

# Village of Harveysburg

## Village Council

January 23, 2023 – 7:00 PM

### Present:

- Mayor Richard Verga
- Jim Nelson – Councilman
- Pat Bennett – Councilman
- Kim Herberth – Councilwoman
- Randy Carruthers – Councilman
- Charles Juniel – Councilman
- Mark Tipton – President of Council

### Absent:

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### Village Staff Present:

- Chase Kirby – Village Solicitor
- Richard Pottenger – Police Chief

### Visitors / Guests:

- Robert & Elizabeth Wells – Harveysburg Resident
- Randy Nason – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held January 23, 2023, at 7:00 PM.  
Upon request, a recording of the meeting is available for review.*  
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Mayor Verga calls the meeting to order at 7:00 pm.

Roll Call: Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel, Mayor Verga

### Disposition of Previous Minutes:

Motion made by \_\_\_\_\_ to approve January 9<sup>th</sup> Council Minutes as written. Second by \_\_\_\_\_. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

### Mayors Report: Mr. Verga

Mayor Verga would like discussion involving the Renaissance Festival proceedings to be in regular session as much as possible to avoid the public from thinking the Village Council is hiding anything or trying to do anything in secret. He would like to save executive session specifically for courtroom strategy. Mr. Carruthers states that we go to executive session for real legal matters and not to hide anything. Let the people know it is standard operating procedure.

Mayor Verga states he contacted the person who inquired about flowers in Harveysburg and let them know that we did run the Adopt a Pot program in 2022. The particular person had been looking for the pots on the street corners, but many of the pots had been placed in front of houses. He suggests that when we run the program this year, we place signs on the pots that represent them as the Village of Harveysburg.

Mayor Verga states he has had inquiries involving the petition to remove Mr. Tipton from Council. He spoke with Mr. Kirby and Brian Sleeth, from the Board of Elections, about what needs to be done. He also called multiple lawyers and received some input on charter versus non-charter. He and Mr. Kirby went through the ORC and found the correct path. It would go straight to the BOE for certification of signatures and then it can be presented to the court for further proceedings.

Mayor Verga states we have two problems with the Black School. First, is the preservation of documents and artifacts in the building. The free HVAC unit has been held up by the inability to receive a permit due to being in jeopardy on another permit. Second, he asked Mr. Kirby if the issue with the asphalt permit could be placed on the February 16<sup>th</sup> Mayor's Court docket. Mr. Tipton states we will have to officially cite them before bringing them to court. Mr. Kirby states he isn't sure that he can get this on the February docket.

Mayor Verga asks what Council thinks about a Town Hall style meeting to speak about the Renaissance Festival. Council does not believe that would be a good idea at this point in time. Mr. Tipton states the Council is fiscally responsible for the Village and this is not an issue that should be tried in the court of public opinion. The Village has been in a 25 year drought and we need to find a solution financially to move forward. Mr. Kirby suggests the Council putting out a statement and letting it stand at that until it is brought to court. He would like to set up a meeting with Mr. Tipton, Mayor Verga, himself and a representative to work on a statement to release on behalf of the Village.

**President of Council Report:** Mr. Tipton

Mr. Tipton gives credit to Joe Nelson for the snow removal work this weekend.

Mr. Tipton states he was supposed to have a walkthrough with ChoiceOne about the 2023 CDBG and OPWC project today, but it was cancelled because we cannot see the ground. It will be rescheduled when the snow melts.

**Fiscal Officer:** Mrs. Wilkie

Motion made by Mr. Nelson to pay bills. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

**Village Attorney Report:** Chase Kirby

Mr. Kirby states he is working a gathering information regarding the Grant St. and Main St. sewer.

**Guests:**

Randy Nason introduces himself and states he is sitting in to be more informed. He asks if the website has been updated on the Council Minutes because he could only find 2019.

Mr. Tipton pulls up the website and found April 2022 as the latest update.

Robert Wells introduces himself and his wife, Elizabeth, and they are new to town. They would like to stay informed, especially due to the hearsay involving the Renaissance Festival.

**Old Business:**

Mr. Tipton states the F-250 was picked up today for the safety upgrades (corner strobes, back rack, door decals and top safety light). It will be returned on Wednesday.

Mr. Tipton states that everything has been signed off on for Dawson Cell Tower.

Mr. Tipton asks if anybody knows who is responsible for clearing the snow in front of the Post Office.

Mr. Nelson states the owner of the property. Mr. Tipton will contact property owner Earl Hendrickson.

Mr. Tipton states that we have previously discussed Darrel McKinney wanting to rezone his property on South Street. It is incorrectly zoned as R1/R2 and wants it rezoned as B1. He asks if we need to hold a public meeting regarding this property being rezoned. Mr. Kirby believes that is correct, but will verify. Mayor Verga questions if there are other properties on South Street that should be rezoned. Mr. Carruthers questions trying to rezone a whole district. Mr. Tipton states there are other properties that we could also look into. Mr. Tipton states that due to the incorrect zoning occurring 30 years ago that we should not subject Mr. McKinney to BZA fees or public notice fees if those will be required. Mr. Carruthers believes it had already been rezoned in the past when Mr. McKinney wanted to sell the property. It will be taken to Planning Commission first.

Mr. Tipton states that the topic in the next Planning Commission meeting will be new building permit inspection fees to keep up with the surrounding areas. Massie Twp. is also updating their fees and they are using Wayne twp. as a template. Mr. Tipton states we have been given a template by Mr. Rivera and he has the Wayne Twp. template as well.

**New Business:**

Mr. Tipton would like to inform people about the Rascal Unit. He had a stray cat around his house that he has been taking care of and wanted to get it spayed. Local spay cost was approximately \$300-350. He found the Rascal Unit in Highland County and for \$80 was able to get the cat spayed. A website is available for services/prices. They are in Highland County once a month.

Mr. Tipton states the Republic trash service contract will be coming up for renewal soon. He was finally able to talk to the person responsible for our account, Dave Guy, and he would like to work with us to keep the Village's account. We will likely not need to put the contract up for bid. Mr. Guy would like to update the count in the Village. We are currently being billed for 220 households. He is going to come up next week to complete a count.

Mr. Tipton states that 10 days ago Mrs. Wilkie had an audit with the Ohio Board of Workman's Compensation. Essentially, we are going to have an issue with police officers being called auxiliary officers. Workman's Comp wants to treat auxiliary officers as if they are being paid minimum wage for every hour worked. Mrs. Wilkie will discuss this more in depth when she is at the next meeting.

Mr. Tipton states that there is an Ohio Trustees Association meeting in Columbus this week. Mark Dawson has paid for his access to the meeting, but he can no longer attend. He has offered Mr. Tipton his access to attend the meeting. If he goes to Columbus, he would like to ask Council to approve \$50 for travel expense.

Motion made by Mr. Bennett for the Village of Harveysburg to cover up to \$50 in travel expenses for Mr. Tipton to attend the Ohio Trustees Association meeting. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Juniel – Aye / Abstain – Tipton. Motion passed.

Mr. Tipton states that for the last 6 months he has been speaking with consultant Alan Freeman. He is an expert at getting grants and projects paid for through the government. He is also a trustee for Pierce Township. Mr. Tipton is going to try to get Mr. Freeman together with Mr. McKinney and Mr. Crisenberry to discuss how we can work together on mutually beneficial projects. We cannot afford his fees as a Village, but he has offered us a deal if we can get Massie Twp on board.

Mayor Verga states that we need to elect a President of Council for the period of one year.

Motion made by Mr. Carruthers to nominate Mark Tipton as President of Council. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Tipton for the Village of Harveysburg to abide by the Ohio Basic Code for 2023. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

**Police:** Chief Pottenger

-Vehicle #3, the totaled vehicle, received an estimate of \$650 to remove the equipment. The insurance company had given us about \$550 to remove equipment. It will be an additional \$180 for them to come to the Village and remove equipment in the garage or \$250 if we have it towed.

Mr. Tipton states before we make any decisions, we need a salvage value from insurance of the vehicle as it sits.

-Vehicles #1 and #2 received oil changes. The hanging cable that he saw last week was looked at and nothing seems to have been affected.

-The PD was requested to be judges in the VFW Chili Cook-off. Officer Kiser was the official judge and had a good time. They thanked us for our time.

-Received a quote of \$350 or less for a new PD sign from K.E. Rose.

-Chief Pottenger and the Lieutenant both attended pipeline safety classes.

-There was a mix-up with Officer Kiser’s OPOTA CPT training which has resulted in a temporary delay in his release for duty. Everything has been resubmitted and we should hear back in the next couple weeks.

-OPOTA CPT for 2023 has been set at 24 hours. There has not been a lesson plan released yet.

-The monies that we did not use for training in 2022 we do not have to return and can be used for CPT training.

-Chief Pottenger would like to thank Ms. Herberth for posting a call if you see something on the Village Facebook page. He spoke with the Post Office worker and any inquiries about no loitering signs or inside cameras will need to go through the central post office.

Mr. Tipton asks if schedules are available for January and February. Chief Pottenger has a January schedule set.

**Community Relations – Ms. Herberth**

NONE

**Committees:**

Community Relations – Meeting 2/6 at 7:30pm

Finance - 2/20 at 6:30pm

Grants - None

Planning and Zoning – 1/25 at 6:30pm

Records - 2/16 after court

Trees - None

Motion made by Mr. Juniel to adjourn at 8:10pm. Second by Mr. Carruthers. Passed by voice vote.

Attest:

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Heather Matuszak, Clerk of Council

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Mayor Richard Verga

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Mark Tipton, President of Council

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Kim Herberth

\_\_\_\_\_  
Randy Carruthers

\_\_\_\_\_  
Pat Bennett

\_\_\_\_\_  
Charles Juniel

\_\_\_\_\_  
Jim Nelson