

Village of Harveysburg

Village Council

June 26, 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
- Mary Wilkie – Fiscal Officer
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Kevin Martin – Harveysburg Property Owner/Business Owner
- Tina Waymire – Harveysburg PD New Officer
- Joseph Luker – Harveysburg PD New Officer
- Dave Crisenbery – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held June 26, 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. Carruthers to excuse Council Member Pat Bennett. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Disposition of Previous Minutes:

Changing \$500k to \$250k on page 6.

Motion made by Mr. Carruthers to approve June 12nd Council Minutes with the above noted correction. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayors Report: Mr. Verga

Mayor Verga reports that thanks to anonymous donors from the community we were able to purchase a new A/C unit for the Council chambers.

Mayor Verga reiterates that he will not pay the zoning bill he received in the amount of \$540. He states those fees do not exist anywhere in our system.

Mayor Verga states the Renaissance Festival received a bill based on the fees from the proposed fee schedule. The bill included fees for a fence and an open building. There was also a bill for a pedestrian bridge over a creek.

Mr. Tipton states that fences over 8ft require an inspection and permit per the ORC. He states the permit is \$0.25/lineal ft and fences over 8ft require a building permit. Mr. Carruthers adds that if we do not require the permit then we put the Village at risk of being sued.

Mr. Tipton states that a demo permit was issued for the pedestrian bridge and plans were approved for the replacement. He does not have knowledge of the bill regarding the bridge.

Guest Kevin Martin asks why the Renaissance Festival is being charged by the square foot for a pavilion that only has 20% closed in for a kitchen area. Mr. Tipton responds that it is not documented in our zoning on how we charge for that. Mr. Carruthers adds that our zoning book builds from the ORC and even if something is not documented in our zoning book, we must still follow state laws.

Guest Terri Smith states she will be moving to the area soon and would like to put up a fence and wants to know if that will require a permit. Mr. Carruthers responds that unless it is over 6ft then she will not require a permit.

President of Council Report: Mr. Tipton

Mr. Tipton reports that we have an infrastructure issue on Phyllis Place with a sewer collapse that he will speak with Earl Hendrickson about. There has been discussion of backfilling it since it is a storm sewer that goes nowhere. The issue is the storm sewer on the south side of the street has a significant amount of running water and the water is not coming out the other end. It will need to be checked out to see where the water is coming from and where it is going.

Mr. Tipton reports that Mr. Rivera has informed us about new swimming pool guidelines that include electrical connections, pump, and grounding.

Fiscal Officer: Mrs. Wilkie

Mrs. Wilkie informs the Council that Resolution 2023-06 needed to have the addition of who prepared the resolution before it was signed. Mr. Kirby made that change, and it will need signed again.

Mrs. Wilkie informs the Council that this meeting will serve as the public hearing on the proposed tax levies and the need for them. She states the levies failed last year and at the end of this year the monies are gone if the tax levies fail. The numbers last year were \$29,136 for the general operating expenses

and \$26,153 for the police levy. She states that is the only money the police department has unless money is transferred from the general operating funds and the police department budget is over \$100k.

Mrs. Wilkie states the Finance Committee will go over the 2024 budget at the next meeting. We will not be able to include any tax levy monies since we do not know if they will pass. If one or both levies pass the budget can be amended in January. A public hearing will be advertised for July 10th for the 2024 budget and the resolution will need to be passed by emergency because it is due to the county auditor between July 15th-20th.

Mrs. Wilkie states at the next meeting we will need to have something in on the appropriations for the grants. We have CDBG money(\$90k) and OPWC money(\$212k) for the sewer project. Our part is \$35k and whatever we do not have we will have to borrow.

Mrs. Wilkie states we are still waiting for the financial audit to be completed. It was originally estimated to be completed by the end of June.

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

Village Attorney Report: Chase Kirby

Mr. Kirby completes the third reading for Ordinance 2023-02: Creating a Residential Board of Building Appeals and adopting proposed language of zoning ordinance.

Motion made by Mr. Tipton to adopt Ordinance 2023-02. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

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

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

Mr. Tipton asks Mr. Kirby about Ordinance 2023-01. Mr. Kirby states he needs an updated version due to changes that have been made. Mr. Kirby states that before another reading occurs, the Council members should bring a list of proposed changes at the next meeting to make sure we present a final version.

Mrs. Matuszak informs the Council that Ordinance 2023-03 (Adopting the modified official zoning of the Village of Harveysburg, Ohio, incorporating the map into the official zoning book and declaring emergency) was not voted on after the reading during the last meeting.

Motion made by Mr. Tipton to declare Ordinance 2023-03 an emergency and waive the three readings. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson to adopt Ordinance 2023-03. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Guests:

Kevin Martin asks why Mr. Rivera did not attend the town hall meeting. Mr. Tipton responds that Mr. Rivera had other obligations. Mr. Kirby states that if anybody has questions that we can provide the contact information and questions can be submitted. Mr. Tipton states that he provided that information during the town hall meeting and they have yet to receive any questions.

Mayor Verga states that he spoke to Mr. Rivera two separate occasions and the first time he stated his appearance at the town hall meeting would be of no value and the second time he spoke to him he stated the time didn't work out. He adds that people were disgusted with the meeting.

Mr. Tipton states he took away that residents were upset with the 20-year blight of the Village. This includes examples such as the old hotel, school, road conditions and so on. They want to know where all the tax money is going.

Kevin Martin asks if the next reading of the ordinance will be an updated version. Mr. Tipton responds that it will be, and Mr. Rivera split the fee schedule into residential and commercial to make it more understandable. Mr. Martin believes it should receive three readings since the document has changed. Mr. Kirby has not had a chance to look over the new fee schedule and will see if the document has been changed enough to require new readings.

Old Business:

Mayor Verga wants to know why we only pulled the roofing permit. Mr. Tipton responds that it was the permit people were most upset about so we struck that permit for two months as a compromise so we can move forward. Mayor Verga states it needs to be clear on what constitutes a repair, so people aren't getting a permit to replace a few shingles after a storm.

Mayor Verga states we have few people working for the Village compared to years ago and our current crew cannot keep up with things. In response to a comment about fixing the streets instead of band-aiding them, Mr. Tipton agrees and says we should consider floating a bond to repair streets.

Mayor Verga makes a statement accusing Mr. Tipton of running people off from the Village. Council members vehemently disagree with such an accusation and believe this is a political stunt for re-election. Ms. Herberth states he is picking what residents are upset about and siding with them, however, there are documented minutes that state otherwise. Mr. Tipton accuses Mayor Verga of trying to make Mr. Rivera's plans fail. Ms. Herberth asks why Mayor Verga has been calling people asking about her relationship with Mr. Tipton. Mayor Verga has no response. Mayor Verga expresses wanting to hire a Village Administrator. Mr. Carruthers states the Planning Commission has been asking for that for 10 years so why just now. Mr. Nelson expresses concern about paying yet another person when the Village is already on the brink of another fiscal emergency. He questions the salary for the fiscal officer and what hours are required to be worked. He states the fiscal officer should be taking Council minutes, but another person was hired to pick up that slack. We hired someone to clean the building when we have a maintenance crew that should be doing it.

New Business:

NONE

Police: Chief Pottenger

Chief Pottenger presents Tina Waymire and Joseph Luker as potential new officers to hire. He goes over their background and passes around the employee packet. Ms. Waymire and Mr. Luker introduce themselves and give a quick background.

Motion made by Mr. Carruthers to hire Tina Waymire and Joseph Luker as recommended by Chief Pottenger. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mayor Verga swears in Joseph Luker as a patrol officer.

Mayor Verga swears in Tina Waymire as a patrol officer.

There are no issues with the vehicles. They are scheduled for oil changes at the end of the month.

There is an event at the Renaissance Festival on July 8th and a portion of proceeds will go toward the Shriners Childrens Hospital.

The Fishing Derby has been rescheduled for July 8th. A special thanks to Dave Crisenbery who was able to get the fishing derby back on track with monetary donations and volunteers.

Officer Kiser will have his final training session on Friday and is on the patrol schedule for July.

We are still waiting for purchase orders for the radar unit and PD sign. We are also in need of a trash can at the PD.

Chief Pottenger states that he spoke to someone at the juvenile detention center about bringing the juveniles here to clean up the trash. They also mentioned being able to paint the curbs at no cost to the Village.

Community Relations – Ms. Herberth

Ms. Herberth spoke to the Mark Cook library about our concerns about books not being returned to the lending library. They responded that anything they put into the lending library box does not need to be returned. She would like to move forward with permission for them to install a box. We just need a way to anchor it and try to have it view of the cameras.

Motion made by Mr. Tipton to have Mary Cook Library install a lending library box on Village property. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson that we appropriate the funds for proper anchoring of the lending library. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mayor Verga asks what the censoring criteria is on the Let’s Talk Harveysburg page on Facebook. He has attempted to post a couple things and after he tried to post something mildly critical none of his posts have been approved. Ms. Herberth states she hasn’t seen anything from him, and she isn’t the only moderator of the page.

Planning Commission:

Mayor Verga states that one year ago today the Council extended Michelle as President of Planning Commission for one year. It is time to choose a new President of Planning. Mayor Verga states he needs to appoint someone new to the commission. Mr. Nelson asks if we are supposed to post those positions. Mr. Tipton states that we are supposed to post the position availability. Mr. Nelson wants to clarify that the Planning Commission members pick the president. Mr. Carruthers states yes, the members decide who the president is and not the Mayor.

Committees:

- Community Relations – None
- Finance - 7/24 at 6:30pm
- Grants - None
- Planning and Zoning – 6/28 at 6:30pm
- Records - None
- Trees - None

Motion made by Mr. Carruthers to enter into executive session for the purpose of discussing pending court action. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Executive session begins at 8:54pm. Mrs. Matuszak is invited to stay.

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

Executive session ends at 9:08pm. Doors are opened back to the public.

Motion made by Mr. Tipton to give attorneys Chase Kirby and Andrew Meyer the authority to negotiate on behalf of the Village regarding the case with Brimstone LLC., for logistical arrangements and mediation. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson to adjourn at 9:09pm. 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