



VILLAGE OF MILLERSBURG

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Jeff Huebner, Mayor

Nathan Troyer, Village Administrator

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

S. Thomas Vaughn, Police Chief

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The Council of the Village of Millersburg met in regular session on February 9, 2015 at 7:00 p.m. Mayor Huebner called the meeting to order followed by the Pledge of Allegiance. In the absence of Clerk-Treasurer Karen Shaffer, Administrator Troyer gave roll call and the following members were in attendance: Devone Polen, Brent Hofstetter, Junior Vaughn, Robert Shoemaker, Jim Beechy and Ruby Baird. Solicitor Robert Hines was also in attendance. Motion made by Beechy to excuse Karen Shaffer. Seconded by Vaughn. Upon roll call, motion carried with Beechy, Vaughn, Polen, Hofstetter, Shoemaker and Baird voting aye.

VISITORS: Andrea Kellogg addressed Council regarding the recent power outage (Saturday, Feb 7). AEP had a scheduled outage due to some preventative tree maintenance. Kellogg was upset that the notification procedure was poor and felt AEP and the Village should have done more. Every resident or business she spoke with was never notified. She has contacted the PUCO and they will be initiating an investigation. She noted several businesses lost several thousand dollars due to the outage. Admin. Troyer noted that according to AEP, phone calls were made to affected properties and 80% were notified on February 3. Administrator Troyer, Mayor Huebner and Councilman Beechy have contacted AEP and some of the businesses involved. AEP has assured them that in the future, the Village will be contacted of any scheduled outage. It was made known that the Village was only informed of a street closing for the maintenance work and not the outage. Solicitor Hines noted that the individuals involved in the outage may have grounds for legal proceedings, however the question of whether the notice was constructive or actual remains to be determined by the PUCO investigation. Kellogg was assured the Village is doing everything they can to prevent this from happening again.

Nick Mullet addressed Council regarding legal battles with his property located at 825 S. Washington St. that has taken place from the early 1990's. The most recent incident (January 26, 2015), involving a vehicle accident where a vehicle ended up on his property. He provided his own statement of the occurrence along with a video from his security camera. He cited that Officer Kevin Brown allowed individuals on his property without his permission. Mullet's statement (Exhibit A) is attached to these minutes as he went over this information with Council. Mullet also noted that Tobacco Hut is dumping snow on his property and causing damage. Before Mullet exited the meeting, Chief Vaughn told him if he has property damage, he should file a report with an officer before he leaves the building and the report will be forwarded to the prosecutor for review. Chief Vaughn continued with the police department details and his response to Mullet's claims and accounting of events. (This report is documented in the audio recording of the Council meeting as well). Solicitor Hines told Council that the procedure followed is the same procedure followed by the OSHP and the Holmes County Sheriff and there is nothing legally wrong with the policy. Hines noted that Mullet would not have any liability of anyone that may have been injured as a result of the vehicle crash or removal of. Hines noted that this is not a conspiracy as Mullet claims and the actions of the officer were handled the same as if it happened at any other location. (Mullet's written statement; the video provided by

Mullet; and the audio tape of Council meeting will remain a part of the permanent minute record).

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

BILLS: Motion made by Vaughn to pay bill resolution 2015-03 Bills' \$19921.67; Payroll \$38047.66; total \$57969.33. Seconded by Shoemaker. Upon roll call, motion carried with Vaughn, Shoemaker, Polen, Hofstetter, Beechy and Baird voting aye.

REPORTS OF OFFICERS:

Administrator Troyer: The engineering agreement for the 2015 Street Resurfacing Program was previously signed and returned to Quicksall. They are in the process of preparing the bid documents and plan sheets for our review. Once this is complete we will go to bid as soon as possible.

Informed Council the current lease on the office copier is expired and we would like permission to enter a new 60 month lease option on a new machine for \$1320.00/year. This is \$432 less than the expiring lease. Council had no objections.

Informed Council recycling for January was 13.63 tons for a total of 71.04 tons collected this program year.

Informed Council septage receiving for January was 89,000 gallons for \$5515.00

Clerk-Treasurer Shaffer: In the absence of Shaffer, Mayor Huebner presented the January 2015 Financial Reports consisting of the Bank Reconciliation; Appropriation Summary, Fund Summary, Revenue Summary, Payment Summary, and Payroll. There were no questions or comments.

LEGISLATION: Mayor Huebner read Ordinance 2015- 100 "An Ordinance To Establish Chapter 1357 Of The Codified Ordinances Of The Village Of Millersburg, Ohio, Establishing A Vacant Building Enforcement Program" for the third time by title only. Motion made by Hofstetter to pass and adopt Ordinance 2015-100. Seconded by Beechy. Upon roll call, motion carried with Hofstetter, Beechy, Baird, Shoemaker, Vaughn and Polen voting aye.

Mayor Huebner read Ordinance 2015-101 "An Ordinance Establishing A Vacant Building Promotion And Recruitment Fund" for the first time by title only.

COMMITTEE REPORTS: The Park Committee met February 20, 2015 and the meeting was opened by Chairman Vaughn. The purpose of the meeting was to determine improvements to be pursued for Clay Street Park. Troyer informed the Committee about the funding sources available, with ODNR NatureWorks and ODNR Land & Water Conservation Funds being the main sources. Troyer explained that NatureWorks funds are available by County allocation and are a 75% reimbursement grant. The current allocation for Holmes County is \$48,487.00. LWCF grants are capped at \$150,000 and are a 50% reimbursement. Discussion was then held on demolition and reconstruction of the pavilion and purchase and installation of a modular playground piece. After review of equipment options, the Committee recommended applying for NatureWorks funding for the pavilion replacement and purchase/installation of an approximately \$16,000 playground piece from Weaver Playsets. This price includes a rubber border and mulch material for the equipment area. Total anticipated project cost is \$26,000.00. Further discussion was held on potential future park projects including rehab of the existing tennis courts at Airport Park or construction of new courts at Deer Run Park; along with various other potential improvements at Deer Run. Motion made by Baird to accept the minutes of the Park Committee and the recommendation to apply for funding from NatureWorks. Seconded

by Polen. Upon roll call, motion carried with Baird, Polen, Hofstetter, Vaughn, Shoemaker and Beechy voting aye.

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

Approved Date _____

Karen Shaffer, Clerk-Treasurer

Jeff Huebner, Mayor