

The Council of the Village of Millersburg met in regular session via ZOOM on September 14, 2020 at 7:00 p.m. The meeting was streamed on YouTube for public viewing (Covid-19). Mayor Huebner called the meeting to order. In the absence of Clerk-Treasurer Karen Shaffer, Administrator Troyer gave roll call, and the following members were in attendance: Devone Polen, Brent Hofstetter, Tom Vaughn, Robert Shoemaker, Kelly Hoffee and Brad Conn. Solicitor Hines was also in attendance.

Motion made by Shoemaker to excuse Clerk-Treasurer Karen Shaffer. Seconded by Polen. Upon roll call, motion carried with Shoemaker, Polen, Hofstetter, Vaughn, Hoffee and Conn voting aye.

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

**BILLS:** Motion made by Hofstetter to pay bill resolution 2020-24 bills \$84,851.50; payroll \$49,516.77; total \$134,368.27. Seconded by Hoffee. Upon roll call, motion carried with Hofstetter, Hoffee, Polen, Vaughn, Shoemaker and Conn voting aye.

#### **REPORTS OF OFFICERS**

**Administrator Troyer:** Informed Council the DRB met September 2nd and approved the applications from Hotel Millersburg for additional signage as well as awning installations at the Eagles, Chamber, Pro Vision Group, and the Brewery. P&Z approved a variance for the Hotel's proposed added 63 square feet of signage.

Informed Council SJL and their subcontractors are currently performing surveys and subsurface investigations for the TAP (South Sidewalk) Project. In addition, Mid Ohio Concrete confirmed they will complete the village sidewalk project yet this year.

Informed Council more applications for the Street Dept. vacancy were received. Interviews will take place this week.

Informed Council he followed up with James Parks on the costs associated with his Eagle Scout Project (Pavilion at Deer Run Park). From past discussion, Council was considering a contribution to the project based on the total cost. Parks has compiled a cost of \$3680.13 for the project. After brief discussion and noting that part of the learning process is for the Eagle Scout to raise funds, a motion was made by Hofstetter to contribute \$2000 toward the project. Seconded by Hoffee. Upon roll call, motion carried with Hofstetter, Hoffee, Shoemaker, Conn, Polen and Vaughn voting aye. Parks will fundraise the remaining costs.

Asked Council how they wished to proceed with any improvements/maintenance of Old Airport Park. Numerous emails and letters were received after Council asked for input. There was discussion on drainage issues, playground equipment, and ideas for improvements. Council thanked the community for providing feedback. The Park Committee will meet on-site on Wednesday, September 23 at 5:30 pm to view the area and discuss ideas. The public is welcome.

Informed Council with this week's mosquito spraying application, we will have spent what we initially planned on spending for the year. Troyer asked if Council wished to continue through October as we typically do, back it down to every other week, or be done for the year now. Council instructed Troyer to continue with spraying another four (4) weeks, through October 13<sup>th</sup>.

**Clerk-Treasurer Shaffer:** In the absence of Shaffer, Mayor Huebner presented the August 2020 Financial Reports consisting of the Bank Reconciliation; Appropriation Summary, Fund Summary, Revenue Summary, Payment Summary, and Payroll. There were no questions or comments. A roll call was completed to confirm all members received the report. All commented aye.

**Mayor Huebner:** Read a Proclamation honoring Todd Booth who is retiring September 21<sup>st</sup> after serving the Village as a police officer since 1987. Council congratulated Booth and thanked him for his service.

**LEGISLATION:** Mayor Huebner read Resolution 2020-25 "Resolution Accepting The Amounts And Rates As Determined By The County Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor" for the first time by title only. Motion made by Polen to suspend the rules requiring the second and third reading of Resolution 2020-25. Seconded by Vaughn. Upon roll call, motion carried with Polen, Vaughn, Hofstetter, Shoemaker, Hoffee and Conn voting aye. Motion made by Hofstetter to pass adopt Resolution 2020-25. Seconded by Hoffee. Upon roll call, motion carried with Hofstetter, Hoffee, Conn, Shoemaker, Vaughn and Polen voting aye.

**OLD BUSINESS:** Hoffee played an audio recording again of the noise coming from Little Lambs Day Care when the children are outdoors playing. Phone calls were received that other

neighbors were hearing the noise as well. Chief Shaner noted he sent an officer to the Day Care and at the time, the officer didn't feel the noise was excessive. Solicitor Hines said the way the current ordinance (Codified Ordinance 905.09)(a)) is written; it states "No person, upon any public or private property in this Municipality shall generate or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to any persons of ordinary sensibilities by means of sound making devices or instruments. This would not apply to children just outside playing, but would be applicable to the whistles. Conn asked what could be done and if the ordinance could be changed. Hines said a new ordinance could be drafted and either remove the instrument/devices section or add an additional section. Hoffee said she would not want the noise next door to her and didn't feel any other resident would want that either. While she is not opposed to children outside playing and having a good time, this has become excessive. Conn agreed. Hines said if Council instructed him to do so, he would prepare a draft ordinance for the next meeting. Hoffee asked how it would be enforced. Hines stated the process would begin with a formal complaint made and a police report made. The report would then be submitted to the County Prosecutor and it would be up to them to decide if there is cause for formal charges. This could result in a trial by the court and eventually a jury trial for a second or third offense. Any charges that may be filed by the Prosecutor would be a minor misdemeanor. The first offense is a \$150 fine; second offense is 30 days in jail and a fine; 3<sup>rd</sup> offense is 6 months in jail. If charges were to be filed, the complainant would be required to provide evidence and testify. Hoffee noted that this complainant is willing to proceed and she believes they would be willing to go the distance as this has been excessive and gone on for a long time. Shoemaker asked if this could be considered disturbing the peace. Hines noted, it possibly could be considered disorderly conduct, however he would need to research the ordinances. Hines reminded Council again that any charges would be determined by the Prosecuting Attorney. Conn said the current ordinance didn't seem to have enough teeth and he would be in favor of a new ordinance. Hofstetter suggested Hines look at other municipalities to see how their ordinances read. Hoffee and Conn said they preferred to keep the current ordinance as is, and add a section as it relates to this issue. Hines was instructed to draft an ordinance for the next meeting.

Shoemaker asked Troyer to set a time to meet with him on vacant lots in the village. They will meet at the office on Tuesday at 9:00 am.

**EXECUTIVE SESSION:** Motion made by Polen to adjourn into executive session to consider the purchase or sale of public property if the public interest would be hurt by the premature disclosure of the information. Seconded by Hofstetter. Upon roll call, motion carried with Polen, Hofstetter, Vaughn, Shoemaker, Hoffee and Conn voting aye.

**RECONVENED TO REGULAR SESSION**

**EXECUTIVE SESSION ACTION:** None.

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

Approved Date \_\_\_\_\_

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Karen Shaffer, Clerk-Treasurer

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Jeff Huebner, Mayor