robert Hines was also present.

VISITORS: Local Native American, David "Three Feathers" Jones, asked Council to consider the 1,000 year old man-made mound at the cemetery a historic site. Jones an elder with Woodland Meti tribe said the designation will preserve the mound and be a boost to local tourism. Evidence of the Adena people has been documented in Holmes County by the more than 20 mounds found and numerous artifacts. Rebecca Fall, Bonnie Tomasetti, and Willa Hollingsworth (Cherokee Seminal) were present and supported the designation as well. Jones indicated if Council approved the request, they would hold a fundraiser to purchase a plaque for the site at no cost to the Village. Mayor Huebner also noted the Holmes County Historical Society sent a letter supporting the cause. Motion made by Uhl to approve the designation as a historic site. Seconded by Hardesty. Upon roll call motion carried with Uhl, Hardesty, Polen, Beechy, and Baird voting aye. Vaughn voted nay. When asked by the Mayor of Vaughn's nay vote, he replied that "We all have ancestors" and he didn't feel tourism traffic in the cemetery was appropriate.

Several residents and business owners were in attendance to hear of what additional cuts would be made since the recent defeat of the income tax increase. Dave Shrock asked if there was to be discussion on the firing of Administrator Kevin Brooks. Mayor Huebner noted that Brooks was not being fired, rather that Council would vote on a lay-off of the Administrator due to budget constraints later in the meeting. Betty Patterson asked why Brooks was informed of his termination before the election results were posted. Mayor Huebner indicated the Village looked at the positions of the Administrator and the Zoning Inspector, and the matter was a compensation issue and saving the Village money. Other residents speaking on behalf of Brooks were David Jones, Mary Miller, Carren Starr, Bill Robinson, Ned Kamer, and Julie Sponaugle. Everyone speaking supported Brooks and the work he has done for the Village over the last 7 ½ years. Some questioned whether Nate Troyer would be a good fit in filling the position because of lack experience for that position. Mayor Huebner noted that Troyer has 8 years with the Village. In 2003, Troyer was hired as the Zoning Inspector as construction and building projects were booming. In the last few years, that work load has diminished and the Village no longer needs that position and they combine the Administrator and Zoning Inspector into one position. Mayor Huebner again stressed that the decision for a lay-off is strictly a financial one. After a few comments as to the skills that Troyer needed to fill the position, Brooks interrupted. He asked for all the negative comments to stop and noted he would not try and further himself in the matter at the expense of Nate. He asked his supporters to get behind Council, the tax levy, and move forward for the betterment of the community. At this time, with no other comments, Mayor Huebner asked if Council would adjourn into executive session to further discuss the lay-off.

EXECUTIVE SESSION: Motion made by Beechy to adjourn into executive session to discuss the employment of public employees. Seconded by Hardesty. Upon roll call, motion carried with Beechy, Hardesty, Polen, Uhl, Vaughn, and Baird voting aye. Kevin Brooks, Administrator was asked to remain and Tom Vaughn and Karen Shaffer were asked to excuse themselves from executive session.

EXECUTIVE SESSION ACTION: Administrator Brooks addressed Council and the public that were in attendance by submitting his resignation effective December 9, 2011. Brooks noted he felt this was the right thing to do and in the best interest of the Village and that this is his decision. He thanked the many individuals in attendance which supported him and asked that they all remain positive and supportive of Council and Nate

Troyer in the future. He also asked that they get behind Village Officials and move the Village forward by working together to get an income tax increase passed by the voters. He also noted that the Village has one of the top Clerk-Treasurers he has known, as well as an excellent Chief of Police with many years of service, who the Village residents should be grateful for. Brooks expressed his fondness of the Village and the many residents and business owners he has become friends with. With no other comments, a motion was made by Beechy to accept the resignation of Kevin Brooks effective December 9, 2011. Seconded by Hardesty. Upon roll call, motion carried with Beechy, Hardesty, Polen, Uhl, Vaughn, and Baird voting aye.

Mary Miller applauded Kevin for his work and service to the Village. (Kevin Brooks left for the remainder of the meeting)

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

BILLS: Motion made by Uhl to pay bill resolution 2011-45, bills' \$37503.48; payroll \$85451.69; total \$122955.17. Seconded by Hardesty. Upon roll call, motion carried with Uhl, Hardesty, Baird, Beechy, Vaughn, and Polen voting aye.

REPORTS OF OFFICERS:

Administrator Brooks: In the absence of the Administrator, Mayor Huebner noted Council received the Administrators report in their packets. The report included the following items: ODOT will be meeting the Village on Thursday to discuss the datelines for the SR 83 Sidewalks – Phase II project; Septage Receiving for October was \$11,931.00; J&J Refuse will rates will increase by 0.19 beginning December 2011. This is due to the increase in the County imposed generation fees in order to close the landfill; The Village has had 3 inquires (potential applicants) for the CRA Credit. These would be the first Residential applicants we have received.

Clerk-Treasurer Shaffer: Presented the October 2011 Financial reports consisting of the Bank Reconciliation; Appropriation Summary, Fund Summary, Revenue Summary, Payment Summary, and Payroll. There were no questions or comments.

Informed Council the Personnel Policy does not address the pay out of accrued vacation leave upon a lay-off of personnel. Shaffer asked for approval to pay out the accrued vacation leave of Ron Henry and Bill Cox. Motion made by Uhl to approve the payout. Seconded by Beechy. Upon roll call, motion carried with Uhl, Beechy, Polen, Vaughn, Hardesty, and Baird voting aye. Solicitor Hines will prepare a resolution adding the pay out of accrued vacation leave to the personnel policy upon involuntary termination or lay-offs.

Informed Council the contract for Solicitor Hines will expire on November 15. A new contract was submitted by Hines with an hourly rate of \$80.00, reduced from the previous contract of \$85.00 due to the financial constraints of the Village. Motion made by Hardesty to approve the new two year contract. Seconded by Beechy. Upon roll call, motion carried with Hardesty, Beechy, Baird, Vaughn, Uhl, and Polen voting aye.

Zoning Inspector Troyer: Informed Council building permits were presented to the building committee this evening for approval and signatures and the files were available for review.

Updated Council on the privately funded utility extension for the New Pointe Church and the fairgrounds. A pre-construction meeting was held last week. Work on the extension will begin tomorrow (Tuesday) starting at the church location and working towards the Village. They anticipate a completion date of February 12, 2012.

LEGISLATION: Mayor Huebner read Resolution 2011-43 "A Resolution Authorizing The Transfer Of Sums From The Water Operating Fund To The Water Repair And Improvement Fund" for the second time by title only.

Mayor Huebner read Reading Resolution 2011-44 "A Resolution Authorizing The Transfer Of Sums From The Sewer Operating Fund To The Sewer Repair And Improvement Fund" for the second time by title only.

Mayor Huebner read Emergency Resolution 2011-46 "A Resolution Authorizing The Transfer Of Sums From The General Fund To The Street Maintenance & Repair Fund And Declaring An Emergency" for the first time by title only. Motion made by Beechy to suspend the rules requiring the second and third reading of Resolution 2011-46. Seconded by Baird. Upon roll call, motion carried with Beechy, Baird, Hardesty, Vaughn, Uhl, and Polen voting aye. Motion made by Hardesty to pass and adopt Resolution 2011-

46. Seconded by Beechy. Upon roll call, motion carried with Hardesty, Beechy, Polen, Uhl, Vaughn, and Baird voting aye.

Mayor Huebner read Resolution 2011-47 "A Resolution Making A Section 125 Premium Conversion Plan Benefit Available To Its Employees And Paying A Portion Of Those Premiums As Set Forth In The Attached Plan" for the first time by title only. Solicitor Hines explained this resolution was to allow the employees contribution for health insurance to be deducted on payroll on a pre-tax basis.

NEW BUSINESS: A motion was made by Polen to appoint Nate Troyer as Village Administrator effective December 9, 2011 at his current rate of pay. Seconded by Hardesty. Upon roll call, motion carried with Polen, Hardesty, Uhl, Vaughn, Beechy, and Baird voting aye. Nate Troyer thanked Council for their confidence they were placing in him.

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

Date approved

Karen Shaffer, Clerk-Treasurer

Jeff Huebner, Mayor