

# Village of Harveysburg

## Village Council

May 22, 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:

- None

### Village Staff Present:

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

### Visitors / Guests:

- Kevin Martin – Harveysburg Property Owner
- Kevin Brewer – Harveysburg Resident/Business Owner
- Mike Hatfield – Harveysburg Resident
- Jonathan Funk – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held May 22, 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 7:02 pm.  
Roll Call: Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel

### Disposition of Previous Minutes:

Motion made by Mr. Juniel to approve May 8<sup>th</sup> Council Minutes as written. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

**Mayors Report:** Mr. Verga

Mayor Verga states the Harveysburg and Old 73 signs needs to be replaced. There have been complaints from residents not receiving packages due to the delivery personnel not knowing where to go due to the lack of a street sign. Mr. Carruthers mentions we have signs that are faded that should be replaced as well.

Motion made by Mr. Bennett to approve up to \$110 to replace the Harveysburg and Old 73 signs and posts. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayor Verga states that during the Tree Committee meeting it was decided that some of the trees that were planted need to be re-staked due to not being properly staked when planted. He would like Council to approve \$100 to do this.

Motion made by Mr. Bennett to approve up to \$100 to re-stake the black oak trees. Second by Mr. Juniel. Vote – Bennett, Carruthers, Juniel – Aye / Nelson, Herberth, Tipton – Nay. Mayor Verga broke the tie vote in favor of the motion. Motion passed.

Mayor Verga reports that the Tree Committee also agreed that the maple trees on Maple Street need to be trimmed. We would need to rent a bucket truck for this and have found one to rent for \$238/day, however, our road crew is not willing to do this task due to safety concerns. He was not able to get a tree company to come out for an estimate.

Mayor Verga has received complaints that the Village looks unkempt and would like to hire an extra person on the road crew this summer to help with tasks such as curb painting, new sidewalks, and street patching. He would like to dedicate \$10k per year to sidewalks. There is concern from Mr. Carruthers that this would take money away from other more important projects that need to be completed in the Village. Mrs. Wilkie is also not comfortable dedicating that amount at this time.

Guest Mrs. Hatfield states her concern that 4 years ago when the sidewalks in front of her home were replaced, the contractor pulled out about 12 feet of curb that was not replaced and now the grass is growing to the gutter. Mr. Tipton will look into an estimate to replace the curb.

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

NONE

**Fiscal Officer:** Mrs. Wilkie

Mrs. Wilkie reports that the Finance Committee would like the Council to approve 3 hours of pay at the normal hourly rate for Joe Nelson on court nights as this is how Ashley is paid.

Motion made by Mr. Carruthers to pay Joe Nelson 3 hours of pay at his normal hourly rate on court nights. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Abstain – Nelson. Motion passed.

Mrs. Wilkie reports that the Finance Committee approved paying Lt. Perkins \$100 quarterly. The Ohio Bureau of Workmans' Compensation suggested doing this for audit purposes because otherwise we will have to report paying him part-time for the entire year.

Motion made by Mr. Juniel to pay Lt. Perkins \$100 quarterly. Second by Ms. Herberth. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mrs. Wilkie states we need to start on the paperwork for the Board of Elections for our Police and General Levies. Mr. Kirby will begin drafting the Ordinances.

Mrs. Wilkie advises that the Records Committee voted to adopt a new retention schedule. Mrs. Matuszak has emailed the new schedule to Council members for review.

Mrs. Wilkie states that she is very concerned about the traffic control during the Renaissance Festival. The past year they started using civilians to control traffic instead of the Harveysburg PD. It was often very dangerous and there were multiple occasions where she or members of her family were directed to pull out when there was oncoming traffic. Unfortunately, there was one incident that resulted in a member of her family being involved in a traffic accident because they were told it was safe to pull out when in fact there was oncoming traffic. She is not aware that the Council has ever approved or disapproved of the use of the PD to direct traffic.

Chief Pottenger responds that they have directed traffic for over 20 years, but last year they began using civilians due to the lack of officer availability. He was not aware last year that there was a class they could attend to teach them how to properly direct traffic. He spoke with Mr. Ashcraft, and he is willing to pay for that class if civilians are used again.

Mrs. Wilkie reports that we collected \$1,952 from trash assessments.

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

#### **Village Attorney Report:** Chase Kirby

Mr. Kirby states he received a copy of an ordinance from June 2015 that designates the Village Mayor as receiving an annual stipend if the person holding that office also performs the duties of Village Administrator. After researching, he does not believe it is proper for an elected official to hold a position as Village Administrator according to ORC 735.271. He advises the Council to vacate this ordinance.

Motion made by Mr. Tipton to have Mr. Kirby draft an ordinance to vacate Ordinance O-2015-021. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Kirby reads Ordinance 2023-02: Creating a Residential Board of Building Appeals within the Village of Harveysburg, Ohio. Mr. Bennett questions the need to make this an emergency and states we have not discussed this at length. Mr. Tipton invites Guest Jon Funk, BZA member, to speak. Mr. Funk explains that this board is beneficial to the residents of the Village. It gives them a recourse for appeal besides going straight to a lawsuit. Mr. Tipton explains this is state mandated and something that should have

been implemented years prior. It is decided to make this the first reading instead of an emergency. Mr. Kirby will make the necessary corrections.

Mr. Kirby completes the third reading of Ordinance 2023-01. Audience questions taken before a motion to adopt. Motion to adopt postponed until after a Town Hall meeting on June 14<sup>th</sup> at 6:30pm where residents can ask Mr. Rivera direct questions about the fee schedule.

#### **Guests:**

Kevin Brewer updates the Council that he has been in contact with Jason Anthony from BUSTR (The Bureau of Underground Storage Tank Regulations) and he is helping him move forward with the removal of the petroleum tanks on his property. He has contacted multiple companies for estimated removal costs and has not received a return call despite multiple attempts. He states he will continue to work closely with the Village regarding the removal of the tank that is under the street. He reports that his extension was approved for 1 year. He also advises that he is in the process of purchasing the property next to his that he intends to convert into a parking area.

Kevin Martin addresses the Council regarding the busted storm sewer on his property at 464 W. Main Street. Mr. Martin asks if there are any answers to his information request. Mr. Tipton reports that in conjunction with ChoiceOne they could not find any record of maintenance by the Village on that storm sewer and there is no easement. He states that he has asked the Village to remove the storm sewer once it has been abandoned, but the Village has stated they have no obligation due to not having an easement. He states he filed for a demolition permit, but it was denied because it is an active storm sewer. He wants the Village to put into writing that they will remove the section of storm sewer that runs between Main and South St. within a year of completion of the storm sewer project and if they do not agree then he will take it to court. Mr. Kirby asks to have his lawyer reach out to him.

Mike Hatfield addresses the Council about the tent permit fee. It does not specify between residential and commercial and can be interpreted in different ways. He is also questioning the multiple roof permit fees. The language is confusing for the residents and would like it to be clarified and easily understandable.

***\*\*Note: Multiple discussions begin to occur at once regarding the fee schedule and residents did not follow instructions to identify themselves before speaking. These questions and comments will not be transcribed.\*\****

Motion made by Mr. Nelson to table the discussion of the fee schedule so the Council proceedings can resume. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

#### **Old Business:**

Mr. Tipton goes over the savings the Village will incur with the electrical aggregation program and the Rumpke trash contract.

Mr. Tipton states his concern with the safety of Village residents due to the internet and phone service loss during the Renaissance Festival. We are unable to call emergency services when the service goes down unless someone still has a landline. Mr. Tipton will be researching some options we might be able to take.

Mr. Tipton presents the new proposed zoning fees. The fees are less than what we currently have. Mr. Bennett asks how the zoning map amendment fee would apply. Mr. Tipton answers that the fee will apply when the zoning changes and the map needs to be updated.

**New Business:**

Mr. Nelson was asked about having a streetlight put in at North and Lorraine to light the intersection. There is an existing pole.

Motion made by Mr. Juniel to install a streetlight on the pole at the intersection of North and Lorraine. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – Motion passed.

Mr. Tipton states that Charles Campbell has volunteered to be an alternate member for the BZA. Mr. Kirby will draft a resolution for the next meeting.

**Police:** Chief Pottenger

Vehicles running as expected and future oil changes will be completed at the county garage for \$20/vehicle savings. The oil changes will include a safety inspection of each vehicle.

**Major Events:**

- An indictment was filed on the individual who assaulted Officer Roat last year.
- We had an assault on a juvenile which is under prosecutor review.
- A hit and run that was resolved by both parties involved.

The fishing derby is scheduled for June 24<sup>th</sup>. The donations are way down this year and we will need assistance with some new donors if anyone has businesses or individuals to recommend.

The siren was sent for repair but is still cutting in and out after we received it back.

Two new applications are under review.

Officer Kiser passed his OPOTA test and can be released on his own for road patrol.

Officer Cruse is resigning his commission with Harveysburg PD at the end of the week. Chief Pottenger would like to retain him as an assistant until he can learn the necessary information for completing grants. These would be limited hours.

County will remove the equipment from vehicle #3 for \$400-\$500. They would also install the equipment on a new vehicle.

Chief Pottenger states that he reviewed the data Mr. Tipton presented at the last meeting and states it fails to account for having a full-time employee last year so the hours this year are reduced.

Chief Pottenger states that the county is using a business card for Marsy's Law. Chief Pottenger would like to use this same idea.

Motion made by Mr. Bennett to purchase business cards for the purpose of using them for Marsy's Law in the amount up to \$100. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Chief Pottenger would like a way to resolve not having someone in the office on Mondays for people that are trying to pay fines.

They need a trash can at the police department.

Mr. Tipton states that Joe has brought up the issue of officers putting the wrong court date on the tickets and that date extending past 30 days.

**Community Relations – Ms. Herberth**

NONE

**Committees:**

Community Relations – None

Finance - 6/26 at 6:30pm

Grants - None

Planning and Zoning – 6/28 at 6:30pm

Records - None

Trees - None

Town Hall meeting June 14<sup>th</sup> at 6:30pm for fee schedule discussion.

Motion made by Mr. Nelson to adjourn at 9:28pm. 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

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Randy Carruthers

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Pat Bennett

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Charles Juniel

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Jim Nelson