

ENTITY NAME: VILLAGE OF MILLERSBURG

BOARD NAME: MILLERSBURG VILLAGE COUNCIL

TYPE OF MEETING: Regular

VOTING SESSION: Yes

DATE: 1/9/2023

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

NAME:		NAME	
Polen	Present	Shoemaker	Present
Hoffee	Present	Vaughn	Present
Conn	Present	Hofstetter	Present

#### IN ATTENDANCE

NAME:		NAME:	
Jeff Huebner	Mayor	Nate Troyer	Administrator
Bob Hines	Solicitor	Matt Shaner	Police Chief
Karen Shaffer	Clerk-Treasurer	Kevin Lynch	Visitor
Nick Mullet	Visitor	Brandon Irving	Visitor
Jason Pennell	Visitor		

#### VISITORS

**VETERANS MEMORIAL:** Brandon Irving, Director of the Holmes County Veteran Service office, and Jason Pennell, Veteran Service Commissioner, addressed Council regarding the possible installation of Veteran’s Memorial at Deer Run Park. The plan is to seek donations for the construction of the memorial. The site will honor and memorialize veterans, as well as POW’s, MIA’s, and KIA individuals. All branches of the service will be recognized. They asked for consideration in providing the space for the project. Council was in favor of the location and project and gave verbal approval to proceed with the planning and the use of the land. Irving and Pennell will submit plans to Council when completed for formal approval.

#### APPROVAL OF PREVIOUS MINUTES

<b>TYPE OF MEETING:</b>	Regular		
<b>SUSPEND READING OF MINUTES HELD ON:</b>	12/27/2022		
<b>MOTION BY:</b>	Vaughn		
<b>MOTION SECONDED BY:</b>	Hoffee		
<b>VOTING ROLL CALL:</b>			
Vaughn	Yes	Hoffee	Yes
Polen	Yes	Conn	Yes
Shoemaker	Yes	Hofstetter	Yes
<b>VOTING RESULTS:</b>	YES: 6 NO: 0		
<b>MOTION TO APPROVE BY:</b>	Conn		
<b>MOTION SECONDED BY:</b>	Shoemaker		
<b>VOTING ROLL CALL:</b>			
Conn	Yes	Shoemaker	Yes
Polen	Yes	Hoffee	Yes
Vaughn	Yes	Hofstetter	Yes
<b>VOTING RESULTS:</b>	YES: 6 NO: 0		

#### APPROVAL OF BILLS

<b>BILL RESOLUTION 2023-01</b>	Bills \$257,923.75	Payroll \$61,616.52	Total \$319,540.27
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<b>MOTION BY:</b>		Hoffee	
<b>MOTION SECONDED BY:</b>		Vaughn	
<b>VOTING ROLL CALL:</b>			
Hoffee	Yes	Vaughn	Yes
Polen	Yes	Hofstetter	Yes
Shoemaker	Yes	Conn	Yes
<b>VOTING RESULTS:</b>		YES: 6	NO: 0

**DEPARTMENT HEAD/OFFICIAL REPORT**

<b>DEPARTMENT:</b>	<b>POLICE DEPARTMENT</b>
<b>REPRESENTATIVE'S NAME:</b>	<b>CHIEF MATT SHANER</b>
<p>Recommended the hiring the Javen Miller as a full-time dispatcher. Miller is a college student and completing his coursework online. He has also been shadowing and doing an internship the last several months in dispatch. If approved, his start date would be January 14, 2023. Motion made by Hofstetter to approve the hiring of Javen Miller at the pay rate of \$22.70 (per pay resolution). Seconded by Polen. Upon roll call, motion carried with Hofstetter, Polen, Vaughn, Conn, Hoffee, and Shoemaker voting aye. Roll call vote: 6 Yes 0 No</p>	

<b>DEPARTMENT:</b>	<b>ADMINISTRATION</b>
<b>REPRESENTATIVE'S NAME:</b>	<b>ADMINISTRATOR NATE TROYER</b>
<p><b>DRB &amp; P&amp;Z Commission:</b> Informed Council there are no meetings scheduled in January. The design review guideline and ordinance updates that we have been working on are progressing nicely. We have worked through the guidelines document and are now pairing it with the ordinance to ensure that they coincide with each other. Troyer noted he anticipates having a draft to Council in February or early March.</p> <p><b>ODOT Sidewalk TAP Project:</b> The bid opening for the project is March 9, 2023.</p> <p><b>ARPA:</b> We are awaiting final plans and bid documents which are being prepared.</p> <p><b>Appalachian Community Grant:</b> Award announcements will be in early spring.</p> <p><b>2022 Dump Truck:</b> Informed Council he received an update that the dealer is in possession of the truck as of January 3rd. They found a window gasket leak so once that is repaired it will be sent to the up fitters for the dump body, hydraulics, and plow installation.</p>	

<b>DEPARTMENT:</b>	<b>FISCAL</b>
<b>REPRESENTATIVE'S NAME:</b>	<b>CLERK-TREASURER KAREN SHAFFER</b>
<p><b>December Financial Report:</b> Presented the December 2022 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>Liquor License – Day Max:</b> Informed Council the liquor license notification from the Ohio Division of Liquor Control was received for Day-Max. Council has the right to object to the license and request a hearing. Motion made by Hoffee to not request a hearing. Seconded by Shoemaker. Upon roll call, motion carried with Hoffee, Shoemaker, Conn, Vaughn, Hofstetter, and Polen voting aye. Roll call vote: 6 Yes 0 No</p> <p><b>Utility Bill Reduction:</b> Informed Council numerous residents have expressed their appreciation for the recent reduction in the utility bills.</p>	

<b>DEPARTMENT:</b>	<b>MAYOR</b>
<b>REPRESENTATIVE'S NAME:</b>	<b>JEFF HEUBNER</b>
<p><b>Committee Appointments:</b> Informed Council the Committee Appointments for 2023 will remain the same.</p> <p><b>Meeting Dates:</b> Informed Council they need to establish the time and dates for regular sessions of Council for 2023. A motion was made by Vaughn to hold Council meetings the second and fourth Monday of each month at 7:00 p.m. Seconded by Hofstetter. Upon roll call, motion carried with Vaughn, Hofstetter, Polen, Conn, Hoffee, and Shoemaker voting aye. Roll call vote: 6 Yes 0 No</p> <p><b>Council President:</b> Informed Council of the need to elect a Council President for 2023. A motion was made by Shoemaker to elect Vaughn as Council President. Seconded by Polen. Upon roll call, motion carried with Shoemaker, Polen, Hoffee, Conn, and Hofstetter voting aye. Vaughn abstained. Roll call vote: 5 Yes 0 No 1 Abstained</p>	

**LEGISLATION**

<b>NUMBER: 2022-34</b>	Mayor read for 2 <sup>nd</sup> time by title only.
<b>TITLE:</b> A Resolution To Add Section 7.6 To The Millersburg Personnel Policy	
<b>CLASSIFICATION:</b>	Resolution
<b>STATUS:</b>	2nd Reading

**OLD BUSINESS**

<b>TOPIC:</b>	Warming Stations
<b>PRESENTED BY:</b>	Bob Shoemaker
<b>DISCUSSION:</b> Informed Council he and Administrator Troyer met with Jason Troyer of Holmes County Emergency Management (HCEM) regarding warming stations. Shoemaker said he was informed there is a warming center located at the Holmes County Commissioners Office. There was discussion at their meeting to contact local churches and Job and Family Services to organize and possibly create additional centers to be used during extreme cold temperatures and/or power outages.	

<b>TOPIC:</b>	UTV USE
<b>DISCUSSION:</b> It was determined comments would continue to be received until Jan. 14 <sup>th</sup> , 2023 on the use of UTV's in the village, as this date was approved in the council minutes of Dec. 12, 2022. Nick Mullet addressed Council again regarding his request to allow UTV's in the Village. He presented copies of ORC Sections 4501.01; 4511.216; and 4513.113 to Council, as he felt pertains to his request. Mullet noted he received his manufacturers certificate of origin and his vehicle has been titled as a Utility Vehicle. He reiterated that his purpose of the request is to allow him to use his vehicle to come to town and work on maintaining his property, whether it be snow plowing, cutting brush, or skidding out logs from fallen trees. He asked Council to consider enacting an ordinance exempting UTV's that would be servicing properties in Millersburg from any current ordinance. Mullet said this will not harm the Village and is strictly for taking care of maintenance issues on properties. Mayor Huebner noted that comments will be taken through January 14, 2023. He said Council should review all arguments and documents on the matter and be prepared to decide at the next meeting on whether to instruct the Solicitor to prepare legislation permitting the use of UTV's or not. There will be no future discussion or presentations on the matter. Councilman Conn asked, to be clear on the issue and decision, this discussion and decision is to be only for UTV's, not all other types of ATV's, golf carts, 4-Wheelers, etc. Solicitor Hines said that UTV's are what this decision is to be about. Solicitor Robert Hines addressed Council regarding his research and interpretation of the ORC as it relates to UTV's. Hines started by saying there is much misunderstanding on the law. The laws are conflicting, confusing, and written at different times. He has researched this issue in depth. To clarify, UTV's are different than All Purpose Vehicles (All Terrain, Razers, 4-Wheelers). The Village does not statutorily have the authority to allow an All-Purpose Vehicle to ride on the streets in Millersburg. The Village does have authority to allow UTV's under ORC 4511.214 & 4511.215, but there are certain requirements. One requirement is: no person shall operate a UTV, upon any street or highway, with the exception, it would be allowable where the established speed limit is not greater than 35 mph. There is no legal authority for a Village, City, County, Township, etc. to allow a UTV on a street or highway with speed limits above 35 mph. Hines said that is not legally possible. Among other requirements would be stringent inspections by local law enforcement. Several additional comments and arguments were presented by both sides, all of which have been addressed at previous meetings.	

**NEXT SCHEDULED MEETING**

<b>TYPE OF MEETING:</b>	Regular
<b>DATE:</b>	1/23/2023
<b>TIME:</b>	7:00 PM
<b>LOCATION:</b> Council Chambers	6 N Washington St.; Millersburg, OH 44654

**ADJOURNMENT**

<b>MOTION BY:</b>	Polen
<b>MOTION SECONDED BY:</b>	Hofstetter

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

**MINUTES PREPARED BY**

SIGNATURE: Karen Shaffer	TITLE	DATE
	Clerk-Treasurer	1/16/2023

**ATTESTED BY**

SIGNATURE: Karen Shaffer	TITLE	DATE
	Clerk-Treasurer	1/23/2023

**CERTIFICATION**

SIGNATURE: Jeff Huebner	TITLE	DATE
	Mayor	1/23/2023