

Village of Harveysburg

Village Council

June 12, 2023 – 7:00 PM

Present:

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

Absent:

- Pat Bennett – Councilman

Village Staff Present:

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

Visitors / Guests:

- Kevin Martin – Harveysburg Property Owner/Business Owner
- Dave Ashcraft – Renaissance Festival Owner
- Deb Moore – Harveysburg Resident
- Mike Hatfield – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held June 12, 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, Herberth, Carruthers, Tipton, Juniel

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

Disposition of Previous Minutes:

Changing Brothers Street to Harveysburg Rd and Old 73 in the Mayor’s initial statement and the following motion.

Rewording the statement of when a decision will be made regarding the Town Hall fee schedule discussion.

Motion made by Mr. Carruthers to approve May 22nd Council Minutes with the above noted corrections. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mr. Kirby addresses the Council regarding the previous meeting, he likes to see the community engagement during meetings, but believes the last meeting was a poor representation of how the meeting should be conducted. He believes it is embarrassing when we have such discourse and offensive to the rule of law. He states Mr. Tipton is going to run through a policy of procedure that he believes we should strictly adhere to. He states that we encourage citizens to step up to the podium and be heard during the guest portion of the meeting. However, while the Council is conducting regular business, it is not the time to say curse words under your breath or make other statements trying to get a reaction out of others and if this occurs you will be escorted from the Council chambers. He states that the law does authorize the Village to remove anybody disruptive to Council proceedings and can also charge an individual, but he makes it clear that we do not want to do that. He states if you have something insightful to add during regular proceedings, please raise your hand and a Council member will invite you to speak.

Mayors Report: Mr. Verga

Mayor Verga asks that people do not take Mr. Kirby's statement the wrong way. We want to hear from everybody, but when multiple people speak at once we don't hear anything.

Mayor Verga offers his condolences for former Mayor of Harveysburg, Ray Roberts Sr., who passed away last week.

Mayor Verga states we have had ongoing issues with the air conditioning in the Council Chambers because the window units make it difficult to hear. He states he spoke with John Boyd about putting in an A/C unit that would run off the furnace downstairs and use existing ductwork. The quote from John Boyd was \$9,275. He also received information about a window unit with a separate compressor that is \$400. He would like to move forward with researching this unit and purchase if it makes a good fit. He would like the Council to approve up to \$400 for the purchase.

Mr. Tipton states that our Fiscal Officer does not approve. We purchased the current window unit last year with the \$500 emergency money and this is not an emergency purchase.

Motion made by Mr. Tipton to table the discussion of purchasing a new A/C unit until the next meeting. Second by Mr. Carruthers. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mayor Verga states he has heard secondhand that the man putting HVAC in his home has had trouble obtaining a permit for a partial inspection because nobody is in the office or available to help. He asks Mr. Tipton if he knows anything. Mr. Tipton states he spoke with him 3 weeks ago when he was requesting an HVAC permit, which was already pulled, but he was being conscientious because Hayes

and Son did not provide information to him. Mr. Tipton referred him to Mr. Rivera, they spoke, and everything was sorted. He is not aware of any issues following that but will follow up with all parties.

Mayor Verga states he has a bill from the Village from February, and he has decided that he will not pay it. The bill contains three items: \$100 telephone call, \$100 telephone call, and \$340 house inspection. As background, a new building inspector was hired during the period Mr. Tipton was acting Mayor. He does not believe this was a decision that should have been made without his approval. He states pay was never discussed when the new building inspector was hired, and when he first received this bill, he did not agree with the way Mr. Rivera was billing and wanted the pay renegotiated. A new arrangement was made to pay Mr. Rivera a salary and the Village would keep all permit fees.

Mr. Tipton cites the ORC states when the Mayor is out of the Village then the President of Council takes over the office of Mayor. In February of 2022, our previous Building Inspector left on a 30-day notice and a stack of inspections. He contacted the state and received a large list of inspectors. He attempted to contact Warren County first, but they did not want to take over. Mr. Rivera then stepped up and was hired only as a Building Inspector, which is different from a Building Official. He agreed to do all inspections at Harveysburg's current rates. He adds that our previous Building Inspector did not refund us the money for inspections he did not perform so he owes the Village money. He states that at the end of 2022, Mayor Verga asked Mr. Rivera questions about his home that were outside the duties of a Building Inspector. Since Mr. Rivera is a certified Building Official, he answered Mayor Verga's questions and his contractor's questions at his consulting rate. At the end of 2022, Mr. Rivera approached the Village stating we needed a Building Official. The Village does not have a Building Department without a Building Official. Mr. Rivera drafted a contract to become the Building Official and Building Inspector. He is trying to help Harveysburg get a process to follow and a fee schedule to follow. Mr. Tipton states he did not act out of line when Mr. Rivera started. He was to perform inspections only when needed and at the current rate of Harveysburg. This is documented in the minutes. Mr. Tipton states that Mr. Rivera is making very positive changes for the Village that have been needed for the past 20 years.

Mr. Kirby asks what the Mayor would like the Village to do about this. The Village has already paid Mr. Rivera so Mayor Verga owes the Village \$540 for the expenses. Mayor Verga states that he will not pay the bill so the Village can forget about it or sue him.

Motion made by Mr. Tipton to table the discussion until he can speak with Mr. Rivera. Second by Mr. Carruthers. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

President of Council Report: Mr. Tipton

Mr. Tipton presents a permit fee comparison chart of Harveysburg current fees vs. proposed fees. He compared 7 situations that currently exist in the Village. In all 7 situations the residents save money. When comparing Warren County vs Harveysburg proposed fees, a resident would also save money.

Guest Kevin Martin asks if these prices include the \$50 application fee. Mr. Tipton affirms that they do.

Mr. Tipton states he has placed information on the Harveysburg website under the Building Department page to include proposed fee schedule, commercial fee schedule, Board of Building Standards, application for plan approval and FAQs.

Mr. Tipton states Mr. Rivera has proposed a compromise for roof inspections. Unless it is an emergency repair, such as a major storm, a permit will be required for all re-roofing projects. You will not need a permit for minor re-roofing repairs. Mr. Tipton states that Mr. Rivera will not look the other way as he is bound by law. Mr. Rivera has suggested a 2-month moratorium for having a permit and inspection fees for roofing installations. Contractors and residents will be required to process the paperwork associated with roof installations but will not be charged for it during this 2-month period. During this period, the Council will decide what the permit fees will be.

Mr. Tipton states that while going through paperwork with Jim Nelson in the Records room, they came across Rules of Procedure for the Council. He provides a copy to Council members. He is unsure when it was first adopted, but believes we need to adopt the Rules of Procedure again and abide by them during meetings.

Mr. Tipton praises Mr. Rivera for all his efforts for our community. We are finally making headway on the old hotel and school properties after 20 years of no change. We have an adjudication hearing on Friday for the old hotel property.

Mr. Tipton references the Memorandum of Understanding with the Warren County Regional Planning Commission. It states they will help us at no cost in maintaining our zoning map and needs to be signed by the Mayor.

Fiscal Officer: Mrs. Wilkie

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

Village Attorney Report: Chase Kirby

Mr. Kirby completes the second reading for Ordinance 2023-02.

Mr. Kirby reads Ordinance 2023-03: Material changes to the official zoning map of Harveysburg.

Guest Dave Ashcraft states he does have the original ordinance that rezoned the properties. He states it also has a clause through the State of Ohio that it is grandfathered in for current use which is how the Renaissance Festival has continued to operate. He believes that Mr. Carroll's backup plan was a subdivision in case the festival didn't make it and if the festival stopped running for a period of two years, then the zoning would officially change.

Guest Kevin Martin makes the Council aware that one of his parcels needs to be changed on the zoning map. Mr. Tipton will bring that forth in the next Planning Commission meeting.

Mr. Tipton states we will take care of each property as we have the legal paperwork.

Motion made by Mr. Tipton to proceed in passing the ordinance and address other changes as we are able. Second by Mr. Carruthers. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Kirby reads Resolution 2023-06: Enter into an easement and agreement for storm sewer easement, authorizing the Mayor to sign an agreement with Grantor.

Motion made by Mr. Carruthers to adopt Resolution 2023-06. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Kirby presents the drafts for the Police Levy and General Operating Levy.

Mr. Kirby reads Resolution 2023-07: Declaring it necessary to levy an operating levy tax outside the ten mill limitation and requesting certification from Warren County Auditor.

Motion made by Mr. Carruthers to pass Resolution 2023-07. Second by Mr. Tipton. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Kirby reads Resolution 2023-08: Declaring it necessary to levy a police levy tax outside the ten mill limitation and requesting certification from Warren County Auditor.

Motion made by Mr. Carruthers to pass Resolution 2023-08. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Guests:

Guest Dave Ashcraft asks if the Village will update the zoning book to reflect the ordinances because they aren't consistent. He references the recreational entertainment ordinance. He states there's specific detail regarding some things and lack of specificity elsewhere. The recreational entertainment is seasonal use on top of the regular use. There is also confusion on temporary vs. permanent structures.

Mr. Carruthers states that even if it is not specified in our ordinances or zoning book, we are still covered by what the ORC states. We welcome comments on how we can change the zoning book for the better and we have tried to sit down and change it, but it is quite difficult.

Mr. Tipton states the zoning book is a living, breathing document that changes with the times. He believes Harveysburg has done a good job of trying to accommodate all changes and nothing has really been stopped. He acknowledges issues with the zoning book, but there is nothing that cannot be overcome. He states the other side of zoning is enforcement and we desperately need enforcement.

Guest Kevin Martin asks if the Council can elaborate on the tent permit due to multiple people's concern over coming to Ohio to work for him if they cannot afford the permit costs.

Mr. Tipton states simply if it is 400 sq. ft. (20x20) or less you do not need to worry about it. He gives an example that the circus big top tent is something that would require a permit. He states anybody can ask a question using info@harveysburg.com and we will respond in a timely manner.

Guest Mike Hatfield asks how much money the Village has in the bank. He asks why money can't be spent on the people now for something such as curb painting. The people don't see the Village doing anything and wonder where all the money is going.

Mr. Nelson responds that we have slightly over \$600k in the bank, but much of the money is spoken for or in funds that are for specific use. Our levies combined bring in about \$100k per year. Mrs. Wilkie

allocates the money at the beginning of each year and the current budget doesn't allow for much leeway. We must make sure there is money set aside for emergency situations as well. He states for instance, if the Village took over sidewalks by ordinance and had them all redone, it would cost around \$250k. Otherwise, ORC states that the sidewalks are the adjacent landowners responsibility to maintain.

Guest Deb Moore asks who enforces the zoning ordinances. Mr. Carruthers answers that is Chief Pottenger, but we do not have someone walking around the Village looking for violations. You can report anything online anonymously.

Old Business:

NONE

New Business:

Mr. Tipton asks if the Mayor wants to sign or stamp the agreement with the Warren County Regional Planning Commission. Mayor Verga states it can be stamped.

Mr. Tipton asks the Council if everybody is alright with the 2-month moratorium of roofing permits and inspections.

Motion made by Mr. Tipton to accept a 2-month moratorium on roofing permits and inspection fees. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton states that the Historical Society had their HVAC installed and inspection passed.

Mr. Tipton states that he has heard Tony Warfel has divided his two parcels into three parcels.

Mr. Tipton states fire inspections are scheduled for the old hotel and school this Wednesday.

Police: Chief Pottenger

Vehicles are running as they should.

The Celtic Fest is June 17th.

The grants were not completed in time.

We have 2 new applications, and we are just waiting for their drug tests to come back.

Chief Pottenger regrets to inform the Council that the fishing derby will be cancelled this year because we do not have the funding, or the help needed.

We have two options for Halloween this year, the 28th or the 31st. The 28th falls on a Saturday and would allow us to have the party in the gym. The 31st would be a Tuesday and we would not be able to have the party before trick or treating.

Community Relations – Ms. Herberth

Mary Cook Library is willing to install a local lend me library in the Village so kids could go borrow a book. The best spot would be in front of the community building. There would be no fee to the Village. The Council agrees to move forward with the idea.

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 14th at 6:30pm for fee schedule discussion.

Motion made by Mr. Nelson to adjourn at 9:26pm. 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