

**ENTITY NAME: VILLAGE OF MILLERSBURG**

**BOARD NAME: MILLERSBURG VILLAGE COUNCIL**

**TYPE OF MEETING: Special**

**VOTING SESSION: No**

**DATE: 8/14/2023**

**START TIME: 6:30 P.M.**

**END TIME: 6:42 P.M.**

**MEETING LOCATION: COUNCIL CHAMBERS – 6 N WASHINGTON ST.; MILLERSBURG, OH 44654**

**CALLED TO ORDER BY: MAYOR, JEFF HUEBNER**

**PUBLIC HEARING TO CONSIDER COMMENTS ON A PROPOSED CHANGE OF ZONING OF  
138 N MAD ANTHONY STREET**

Rezoning has been requested by Jerrod Jones, owner of property located at 138 N Mad Anthony Street in the Village of Millersburg. Jones went to the Planning And Zoning Board on June 7<sup>th</sup>, 2023. The board recommended the rezoning of the property from R3 (Residential Usage) to SU (Special Use District) with a couple of conditions. 1) The off-street parking requirements be met and 2) The property be maintained appropriately going forward.

**DISCUSSION:**

Upon request, Jones gave details of the plan for off-street parking. The off-street parking will be at the back of the property near the alley.

Councilwoman Hoffee, having been at the Planning and Zoning meeting in June summarized some of the discussion topics from that meeting. The lack of property maintenance since Jones purchased the property in 2007 is a concern; a complete lack of upkeep was noted. Hoffee voiced concern that the lack of property maintenance continues. Since the dwelling was demolished in early July, the property has not been maintained or mowed, which may indicate an ongoing lack of upkeep. Jones, along with Administrator Troyer explained that the grass has been planted and needs time to take root and grow prior to mowing. Once grass is ready to be mowed, Jones will have a mowing company to take care of the grass.

Councilman Conn asked Jones to explain his intentions/plans. Jones explained that he is currently in the process of getting quotes from building contractors. He plans to hire a property management company once the new structure is built. The management company will manage the rentals and maintenance of the property. Jones would like to start the construction of the new structure this fall or early spring of 2024 dependent on finding a contractor.

Hoffee reiterated that property upkeep and being considerate of neighboring properties is a concern of hers. She does not want to see Jones have to come before council again in 10 years for falling back into old habits with lack of property maintenance.

No residents were present at the public hearing to present concerns or comments. With no other questions or comments, Mayor Huebner closed the public hearing.

**MINUTES PREPARED BY**

SIGNATURE: Bobbie Curry	TITLE	DATE
	Assistant Fiscal Officer	8/16/2023

**ATTESTED BY**

SIGNATURE: Karen Shaffer	TITLE	DATE
	Clerk-Treasurer	9/11/2023

**CERTIFICATION**

SIGNATURE: Jeff Huebner	TITLE	DATE
	Mayor	9/11/2023

ENTITY NAME: VILLAGE OF MILLERSBURG

BOARD NAME: MILLERSBURG VILLAGE COUNCIL

TYPE OF MEETING: Regular

VOTING SESSION: Yes

DATE: 8/14/2023

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	Bobbie Curry	Assist Fiscal Officer
Melissa Patrick	Visitor	Kevin Lynch	Visitor
Jerrod Jones	Visitor	Aaron Miller	Visitor
Andrea Kellogg	Visitor	Katerina Barnett	Visitor
Adam Barnett	Visitor		

### VISITORS

<p><u>Aaron Miller</u>, representing The Fraternal Order of the Eagles at 143 W Jackson St. Millersburg, addressed Council to ask permission to install a 30-foot flagpole in front of their building. This will require cutting into the sidewalk which is on the Village’s right of way. The pole will be erected close to the curb and will align with the existing trees and marked parking spaces. It will hold at 5 x 8-foot US Flag. Troyer reported no zoning issues with the proposed pole.</p> <p><b>Motion to grant permission for the installation of a 30-foot flagpole along the front of the building at 143 W Jackson.</b></p>			
<b>MOTION BY:</b>		Vaughn	
<b>MOTION SECONDED BY:</b>		Hoffee	
<b>VOTING ROLL CALL:</b>			
Vaughn	Yes	Hofstetter	Yes
Hoffee	Yes	Shoemaker	Yes
Polen	Yes	Conn	Yes
<b>VOTING RESULTS:</b>		YES: 6      NO: 0	
<p>A visitor asked if she could reserve the right to address Council later in the meeting if she has questions or concerns about the topic(s) on the floor. Yes, that is allowable.</p> <p><u>Wayne Miller</u> addressed Council about the use of ATV/UTVs in the Village. Miller told the story of his son, Johnny, who since an automobile accident in 2020 has been a quadriplegic. The Millers own a new Polaris ATV/UTV that they have modified for Johnny. He explains that the vehicle is insured and has license plates, working lights and turn signals, seat belts, and an enclosed cab with temperature control. He went on to say that when driving the vehicle, they always obey all traffic laws and rules. They use the vehicle to bring Johnny into town for ballgames, eating and shopping, etc. They use back roads as much as possible to get to town. They have been doing this for some time. Then recently, they were stopped by a police officer and told that such vehicles are not allowed on Millersburg streets. Mr. Miller asked Council if there is anything that can be done to allow/legalize the use of the vehicle in the Village of Millersburg.</p>			

Mayor Huebner addressed Council and asked for discussion on the matter. He reminded Council that the issue of allowing UTVs within the village was voted against a few months ago. Councilman Conn asked for clarification on the topic of ATVs and UTVs. Solicitor Hines clarified that ATVs are not legal on Ohio roads/streets. Inspected UTVs are legal on roads/streets with a speed limit of 35 miles per hour or less. Ohio Law has not changed since this issue was last discussed. Councilman Vaughn said once you make provisions for one person, you would have to do the same for all. Hofstetter agreed, adding that even if Council was allowed to make exemptions it could be a slippery slope. Hoffee, who previously voted in favor of creating an ordinance allowing UTV usage in the Village, urged Miller to contact state legislatures and ask for a change to the current state laws. Vaughn, Shoemaker and Hines all agreed that the issue lies at the state level. Clarification and change will need to come from the state. Another visitor made comments about the continual use of tractors as a mode of transportation in town. He said that the village allows one thing but not the other, picking and choosing what they want to enforce. Mayor Huebner concluded the discussion by stating that right now we are going to let the previously made decision to not allow UTVs on Village Streets stand. Noting that perhaps this could change in the future.

**APPROVAL OF PREVIOUS MINUTES**

<b>TYPE OF MEETING:</b>		Regular	
<b>SUSPEND READING OF MINUTES HELD ON:</b>		7/10/2023	
<b>MOTION BY:</b>		Polen	
<b>MOTION SECONDED BY:</b>		Hoffee	
<b>VOTING ROLL CALL:</b>			
Polen	Yes	Shoemaker	Yes
Hoffee	Yes	Conn	Yes
Hofstetter	Yes	Vaughn	Yes
<b>VOTING RESULTS:</b>		YES: 6 NO: 0	
<b>MOTION TO APPROVE BY:</b>		Hofstetter	
<b>MOTION SECONDED BY:</b>		Vaughn	
<b>VOTING ROLL CALL:</b>			
Hofstetter	Yes	Shoemaker	Yes
Vaughn	Yes	Conn	Yes
Polen	Yes	Hoffee	Yes
<b>VOTING RESULTS:</b>		YES: 6 NO: 0	

**APPROVAL OF BILLS**

<b>BILL RESOLUTION 2023-19</b>	Bills \$138,154.27	Payroll \$131,827.44	Total \$270,026.71
Hoffee requested a copy of the itemized invoice for legal services for July.			
<b>MOTION BY:</b>		Shoemaker	
<b>MOTION SECONDED BY:</b>		Vaughn	
<b>VOTING ROLL CALL:</b>			
Shoemaker	Yes	Hofstetter	Yes
Vaughn	Yes	Conn	Yes
Polen	Yes	Hoffee	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>
Dispatcher Kelly Yoder has been hired and is expected to start around August 26 <sup>th</sup> . The hiring of Yoder will put the Department at 3 full-time dispatchers and once training is complete, we can resume 16-hour dispatch coverage. Dispatchers will be able to resume working 8-hour shifts rather than the 12-hour shifts.	

Captain Jeff Lay and Sargeant Michelle Markley both completed their probationary period on 7/28/23. Markly had already received her pay increase. Lay is due a 7.5% pay increase.

**Motion to remove probationary status for Lay and Markley & authorize 7.5% pay increase for Jeff Lay.**

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

Next, Shaner explained that the new police cruiser that was ordered was cancelled by the manufacturer. However, the dealer had a cruiser on hand that will do.

On September 16<sup>th</sup>, Transport for Christ will be coming through town. An estimated 150-250 semi-trucks will proceed through town as they make their way from Kidron to The Holmes County Fair Grounds at Harvest Ridge. Streets will not be shut down. The truck parade will be traveling west. East bound traffic will be maintained as best we can. There will be a period of time that north – south traffic will be stopped as the parade proceeds through town. The estimated time for the arrival of the parade is between 6pm and 7pm. Councilwoman Hoffee suggested getting the word out on our text alert system.

<b>DEPARTMENT:</b>	<b>ADMINISTRATION</b>
<b>REPRESENTATIVE'S NAME:</b>	<b>ADMINISTRATOR NATE TROYER</b>
<p><b><u>DRB &amp; P&amp;Z Commission</u></b>          No meetings</p> <p><b><u>Design Review Ordinance and Guideline Revisions</u></b>          Finalizing documents for presentation to DRB and then Council</p> <p><b><u>ARPA</u></b>          Rising Son has been on site and installed the 36" pipe crossing N. Grant Street. They began installing some of the 60" pipe from the Killbuck towards Barnhart Alley but due to soil conditions have had to stop until they could bring in a larger excavator.</p> <p><b><u>Appalachian Community Grant</u></b>          Meeting with OHM Advisors (Holmes County/State procured planners) on Wednesday to discuss our specific project components and their connection to the overall project.</p> <p><b><u>Deer Run Dog Park</u></b>          We would like to thank the Woof Pack 4H Club for their recent donation and installation of several pieces of play equipment in the dog park.</p> <p><b><u>Deer Run Food Truck Rally</u></b>          We have received an inquiry from the owner of Merrybrook Baking Co. to request permission to hold a food truck rally the 2<sup>nd</sup> Tuesday of May, June, and July at Deer Run Park. He anticipated 8-10 trucks per event. The schedule and timeframes for the rallies are negotiable. Discussion: We will talk to the Little League board about this plan. Council members are all in favor.</p> <p><b><u>Oak Hill Cemetery</u></b>          I recently met with Judge Lee and Attorney Chad Yoder. They continue to work on the indigent burial site we previously approved. Attorney Yoder presented a proposed ordinance to address the future use of the area and provide a framework for administration of the site. Solicitor Hines and I are reviewing this but one item that arose was the idea that this area could be named. Any thoughts on a name for the site?          Discussion: Kelly Hoffee presented several ideas for the name of the site.</p> <p><b><u>Eagles</u></b>          Council approved the installation of a flag pole in the sidewalk in front of their building earlier in this meeting.</p>	

**Credit Request**

Linda Kolasky  
267 North Grant Street  
Millersburg, Ohio 44654

Linda had a water line leak under her house and used 17,000 gallons of water in the quarter dated 12/2022 to 3/2023. She normally uses 1,000 to 2,000 gallons of water per quarter. Pepper's Plumbing repaired the leak. The leak did not go into the sewer system; it ran into the ground under the house. Requesting credit for 12,000 gallons for the sewer portion of the bill in the amount of \$28.20.

**Motion to approve requested water bill credit for Linda Kolasky.**

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

<b>DEPARTMENT:</b>	<b>FISCAL</b>		
<b>REPRESENTATIVE'S NAME:</b>	<b>CLERK-TREASURER KAREN SHAFFER ASSISTANT FISCAL OFFICER BOBBIE CURRY</b>		
<b>July Financial Report:</b> Presented the June 2023 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			
<b>Liquor License Trex:</b> The State of Ohio Division of Liquor Control submitted a request to the Village in reference to the Liquor License transfer for Daybreak Bistro. We must respond by letting the state know whether we would like to request a public hearing or not.			
<b>Motion to remit request form to the State Division of Liquor Control indicating that we do not request a public hearing of the liquor license trex for Daybreak Bisto, LLC</b>			
<b>MOTION BY:</b> Hoffee			
<b>MOTION SECONDED BY:</b> Shoemaker			
<b>VOTING ROLL CALL:</b>			
Hoffee	Yes	Hofstetter	Yes
Shoemaker	Yes	Conn	Yes
Polen	Yes	Vaughn	Yes
<b>VOTING RESULTS:</b>		YES: 6 NO: 0	

**LEGISLATION**

<b>NUMBER:</b>	<b>2023-20</b>		
<b>TITLE:</b> A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor			
<b>CLASSIFICATION:</b>	Resolution		
<b>STATUS:</b>	Passage		
<b>MOTION TO:</b>	Pass & Adopt		
<b>MOTION BY:</b>	Vaughn		
<b>MOTION SECONDED BY:</b>	Conn		
<b>VOTING ROLL CALL:</b>			
Vaughn	Yes	Hofstetter	Yes
Conn	Yes	Shoemaker	Yes

Polen	Yes	Hoffee	Yes
<b>VOTING RESULTS:</b>		YES: 6	NO: 0

<b>NUMBER:</b>	<b>2023-104</b>
<b>TITLE:</b>	An Ordinance Amending Zoning Map (Zoned Territory) Of The Village Of Millersburg
<b>CLASSIFICATION:</b>	Ordinance
<b>STATUS:</b>	1st Reading

<b>NUMBER:</b>	<b>2023-22</b>		
<b>TITLE:</b>	A Supplemental Appropriation Resolution For The General Fund And Declaring An Emergency		
<b>CLASSIFICATION:</b>	Resolution		
Discussion: Hoffee asked if we would need more than the proposed \$50k. Clerk Shaffer, while not entirely sure, thinks \$50,000 will be enough.			
<b>STATUS:</b>	1st Reading		
<b>MOTION TO:</b>	Suspend the Rules for 2nd & 3rd Reading		
<b>MOTION BY:</b>	Polen		
<b>MOTION SECONDED BY:</b>	Hofstetter		
<b>VOTING ROLL CALL:</b>			
Polen	Yes	Conn	Yes
Hofstetter	Yes	Hoffee	Yes
Shoemaker	Yes	Vaughn	Yes
<b>VOTING RESULTS:</b>		YES: 6	NO: 0
<b>STATUS:</b>	Passage		
<b>MOTION TO:</b>	Pass & Adopt		
<b>MOTION BY:</b>	Vaughn		
<b>MOTION SECONDED BY:</b>	Polen		
<b>VOTING ROLL CALL:</b>			
Vaughn	Yes	Shoemaker	Yes
Polen	Yes	Conn	Yes
Hofstetter	Yes	Hoffee	Yes
<b>VOTING RESULTS:</b>		YES: 6	NO: 0

**OLD BUSINESS**

<b>TOPIC:</b>	<b>Traffic Tickets</b>
<b>PRESENTED BY:</b>	<b>Solicitor Bob Hines</b>
<b>DISCUSSION:</b>	
<p>Over the past couple of months there has been a push to enforce traffic laws in the village. Many traffic tickets were issued. It was then discovered that there was a discrepancy in the posted speed limit in the area of Wooster Rd/North Washington Street/Clay Street. The posted speed limit appeared to be 25 miles per hour but the actual speed limit is 35 miles per hour. 37 tickets were issued for speed violations in the particular area. All of those ticketed were going over 35 miles per hour. Because of the posted speed limit believed to be 25mph, each of the 37 tickets would need to be either amended or dismissed. Chief Shaner, Mayor Heubner, and Solicitor Hines discussed that matter. The matter was discussed in executive session on 7/10/23 due to the cases pending with the court. It was decided that the fairest thing to do is dismiss the cases. Since the last meeting, all 37 cases have been dismissed.</p> <p>Hines said that although things discussed in executive session are confidential, he should have made it clear that the action to dismiss the cases was not a confidential one. What he wanted to happen after the last meeting was to first notify those with cases against them before the information went out to all public. Once all of them had been notified by letter, the matter was open to discuss.</p> <p>A question of how this error in the posted speed limit was discovered. The topic was not brought to Police Department attention until a social media was seen by a patrol officer who then brought it to the attention of Chief Shaner. Councilman Vaughn also saw the social media post and recognized that there was a speed limit discrepancy in the said area. Vaughn, having served as Police Chief many years, recalled that the 25 mph speed limit sign was originally placed in the area of Walnut Street with a "Begin"</p>	

or “Ahead” plaque to warn motorists of the 25 mph zone just ahead on N Washington Street. It is unknown when and why the placards were removed.

Hines continued saying that it has been mentioned since then that the speed limit in that area should be 25 mph rather than 35 mph the entire distance to the north corporation limit. Hines explained that the default speed limit on a state road within a municipality is 35 mph. In order for the speed limit to be lowered to 25 mph it must be considered a business district. Based on the definition of a business district, it’s possible for the village to extend it from its current boundary at Clay Street/ Clinton Street to Wooster Road/Walnut Street. However, from Walnut Street – headed north – it is a residential area. ODOT informed Hines that in order to lower the speed limit in a residential area on a state road a traffic study would be needed. Along with that, another area has been mentioned as needing the speed limit reevaluated. Residents would like to see the 25 mph zone on South Clay Street extended from its current location at Adams Street to somewhere along South Washington after the bottom of the hill and around the curve at Washington and Clay. This area, too, would require a traffic study. Traffic studies are typically between \$5,000 and \$10,000.

Council, along with visitors in the gallery, discussed concerns about speed limits in various areas of the village. It is the consensus of council that traffic studies and a thorough look at the posted speed limits is needed. Administrator Troyer was asked to obtain speed study quotes.

**NEW BUSINESS**

<b>TOPIC:</b>	<b>Tree Trimming &amp; HDM Sign Upkeep</b>
<b>PRESENTED BY:</b>	<b>Hoffee</b>
<b>DISCUSSION:</b> The trees downtown need some attention/trimming. Hofstetter said those trees should be trimmed very soon. Hoffee also asked if something could be done with the Historic Downtown Millersburg bottom sign on the welcome signs to the village. They are looking pretty bad. Troyer said that HDM has plans to have new facings put on the signs.	

**EXECUTIVE SESSION**

<b>PURPOSE:</b> To consider the appointment, employment, dismissal, discipline, promotion, or compensation of a public employee or official			
<b>MOTION BY:</b>		Polen	
<b>MOTION SECONDED BY:</b>		Hofstetter	
<b>VOTING ROLL CALL:</b>			
Polen	Yes	Conn	Yes
Hofstetter	Yes	Hoffee	Yes
Shoemaker	Yes	Vaughn	Yes
<b>VOTING RESULTS:</b>		YES: 6 NO: 0	

**EXECUTIVE SESSION ACTION (If Any)**

<b>MOTION:</b> To give Assistant Fiscal Officer, Bobbie Curry, a \$1.50 raise and thank her for all her hard work.			
<b>MOTION BY:</b>		Hoffee	
<b>MOTION SECOND BY:</b>		Vaughn	
<b>VOTING ROLL CALL:</b>			
Hoffee	Yes	Hofstetter	Yes
Vaughn	Yes	Shoemaker	Yes
Polen	Yes	Conn	Yes
<b>VOTING RESULTS:</b>		YES: 6 NO: 0	

**OLD BUSINESS (**

<b>TOPIC:</b>	<b>Millersburg Mobile Home Park Cleanup</b>
<b>PRESENTED BY:</b>	<b>Shoemaker &amp; Solicitor Bob Hines</b>
<b>DISCUSSION:</b> Shoemaker asked if there is any update on the cleanup of the Millersburg Mobile Home Park. Hines has been keeping council updated on conversations and plans of the mobile home park owner through emails. A thorough list of plans and actions needed has been made. Last Monday Hines and the	

owner of the park met to go over plans and tour the park. Hines says the plan sounds great if they follow through with it. Deadlines for the proposed project are still being discussed.

**NEXT SCHEDULED MEETING**

<b>TYPE OF MEETING:</b>	Regular
<b>DATE:</b>	<u>9/11/2023</u>
<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	Conn	Yes
Hofstetter	Yes	Hoffee	Yes
Shoemaker	Yes	Vaughn	Yes
<b>VOTING RESULTS:</b>	YES: 6 NO: 0		

**MINUTES PREPARED BY**

<b>SIGNATURE:</b> Bobbie Curry	<b>TITLE</b>	<b>DATE</b>
	Assistant Fiscal Officer	8/16/2023

**ATTESTED BY**

<b>SIGNATURE:</b> Karen Shaffer	<b>TITLE</b>	<b>DATE</b>
	Clerk-Treasurer	9/11/2023

**CERTIFICATION**

<b>SIGNATURE:</b> Jeff Huebner	<b>TITLE</b>	<b>DATE</b>
	Mayor	9/11/2023