

Village of Harveysburg

Village Council

April 22, 2024 – 7:00 PM

Present:

- Mayor Jonathan Funk
- Jim Nelson – President of Council
- Pat Bennett
- Dick Verga
- Kim Herberth
- Charles Juniel

Absent:

- Randy Carruthers

Village Staff Present:

- Heather Matuszak – Clerk of Council
- Chief Pottenger – Harveysburg Police Chief

Guests:

- Sheriff Larry Sims – Warren County Sheriff’s Department
- Major Arrasmith – Warren County Sheriff’s Department

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*This is a summary of the meeting of the Harveysburg Village Council held April 22, 2024, at 7:00 PM.
Upon request, a recording of the meeting is available for review.*
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Mayor Funk calls the meeting to order at 7:16 pm. He leads the Pledge of Allegiance and a prayer.

Roll Call: Nelson, Bennett, Verga, Herberth, Juniel

Motion made by Mr. Juniel to excuse Councilman Randy Carruthers. Second by Mr. Bennett. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay – None. Motion passed.

Disposition of Previous Minutes:

Motion made by Mr. Juniel to approve the April 8th minutes as written. Second by Mr. Nelson. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Motion made by Mr. Nelson to approve the emergency minutes of April 10th as written. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Mayors Report:

Mayor Funk gives thanks to all for coming tonight and participating in the Council meeting.

Mayor Funk reports that the storm sewer was fixed by the Marathon Gas Station.

Mayor Funk states the Ohio Municipal League is holding New Mayor's Training that he would like to attend on May 17th. He asks the Council to approve \$125 for the training plus travel costs.

Motion made by Mr. Bennett to approve up to \$200 for Mayor Funk to attend the OML New Mayor's Training. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Mayor Funk recommends Steve Cochran, Charlie Camp, John Kozak, Noel Dittmar Lesniak, and Jeff Moore as BZA members. He would like the Council to accept these nominations.

Motion made by Mr. Nelson to accept Mayor Funk's BZA member nominations. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Mayor Funk states that within the next 60 days the company, KT Holden, who paved Grant St. will be out to fix the issues that have arose, specifically, the properties of Russ Wilson and Cindy Frye.

Mayor Funk reports that the insurance is still working on getting the cruiser towed. They are trying to sell the cruiser and have the buyer pick it up.

Mayor Funk reports the old tires that were placed on GovDeals are currently up to a bid of \$375.

Mayor Funk asks all Council Members to complete Sunshine Law training and send the certificate to Mrs. Wilkie to be filed.

President of Council Report:

Mr. Nelson states that Council members need to inform the Mayor ahead of time if they will be absent from a meeting and the reason that they will be absent.

Village Solicitor Report:

NONE

Fiscal Officer:

Motion made by Mr. Nelson to pay bills and accept bank reconciliations. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Guest:

Sheriff Larry Sims, Warren County Sheriff's Office, presents the 2023 Annual Review from the Sheriff's Office. He states that this will be his last year in office and a new Sheriff will be elected. A summary includes the Sheriff's Office handling over 70,000 calls for service, cruisers were updated with state-of-the-art video cameras systems, two additional drones were added for more availability, an additional deputy was approved as a school resource officer for Deerfield Township Schools, and Warren County Tactical Response Team was recognized by the Ohio Tactical Officer's Association for the Team of the Year Award.

Major Arrasmith, Warren County Sheriff's Office, presents the 2023 Annual Report for the Warren County Drug Task Force. Warren County ranks 7th highest county in Ohio for methamphetamine seizures (35+ pounds), 10th highest county in Ohio for fentanyl seizures (6 pounds), and 9th highest for cocaine seizures (18.5 pounds). Investigative activity by staff resulted in 331 new cases. The investigations resulted in 114 felony arrests, 125 search warrants, 58 firearms seized, and 1,673 traffic stops.

Kevin Brewer would like to know if there has been an update about his parking lot request so he can move forward. Mark Tipton states it is on the agenda for the Planning and Zoning Commission meeting tomorrow.

Charles Camp states that he should receive bricks for Jason Lagore and Leroy Sanders soon. He would like to place them at the cemetery at the memorial for first responders/veteran's monument on the weekend before Memorial Day.

Old Business:

Mr. Juniel states the Council previously approved security cameras for behind the maintenance garage. He has received information from other residents that kids are going back there smoking and he has also found drug paraphernalia back there.

Mr. Juniel states we also need proper security doors in the gym. It has been discussed before and hasn't been purchased because of the high cost.

Guest Mark Tipton asks if the Council has any changes they would like made to the new demolition policy so it can be taken back to the Planning & Zoning Commission. Mr. Bennett asks why it requires all the concrete to be removed during demolition. Mayor Funk states there was an issue recently where a demolition occurred, and they backfilled a basement with large chunks of concrete and dirt. This can cause issues in the future if someone wants to build and finds these large chunks that will cost them extra to have removed. Mr. Bennett asks if someone can use the previous foundation if it is still intact or if they are required to tear out that foundation and put a new one in. Mayor Funk states that it is not requiring the foundation to be torn out if the owner wants to build back on that foundation. Mr. Verga states our current planning book states to use non-compressible materials for fill which would include concrete.

Mr. Verga asks if there is any information about the court action by Dave Ashcraft about an executive session. Mayor Funk isn't aware of any court action.

Mr. Verga states he was asked to explain a bill he received from the building inspector and has refused to pay. He states he received a bill of \$540 from the building inspector and a couple of the charges included phone calls. Our previous building inspector quit while Mr. Verga was in a rehabilitation facility and a new building inspector was hired by the Council. There was not a contract approved in the beginning and it was unclear what fees he would be charging until later. Mr. Verga disagrees with the bill because these charges are not typical to our current charges and nothing regarding fees had been discussed in previous Council meetings. Mr. Verga states Randy Carruthers also received a bill with charges outside of the normal, but he paid his bill instead of disputing charges.

Mr. Bennett states he remembers that when Mr. Rivera was hired it was agreed that he would charge our current building inspector rates until a new contract was approved.

Mr. Nelson states that he recalls Mrs. Wilkie telling the previous inspector we could no longer pay him ahead of time for inspections that he had not yet completed. When that inspector quit, Mark Tipton found a new inspector that could help us. He states his understanding is Mr. Verga was charged for consultations and not inspections.

Mr. Juniel states that he was not in favor of the charges Mr. Verga received because he was not made aware ahead of time that he could be charged for the phone calls made. He compares it to a lawyer and the lawyer lets you know before they speak to you if there will be a consultation charge.

Ms. Herberth asks if it would be considered a personal call for Mr. Verga's home since Mr. Rivera worked for the Village at the time.

Mark Tipton states he and Michelle were inspecting a home on Harveysburg Rd. when they saw Mr. Rivera at Mr. Verga's home. They stopped to see what was going on and Mr. Rivera told them he had spoken with Mr. Verga and was asked to look at the home. It was not an inspection, but an evaluation. Mr. Rivera told them he couldn't enter the home without permission, so Mr. Tipton called Mr. Verga and they were all given permission to enter the home. After seeing the significant damage, Mr. Tipton states that Mr. Rivera said an engineering report would be needed. He states from March 2022 to March 2023 he was functioning as a building inspector only. From March 2023 and on, he was functioning as a building official and building inspector.

Mayor Funk asks if there is a contract or resolution to hire Mr. Rivera. Mark Tipton states there is a contract and resolution. Mayor Funk states that there was an interim period between hiring Mr. Rivera and the contract/resolution being approved. He believes there was a lack of communication between the parties involved. His opinion is to waive the fees, and this would avoid Mr. Verga being denied his occupancy permit due to fees not being paid.

Mayor Funk asks if anybody would like to put forth a motion to waive Mr. Verga's fees and refund Mr. Carruther's fees. Mr. Nelson would like to consult with the attorney first before making a decision to refund or waive fees.

Motion made by Mr. Bennett to waive the fees for Mr. Verga and refund the fees for Mr. Carruthers. Second by Mr. Juniel. Vote – Bennett, Juniel – Aye / Nelson, Herberth – Nay / Abstain – Verga. Mayor Funk makes the tie breaking vote as Aye. Motion passed.

New Business:

NONE

Police:

Mayor Funk introduces George Schlub to the Council as the candidate for Chief of Police. Mr. Schlub introduces himself and gives a brief summary of his background.

Mayor Funk asks the Council to formally retire Richard Pottenger as Harveysburg Chief of Police and to approve the expense of a retirement badge that is approximately \$200.

Motion made by Mr. Juniel to accept Richard Pottenger's retirement as Chief of Police. Second by Mr. Bennett. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Motion made by Mr. Juniel to approve up to \$200 for the cost of a retirement badge. Second by Mr. Bennett. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Chief Pottenger states it has been an honor to serve and he doesn't want to leave, but at this point it is the best decision for his health.

In Mr. Kirby's absence, Mrs. Matuszak reads, by title only, **Ordinance 2024-03**: Waiving the residency requirement for the Chief of Police of the Village of Harveysburg, and declaring an emergency.

Motion made by Mr. Bennett to declare Ordinance 2024-03 an emergency and to waive the three readings. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Motion made by Mr. Nelson to adopt Ordinance 2024-03. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Mayor Funk nominates George Schlub for the position of Chief of Police for the Village of Harveysburg. This will include \$20,000 annual compensation with OPERS and 15 hours per week minimum or 60 hours monthly.

Motion made by Mr. Nelson to accept the nomination and hire George Schlub as Chief of Police for the Village of Harveysburg. Second by Mr. Juniel. Vote – Nelson, Bennett, Verga, Herberth, Juniel – Aye / Nay. Motion passed.

Mayor Funk swears in George Schlub as the new Chief of Police for the Village of Harveysburg.

Committees:

The following committees have been suspended until further notice: Streets & Buildings, Finance, Police, Community Relations, Tree Board, and Grants. All committee business will occur during the regularly scheduled Council meetings.

Planning and Zoning – 4/23 at 7:00pm

Admissions Tax Board – TBD

Records – 6/20 after court

Motion made by Mr. Nelson to adjourn at 8:52pm. Second by Mr. Juniel. Passed unanimously.

Attest:

Mayor Jonathan Funk

Jim Nelson, President of Council

Pat Bennett

Dick Verga

Randy Carruthers

Kim Herberth

Charles Juniel

Heather Matuszak, Clerk of Council