

The Council of the Village of Millersburg met in regular session on August 12, 2019 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, Brent Hofstetter, Robert Shoemaker, Kelly Hoffee and Ruby Baird. Motion made by Hoffee to excuse Councilman Jr Vaughn and Solicitor Robert Hines. Seconded by Shoemaker. Upon roll call, motion carried with Hoffee, Shoemaker, Polen, Hofstetter, and Baird voting aye.

VISITORS: Andrea Kellogg addressed Council about the tree removal process within the Village tree lawn. With the tree that recently fell onto the Hoffee house and the previous request for a tree removal by Deb Polin and Carol Sechriest, Kellogg asked who is responsible for removal. Mayor Huebner noted the Village took over the tree lawns within the last year and the Tree City Commission has \$10,000 per year for new plantings and removals/maintenance. In addition, the Village has budgeted \$75,000 for 2020 for removals. Kellogg asked who decides which trees are to be removed. Huebner and Administrator Troyer noted Brent Shrock (Tree City member and certified arborist) and Clines Tree Service inventoried trees and marked 55 trees that need to come down. Hoffee said she believes the trees need to be checked again because the tree that fell on her house was not marked. Cline's and two other individuals looked at it and indicated it was a healthy tree. Kellogg said she was concerned for other residents that need to have trees removed in the tree lawns. Visitor Dan Miller asked who pays for the damage to the home. Hoffee stated her home owner's insurance would be paying for the damage to her house and the Village paid \$3200 to have the tree removed with the use of a crane. Clerk-Treasurer Shaffer noted the Village's property and liability insurance (as with any government policy), has a sovereign immunity clause.

Dan Miller from the Millersburg Lions Club informed Council the group is starting a historical marker project. The one they want to start with is of the Opera House. They would like to put the historical marker where the opera house site was. It will have a photo and a description of what the opera house was. Miller added that the cost of the marker is about \$2,000 and the public is able to donate to the project. The groups goal is to install one marker per year. He asked for Council's approval. Motion made Hoffee to approve the marker installation. Seconded by Hofstetter. Upon roll call, motion carried with Hoffee, Hofstetter, Polen, Shoemaker and Baird voting aye.

MINUTES: Motion made by Polen to suspend the reading of the minutes of the previous meeting. Seconded by Hoffee. Upon roll call, motion carried with Polen, Hoffee, Hofstetter, Shoemaker and Baird voting aye. Motion made by Shoemaker to accept the minutes as presented. Seconded by Baird. Upon roll call, motion carried with Shoemaker, Baird, Hoffee, Polen and Hofstetter voting aye.

BILLS: Motion made by Hoffee to pay bill resolution 2019-22 bills \$154,246.30; payroll \$97,271.20; total \$251,517.50. Seconded by Hofstetter. Upon roll call, motion carried with Hoffee, Hofstetter, Shoemaker, Baird and Polen voting aye.

REPORTS OF OFFICERS

Administrator Troyer: Informed Council the DRB approved a sign COA from Kno-Ho-Co for signage at 186 W. Jackson Street as well as the installation of overhead doors in Millersburg Brewery at 56 E. Jackson. The P&Z Commission were provided a preliminary review of a vet clinic near Hilltop Group Home west of town.

Informed Council a preconstruction meeting will be held Tuesday with the contractor on the 2019 Street Resurfacing & Sidewalk Programs.

Informed Council as a result of the EPA Sanitary Survey of the water system held in May, we received a notice of violation for our backflow prevention program. At the time of the survey, we had documentation of backflow testing being done for 10 of 40 backflow devices in the system. We currently have test results for 29 of the 40 and a 2nd letter has gone to the owners of the remaining outstanding devices requiring they provide test results. We will also need to update our backflow prevention ordinance to bring it current with changes at the State level. We are working on these updates and plan to have the ordinance for the first reading to Council by the next meeting (8/26). All of this information was relayed to EPA. They were satisfied with the progress and proposed schedule for updating the ordinance and are in the process of providing us with a partial resolution of violation letter.

Informed Council legislation is on the agenda accepting and dedicating the public improvements of Phase 2 of the Meadow Glen Subdivision. The storm and sanitary sewers were previously installed and they are currently working on the road base for these next 3 lots. This legislation allows them to have the lots platted so they can sell them and proceed. Hoffee asked for clarification on Section 1. 4 as it related to some of the improvements that have not been

completed. Troyer noted in Section 1.6, Jones Street Company has provided the Village with a surety for the estimated amount of construction items that yet to be completed.

Reminded Council of previous discussion of a local donor who would like a skate park area created in Deer Run Park. Troyer noted the Village has met with an experienced design engineer (Environmental Design Group) and they have provided some preliminary numbers to us and the donor/trustees. The donors are happy with the initial design ideas and budget and are working through their next steps to continue this process. The location of the skate park will be between the basketball courts and the dog park at Deer Run. The donor would like to send out "Requests for Qualifications" as the project is estimated between \$100,000 and \$150,000.

Informed Council Septage Receiving for July was 47,500 gallons received for \$2720.

Informed Council the traffic control box at the square was hit in an accident on August 3rd. A new box is ordered, but may take 4 to 6 weeks for delivery. Once received and installation begins, traffic will be limited to one lane and the Police Dept. will direct traffic. Mayor Huebner asked that the work be done late evening/early morning or possibly on a Sunday if at all possible. The cost of the replacement will be turned into the motorist's insurance for reimbursement.

Clerk-Treasurer Shaffer: Presented the July 2019 Financial Reports consisting of the Bank Reconciliation; Appropriation Summary, Fund Summary, Revenue Summary, Payment Summary, and Payroll. There were no questions or comments.

Mayor Huebner: Asked for the status of the south end traffic signal equipment. Troyer noted the equipment should be here within the next week or two.

LEGISLATION: Mayor Huebner read Emergency Ordinance 2019-105 "An Ordinance Approving The Meadow Glen Subdivision Phase 2A As A Formal Subdivision Within The Village Of Millersburg, Accepting The Proposed Dedication Of A Portion Of Quinn Circle As A Public Street And Right Of Way, Accepting Various Public Improvements And Accepting A Warranty Deed From The Owners And Dedicators Of Meadow Glen Subdivision And Declaring An Emergency" for the first time by title only. Motion made by Polen to suspend the rules requiring the second and third reading of Ordinance 2019-105. Seconded by Hofstetter. Upon roll call, motion carried with Polen, Hofstetter, Shoemaker, Hoffee and Baird voting aye. Motion made by Baird to pass and adopt Ordinance 2019-105. Seconded by Hofstetter. Upon roll call, motion carried with Baird, Hofstetter, Hoffee, Shoemaker and Polen voting aye.

Mayor Huebner read Resolution 2019-23 "A Resolution To Approve Millersburg Senior Living, LLC Application And Agreement For CRA Tax Incentives And Authorizing The Mayor To Sign The Agreement On Behalf Of The Village" for the first time by title only.

NEW BUSINESS: Hoffee informed Council the Design Review Board would like Council to consider approving a penalty for signs/murals, etc., that are installed prior to obtaining the proper permits. The amount of penalty was discussed, with Hoffee noting this needed to an amount that will deter this from continually happening. The permit fee is \$30. After discussion, Council agreed to amend the ordinance to include a penalty of \$300.

Hoffee asked Council to consider spending \$45,000 (out of the remainder of the paving funds) for tree removal so that work could be started immediately. This will include the 3 trees already discussed (S. Washington; N. Clay, and the tree along the alley between the Sechriest and Polin property off of E. Jackson Street. Motion made by Hoffee to approve the \$45,000. Seconded by Shoemaker. Upon roll call, motion carried with Hoffee, Shoemaker, Polen, Hofstetter and Baird voting aye.

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

Approved Date _____

Karen Shaffer, Clerk-Treasurer

Jeff Huebner, Mayor