

Village of Harveysburg

Village Council

April 25, 2022 – 7:00 PM

Present:

- Kim Herberth – Councilwoman
- Pat Bennett – Councilman
- Randy Carruthers – Councilman
- Charles Juniel – Councilman
- Mark Tipton – President of Council

Absent:

- Jim Nelson -- Councilman
- Mayor Richard Verga

Village Staff Present:

- Mary Wilkie – Fiscal Officer
- Mark Webb – Village Solicitor
- Richard Pottenger – Police Chief
- Devon Cruse – Harveysburg Police Officer
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Charles Camp – Harveysburg Resident
- Rob Camp – Harveysburg Resident
- Earl Hendrickon – Harveysburg Resident
- Chase Kirby – Attorney
- Lori Dix – Observer

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*This is a summary of the meeting of the Harveysburg Village Council held April 25, 2022, at 7:00 PM.
Upon request, a recording of the meeting is available for review.*
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Mark Tipton, President of Council, calls the meeting to order at 7:00pm.

Roll Call: Bennett, Herberth, Carruthers, Juniel, Tipton

Motion made by Mr. Bennett to excuse the absent member of council: Jim Nelson. Second by Mr. Juniel.
Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Tipton to excuse Mayor Richard Verga from the council meeting. Second by Mr. Juniel.
Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

Disposition of Previous Minutes:

Motion made by Mr. Bennett to approve the April 11, 2022 minutes as written. Second by Mr. Juniel.
Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

Mayors Report: Mr. Verga

NONE

President of Council Report: Mr. Tipton

Mr. Tipton states that he has been working with the state and the county to find a new building inspector. He has found our best option would be to partner with the City of Hillsboro. We would be working with Steve Rivera. Mr. Rivera is in the process of talking to the state for approval to work with us. He holds 10 certifications that would cover residential and commercial.

Guest Earl Hendrickson asks what Mr. Rivera's availability would be if he is also covering the City of Hillsboro.

Mr. Tipton states that it is something to be determined when we go into detail on a contract.

Mr. Tipton states Tim Hobgood's contract ends May 6th. He states that any inspections that fall after that date may go unanswered because we do not know how quickly we can engage Hillsboro with a contract for service.

Motion made by Mr. Bennett to engage Steve Rivera and the City of Hillsboro to conduct building inspections as required until a contract has been signed. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

Mr. Tipton reports that this past Thursday the gym was rented out and it was very noisy. This disturbed the court proceedings. It was requested that the gym is not rented out on court nights in the future.

Council agrees that the gym should not be rented during court hours.

Mr. Tipton reports we had another successful tire recycling event. He sent a letter to Warren County Solid Waste Management thanking them for holding the tire recycling events and letting them know it allowed us to remove 85 tires from the Village.

Fiscal Officer: Ms. Wilkie

Ms. Wilkie would like to add Joe Nelson as an authorized signature for the checking account.

Motion made by Mr. Tipton to add Joe Nelson as an authorized signature for the Village account. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

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

Village Attorney Report: Mr. Webb

Mr. Webb states that he will be resigning from his position as Village Solicitor to make more time for his family. He is committed to a smooth transition for the Village, and he highly recommends Mr. Chase Kirby as his replacement. Mr. Kirby is an attorney in Mr. Webb's office so he would have the support of Mr. Webb or anyone else in the office for any help needed with the Village projects.

Mr. Webb will see the annexation through and will help Mr. Kirby or the next replacement with any projects the village might have.

Mr. Webb reports that the annexation has been signed by everyone and it is ready to submit to the Auditor and Recorder's Office.

Motion made by Mr. Tipton to recommend to Mayor Verga that Chase Kirby be the next Village Solicitor. Second by Mr. Carruthers. Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

Mayor Verga will appoint the next Village Solicitor. This appointment does not need to happen during a council session.

Mr. Webb completes the third reading of O-01-22.

Charles Camp asks how we enter into an agreement with ODOT.

Mr. Tipton states the paperwork that was read is the agreement provided by ODOT. The Mayor can enter into the additional agreement provided by ODOT for snow and ice removal from SR73.

Motion made by Mr. Bennett to adopt O-01-22. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Juniel, Tipton – Aye, Nay – None. Motion passed.

Mr. Webb states that at the last meeting he was asked to do research about officers signing off and responding to fire calls for Massie Township. He does not believe this is a good practice. As it was presented to him, the officer signs off duty and leaves his patrol vehicle to then respond to a fire call outside the Village. That raises issues from a governmental immunity perspective in terms of liability for the officer individually, as well as the Village of Harveysburg. He states it seems as though it's form over substance. For governmental immunity you must be acting within the scope of your employment. As a practical matter, it also seems difficult to figure out when the person was on duty or off duty and if a call comes out in the Village the officer should be here to respond not out on a fire call. It is his opinion that hypothetically, it would create a logistical nightmare from a liability perspective.

Guests:

Rob Camp asks if he needs a permit to extend his current fence further on his property.

Mr. Tipton states that he does not.

Earl Hendrickson addresses council about his purchase of a portion of Paul Brothers property and his future plans for boat & RV storage.

Old Business:

Mr. Tipton reports that we signed the PASER study proposal with Choice One Engineering. It has not been scheduled yet.

Mr. Tipton states that we need to hire a consulting engineer for the Renaissance Festival turn lane. We need to discuss with Mr. Ashcraft about covering the cost the Village will incur. The Village also does not have to accept this turn lane.

Mr. Hendrickson states this year was the worst he had ever seen it in the years the festival has been operating. It affected his business, as well as others, and backed up traffic to Waynesville one way and to I-71 the other way.

Mr. Tipton states the project has now been cut in half from the 1000ft turn lane to 400ft because they couldn't come to an agreement with the church on purchasing their part of the property.

Charles Camp asks about whether they were no longer charging for parking.

Mr. Tipton confirms that Mr. Ashcraft was going to be combining parking into the ticket prices to help avoid backing up traffic.

Mr. Tipton states he has the old Statement of Qualifications document so we can look for a Village Consulting Engineer. He will be updating it and sending it to the Warren County Engineer's Office for review. It will then be passed to our Village Solicitor for additional input.

New Business:

NONE

Police: Chief Pottenger

Chief Pottenger begins his report:

-All vehicles are running well

-There are no new hires

-Citing speeds over 70mph on SR73 and we have issued 70+ citations to date in April

-We are beginning a vacation/vacant house check. A resident may ask the PD to check on their homes while they are away.

-We, in conjunction with Massie Twp FD, will be offering a Lock Box program to assist the elderly and infirmed. This will reduce damage to the homes when the person needs assistance and cannot open/unlock the door. Lock box codes will be maintained by Warren County Dispatch and they will provide codes as needed.

-We are planning TASER training for officers who need certification. We will also be conducting LIDAR training. Online OPOTA training is still in progress.

-We need to adopt the Ohio Basic Code for 2022.

-Wright and Collins are on leave. Collins is having surgery on Thursday and will not return for 5-6 weeks.

-Chief Pottenger has done research on the noise created on Bike Nights and found there is nothing enforceable if the exhaust system is factory installed. It is difficult to tell when a factory system has been altered just by looking at it.

-He states they spent some time today tracking down a group of kids who left school. All of them were eventually located.

Committees:

Community Relations – Ms. Herberth states that 9 out of 12 flowerpots have been claimed.

Ms. Herberth reports that the yard sale signs arrived.

Ms. Herberth states that there is a chance of getting a free big screen projector for the Village. We could hold movie nights in the gym during the summer. We could sell boxes of popcorn and bottles of water.

Chief Pottenger states that we would need to look into the licensing fees. Some movies cannot be shown to the public without fees. He also states the PD will take one of the flowerpots.

Finance - None

Grants - None

Planning and Zoning – Meeting April 26th at 6:30pm

Records - None

Trees - None

Motion made by Mr. Juniel to adjourn at 7:52pm. Second by Mr. Tipton. Passed by voice vote.

Attest:

Heather Matuszak, Clerk of Council

Mayor Richard Verga

Mark Tipton, President of Council

Kim Herberth

Randy Carruthers

Pat Bennett

Charles Juniel

Jim Nelson