

Village of Harveysburg

Village Council

May 8, 2023 – 7:00 PM

Present:

- Mayor Richard Verga
- Jim Nelson – Councilman
- Pat Bennett – Councilman
- Charles Juniel – Councilman
- Mark Tipton – President of Council

Absent:

- Kim Herberth – Councilwoman
- Randy Carruthers – Councilman

Village Staff Present:

- Chase Kirby – Village Solicitor
- Richard Pottenger – Police Chief
- Mary Wilkie – Fiscal Officer
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Terry Poe – Harveysburg Resident
- Chris Colvin – Village of Waynesville Council Member
- Thomas Burton – Harveysburg Property Owner
- Lisa Koenig – Harveysburg Resident
- Carol Nelson – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held May 8, 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, Tipton, Juniel

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

Disposition of Previous Minutes:

Motion made by Mr. Bennett to approve April 24th Council Minutes as written. Second by Mr. Juniel. Vote – Nelson, Bennett, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayors Report: Mr. Verga

Mayor Verga mentions in the last meeting we heard from Kevin Brewer, Mayor Verga followed up on the issue of having the gas tanks removed and found BUSTR (Bureau of Underground Storage Tank Regulations). They can assist with grant applications for the gas tank removal.

Mayor Verga states that at the last Planning Commission meeting, one of the main topics was the Black School issue. The Black School was granted permission to install the HVAC system in their building.

Mayor Verga reports that 154 E. Main St. has been sent 2 letters regarding the clean up of their lot. The first letter was sent 3 weeks ago with no response and at that time a letter was placed on the door of the residence. No response from the owner. A second letter was sent that stated they had 10 days to fix the problems on their lot or the matter would be sent to court. Mayor Verga received a call today from the tenant and after discussing the matter the tenant agreed to begin fixing the problems around the lot. The tenant stated they had been trying to get the owner to fix certain things for months to no avail.

Mayor Verga asks Mr. Kirby if it would be better to send letters to homeowners from the attorney letterhead or from the Village. Mr. Kirby states we should do both.

Mayor Verga reports that the right of way along Old SR 73 for the property for sale will not be an issue. After speaking with the real estate company in Texas, they have stated they are waiting for a response from Dollar General about the store.

Mayor Verga wants to move forward with the new HVAC for the building. Mr. Tipton states the storm sewer project takes precedence and the cost of supplies for that project have increased tremendously. The cost of pipe has increased over 100% and the cost of asphalt has also increased. Mrs. Wilkie states the bid for the sewer project go out in June so we will know the cost soon.

Mayor Verga reports that Kevin Martin appears to be setting up to remove the storm sewer on his property even though the storm sewer is still currently active. He cannot remove it until it is plugged. Mr. Tipton states his demolition permit was turned down because it is still an active sewer. Mr. Tipton states there is no utility easement for the storm sewer on that property.

President of Council Report: Mr. Tipton

Mr. Tipton states the Warren County Sheriff's Office found the juveniles who broke into the gym last year and he would like to enter executive session at the end of the meeting to discuss further legal action.

Mr. Tipton reports that there is no scheduled date for Altafiber to begin the Broadband Project in the Village.

Mr. Tipton reports the tire recycling program was a success. Mrs. Wilkie states Joe only worked for less than an hour and he gets 3-hour minimum overtime. She would like Council to approve 3 hours of overtime pay for Joe.

Motion made by Mr. Tipton to approve 3 hours of overtime pay for Joe Nelson. Second by Mr. Bennett. Vote – Bennett, Tipton, Juniel – Aye / Abstain – Nelson. Motion passed.

Mr. Tipton reports that Warren County had an electronics/paper recycling event, and it was a great success.

Mr. Tipton states that everyone should have received the Trebel notification opt-out letter. He provides it for viewing on the screen.

Fiscal Officer: Mrs. Wilkie

Mrs. Wilkie reports that the audit is still ongoing. The auditor asked if we had a disaster recovery plan. A disaster recovery plan has not been passed by Council.

Mrs. Wilkie states the Records Committee agreed to adopt the records retention plan that the Village of Waynesville has, and she is trying to get a copy that we can edit for our needs.

Motion made by Mr. Nelson to pay bills and accept bank reconciliation. Second by Mr. Juniel. Vote – Nelson, Bennett, Tipton, Juniel – Aye / Nay – None. Motion passed.

Village Attorney Report: Chase Kirby

Mr. Kirby states he has reviewed the Rumpke contract and he recommends the Village proceed.

Mr. Kirby states in the Planning Commission meeting there was a vote about an amendment to the zoning ordinance; specifically with stop work orders and a process to appeal those. There's now a procedure to appeal within 30 days. He drafted an ordinance for this new amendment that he will bring to the next Council meeting. It creates a Residential Board of Building Appeals.

Mr. Kirby completes the second reading of Ordinance 2023-01.

Guests:

Terry Poe states why we have inspection fees that other city's do not seem to have. He cites Centerville as not having a roof inspection fee. Mr. Tipton states that in 2019 it became a state mandated inspection.

Thomas Burton thanks the Village, specifically Mr. Tipton and Mr. Rivera, for being informative about what needs to be done with his property. He is having someone come in for lot clean up tomorrow. He also mentions that to his knowledge through his career, the City of Centerville does have home roof inspections during installation.

Chris Colvin, a local legislation liaison and Village of Waynesville Council Member, presents a non-binding resolution in support of the convention of states that was adopted by the Village of Waynesville in 2018. He provides a copy of this to each Council member. It is a proposal of limited amendments in terms of fiscal restraint by the Federal Government, limiting the power of jurisdiction of the Federal Government, and limiting terms of office for members of Congress. A main point of the resolution is to

protect The Bill of Rights. He urges the Village of Harveysburg to adopt their own resolution and to send a letter to the State Representatives asking them to support the resolution as well.

Lisa Koenig would like to address the issue of trash throughout the Village. There is trash on properties and along the streets and she would like to see something done about it. She states she used to go on walks and fill entire trash bags with the trash throughout the Village. She does not want the value of her property to diminish, and she would like people to respect the environment. She questions why the ORC regarding littering or the Village's own ordinances are not being enforced.

She is also concerned with the number of vehicles that speed through the Village. She is particularly concerned about Main St. with the homes so close to the road that a child could be injured due to people's disregard while driving.

She mentions the home next to her had a tree fall and they cut it into multiple pieces. There are very large pieces remaining on this property that are at risk of tumbling onto her property due to an incline. She has a young child that visits her home, and she is very concerned about safety.

Old Business:

Mr. Bennett states that the Council had approved a new basketball backboard for the outside court a while back. He noticed that it was not properly fixed and a small basketball hoop that you would find on the street was stuck on the backboard. He states that was not what was agreed to be done and is upset that he was told it had been done properly. Mr. Tipton will address it with Phil Trovillo.

Mr. Nelson states we have a Village Ordinance 2016-001 that requires an annual chicken permit fee. He wants to know if we are still enforcing that. Mayor Verga states it hasn't been enforced in a while due to manpower.

New Business:

Mr. Juniel states he was asked where residents go for shelter in the event of a weather emergency. Mr. Nelson states the hallway of the government building serves as the shelter, but the problem is you need someone with a key to let you inside. Mr. Juniel asks if that can be put on the Facebook page, so people know where to go.

Mr. Tipton states the permits were approved for the HVAC installation at the Black School.

Mr. Tipton states the Village received an open record request this past Friday from a reporter in Columbus for information regarding the Renaissance Festival. She gave a deadline of 4pm today for the information. Mr. Kirby states that was an unreasonable deadline and not a proper records request. He states we can respond in a reasonable amount of time, but do not need to rush to meet a self-imposed deadline set by a reporter.

Mr. Tipton presents an updated zoning map that reflects the rezoning of parcels owned by the Renaissance Festival in 2011. Mr. Tipton went to Warren County asking them to update the map and they told him the Village would have to update it themselves. He will take the map to the Planning

Commission for approval and then bring it to the Council for approval. Mr. Kirby will also write up a resolution to accept the updated map.

Mr. Nelson asks why the Bridal Shop has never been brought before Council for approval. It is stated that she can operate as a home business. However, there have never been inspections to verify she is operating an appropriate home business that follows all standards.

Police: Chief Pottenger

- Vehicles running well.
- A special court date was held for an incarcerated subject. The case was closed, and the fine recovery was sent to the Attorney General. The individual will not be able to receive a driver's license until the fine is paid.
- Currently working on an OCJS Grant; requesting a new vehicle to replace the totaled vehicle, 2-3 AEDs, and other additional equipment.
- Siren on vehicle #1 is cutting in and out and will need repaired.
- We received a request for an application and that was provided for the individual. If he is an acceptable candidate, we will have to wait for him to pass his state test and then he will need to complete 60-90 days of training.
- Chief Pottenger would like to move forward with having the equipment removed from the totaled vehicle. This would allow him to replace the siren in vehicle #1.

Motion made by Mr. Tipton to set aside \$500 to repair the siren on vehicle #1. Second by Mr. Juniel. Vote – Nelson, Bennett, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton presents police data from 2023 year to date. He emphasizes the hours worked/tickets written in these 18-weeks of 2023 compared to the hours worked/tickets written during the 10-weeks of Renaissance Festival in 2022. More hours and tickets were written during the 10 weeks of renaissance Festival than the 18 weeks this year. He also compares the court fees generated last year (2022) at this time to the funds this year (2023) at this time. We are approximately \$24,000 behind where we were last year due to low work hours.

Community Relations – Ms. Herberth

NONE

Committees:

Community Relations – None
Finance - 5/22 at 6:30pm
Grants - None
Planning and Zoning – 5/24 at 6:30pm
Records - None
Trees - 5/10 at 7:00pm

Motion made by Mr. Tipton to enter executive session regarding the pending legal action for the juveniles who broke into the gym. Second by Mr. Juniel. Vote – Nelson, Bennett, Tipton, Juniel – Aye / Nay – None. Motion passed.

Executive session begins at 8:40pm.

Motion made by Mr. Nelson to exit executive session. Second by Mr. Juniel. Vote – Nelson, Bennett, Tipton, Juniel – Aye / Nay – None. Motion passed.

Executive session ends at 8:52pm.

Motion made by Mr. Tipton to contact the Warren County Detective and tell him we will not pursue legal or civil actions against the juveniles involved in the break-in. Second by Mr. Bennett. Vote – Nelson, Bennett, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson to adjourn at 9:00pm. Second by Mr. Juniel. 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