

Village of Harveysburg

Village Council

July 24, 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:

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Village Staff Present:

- Chase Kirby – Village Solicitor
- Richard Pottenger – Police Chief
- Mary Wilkie – Fiscal Officer

Visitors / Guests:

- Tim Hill – Planning Commission Member
- Kevin Brewer – Harveysburg Resident
- Christian Foster – Harveysburg Resident
- Jen Martin – Harveysburg Resident
- Lisa Koenig – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held July 24, 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, Herberth, Carruthers, Tipton, Juniel

Disposition of Previous Minutes:

Mr. Tipton states that the addition of “This meeting serves as a public hearing for 2024 Fiscal Budget, the Operating Levy, and the Police Levy” was made after the initial distribution of the minutes.

Mayor Verga suggests the correction of all “Planning Committee” to “Planning Commission.”

Mr. Bennett would like the statement “Mrs. Wilkie states he was billing the Village for inspections that had yet to be completed” removed.

Motion made by Mr. Bennett to approve July 10th Council Minutes with noted corrections. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayors Report:

Mayor Verga mentions that Harveysburg has not had much trouble in the past with passing levies and with last year's failed levies he has received some feedback. He has gathered that people are questioning where their money is going since nothing is being done around the village that they can see such as general road maintenance. If it continues as it has, the upcoming levies are likely to fail again. He states that if we lose that money, we would normally fall back on the money we received from the Renaissance Festival. However, a new contract has not been agreed to and due to backlash from the admission tax the festival is looking to leave the village. He states there is also a petition circling to dissolve the village which he has heard will be turned into the Board of Elections soon.

Mr. Carruthers asks Mayor Verga what his response has been to the people who are in favor of dissolving the village. He asks if he has told them we would lose the Community Development Block Grants as well as other grants our village is currently able to apply for and be awarded. Mayor Verga states the residents are not listening to that argument.

Mayor Verga continues by saying the issue has been exacerbated by the new fee schedule and the confusion it caused for the residents. He insinuates that Mr. Tipton handled the introduction of the fee schedule poorly.

Mr. Carruthers asks him to explain what he means. Mayor Verga states it started when Mr. Tipton, Mrs. Wilkie and Michelle wanted to change the way the previous building inspector was paid. Mr. Tipton states the previous building began being paid a la carte (per inspection) and then it switched to a lump sum payment. They approached him and asked if he would switch back to a la carte, and he refused then he quit. Mayor Verga mentions the hiring of a new building inspector. Mr. Tipton states that was with the Mayor's knowledge and he had called him on April 23rd to update him along with an email to all members of council. Mr. Tipton proceeds to read the email. Mr. Tipton states we hired Mr. Rivera on a per job basis for building inspections only and it was to follow our current fee schedule. Mr. Rivera approached them in January stating that Harveysburg's building department did not align with state standards because they did not have a building official. Mayor Verga is of the opinion that Mr. Rivera is not a good fit for the village. Mr. Kirby asks that we move on unless the Mayor would like the Council to move forward on the fee schedule right now.

Mr. Nelson suggests an easy way to move forward based on the OBC or ORC, would be to hire a village administrator or a board of public trustees that will handle contracts. Mayor Verga states that is a great idea and also blames Mr. Tipton and Michelle for running the last village administrator off. Mr. Kirby states that he doesn't believe editorials will move things along and it is in the best interest for the village to ask them to do something or move on. Mr. Kirby states the attacks on each other are not helpful and it's not a good use of time.

Mayor Verga moves to suspend Mr. Tipton from Council for 30 days stating misfeasance and malfeasance. He cites the fee schedule and that it was pushed through without being tailored to village needs. Mr. Tipton adds that it was passed unanimously by the Planning Commission.

Mr. Carruthers asks Mayor Verga how he gets to the Council meetings every meeting. Mayor Verga responds that he receives a ride from Chief Pottenger. Mr. Carruthers asks if the Chief drives an employee vehicle to pick him up. Mayor Verga confirms that he does. Mr. Tipton asks if Mayor Verga will reimburse the village for the mileage and use of the vehicle. Mayor Verga states he never thought of that. Mr. Tipton states that he should think about reimbursing the village because it is an ethics violation, public use of private funds.

Mr. Carruthers emphasizes that we are not conducting an Open Laws meeting or following Robert's Rules of Order. He asks Mr. Kirby to affirm and get us back in order. Mr. Kirby does affirm and addresses the Council and the guests on the rules.

Mayor Verga returns to his 30-day suspension of Mr. Tipton. Mr. Tipton requests a roll call vote. Mayor Verga states that there will not be a vote citing that the ORC states a mayor may suspend a member if there is an indication of malfeasance. Mr. Kirby states that if this was run by him before the meeting he could've had a better opinion, but he believes that is not an accurate statement of the law. Mayor Verga then states the Council may override the decision with a 2/3rds vote.

Motion made by Mr. Nelson to override Mayor Verga's decision to suspend Mr. Tipton from the Council for 30 days. Second by Mr. Carruthers. Vote – Nelson, Carruthers, Herberth, Juniel – Aye / Nay – Bennett. Motion passed.

Mayor Verga revisits the idea of a Village Administrator and asks Mr. Nelson to speak about it. Mr. Nelson states we have gone back and forth over the years with abolishing a village administrator and then bringing one back. He has heard that it isn't in the budget for one so he believes the best option would be to start a board of public trustees. Mayor Verga disagrees with not having enough money to pay for the position. Mr. Nelson asks Mrs. Wilkie to address the budget. Mrs. Wilkie states that she has already expressed she is concerned about the budget for the upcoming years and that there are still unknowns that will factor in. Mayor Verga would like to find a candidate for Village Administrator for \$100/month for 5 months.

President of Council Report:

Mr. Tipton reports that there is a ChoiceOne kickoff meeting this Thursday for the Grant/Wilson storm sewer project. A potential start date is possibly late August/early September. They plan on having all the sewer in the ground by Christmas and the roadwork will follow in the spring.

Mr. Tipton asks how Council would like to handle the old high school. The owners have ignored the adjudication notice. We can have Mr. Kirby declare the building a public nuisance/blighted property and issue an abatement order. Mr. Kirby is in agreement that they should proceed in this manner. The Council agrees to allow him to proceed. Mr. Tipton will contact Mr. Rivera and ask him to provide any needed information to Mr. Kirby.

Mr. Tipton reports that the old hotel has another stay, and the adjudication hearing has been postponed for the second time. The owner of the building says they have a plan for it. Mr. Tipton states they were supposed to come to get permits two weeks ago and they have yet to do so.

Mr. Tipton states that Mr. Rivera has asked him to read a letter to the Council. The letter is an explanation of building department fees and their importance.

Fiscal Officer:

Mrs. Wilkie reports that the audit is still under review and should be finalized in August.

Mrs. Wilkie states that she has been having issues with her laptop which is from the state auditor. After multiple tries to fix it, they sent her a thumb drive to reimage it, but it caused her to completely lose internet connection. Joe Nelson came in during his time off to help her and he spent an hour assisting. She asked the Finance Committee to approve paying Joe for 3 hours regular pay and the Finance Committee recommended it. She is asking the Council to vote on that recommendation.

Motion made by Mr. Bennett to approve paying Joe Nelson 3 hours regular pay. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Abstain – Nelson. Motion passed.

Mrs. Wilkie reports that the 2024 fiscal year budget was turned in to the auditor on July 20th. The levy paperwork was turned in last week to the Board of Elections.

Mrs. Wilkie states the purchase orders for the storm sewers will be starting, the CDBG money must be spent first, then OPWC money, and finally what we will owe.

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

Village Attorney Report:

Mr. Kirby states he received a letter from Mr. Martin’s attorney with respect to the storm drain at 464 Main Street. It states there is an easement on the property which he takes issue with due water leaching into the line which creates sinkholes at the surface. Mr. Kirby states there is an easement which was not recorded due to bad record keeping. His request to the Council is to cap the drain and abandon the line according to industry standards. Mr. Kirby states he recommends the Village investigate before moving on by finding if irreparable damage is being caused and if so if there is an estimate to cap the drain. If possible, he would like ChoiceOne to inspect it and give us their opinion on the likelihood of prolonged damage.

Mr. Tipton asks Mr. Kirby to complete the second reading of Ordinance 2023-01. Mr. Bennett expresses his opinion that we should not move forward with the fee schedule until it is complete with full explanations. Mr. Tipton states that Tim Hill is currently working on a document that would serve as a cheat sheet for easy understanding. Mr. Hill states that the document went from 2 pages to 11 pages and that was confusing. He states for a village it would make more sense to have a condensed chart instead of an 11-page document.

Mr. Tipton states we will have another workshop regarding the fee schedule on Monday August 31st at 7pm.

Guests:

Kevin Brewer issues an apology to the Council for speaking out of turn earlier in the meeting. He updates the Council about the gas tank removal at 112 W. Main St. where he is proposing to open a café. He put the project up for bid and had several bids come in. He has hired a company that will start work this Thursday to remove the three tanks. The company is not sure if they will be able to fill the tank that is under the street or if they will have to dig up the street to remove it completely. He would like to make sure the Council is alright with this and what the plans will be for the street and sidewalk in front of the building. He has hired two companies, the first is an environmental consulting company and the second is UST Environmental Contractors. He also updates that he is moving forward with the lot on Maple Street and should be closing in the next two weeks. He asks the Council if there are any required permits that he will need for this project. The Council will check into it and get back with him.

Christian Foster issues an apology to the Council for his outburst earlier in the meeting. He asks if there is a five-year plan for economic growth within Harveysburg. He would like to see the Village focus on destination business to bring people from outside the village here. Mr. Bennett states he is not aware of an efficient five-year plan. Mr. Tipton makes mention of the Council including the Massie Twp. plan which is available online through the Warren County Regional Planning Commission. Mr. Foster then asks if the Council has adopted anything at the village level to create commerce. Mr. Carruthers states one of the biggest things they have done was adopt the Community Reinvestment Act (CRA), which allows tax abatement for businesses. By enacting this they were able to keep Tincher's Welding from leaving the Village. He asks if there is a plan to create a more destination economy. Mayor Verga states we have not spoken of such a plan. He asks why the village has not attempted to bring business in and provide the economic growth needed to keep the village from failing. Mr. Carruthers states that have never turned anybody away and asks what Mr. Foster's idea would be to bring business to Harveysburg. Mr. Foster states he would take advantage of advertisement over social media, community bulletin boards, the radio, or even billboard space.

Jen Martin expresses to the Council the danger caused by speeding vehicles through the community. She states there was an incident just the other day of a cat being hit and killed. She states we can do simple things such as road signs (additional speed limit, children at play, slow down) and after the roads have been fixed install speed bumps. She would also like to see more police presence to limit speeding on Main Street. She emphasizes her concern for the children in the community. Chief Pottenger states that the times he has sat on Main St. the highest speed he has recorded was 27mph. Chief Pottenger states he does plan on doing a speed study in a private car with radar to gather speeds. If he finds speed to be an issue, then he will figure out a way to solve it.

Lisa Koenig expresses that speed bumps may discourage the kids in the community from riding their bikes because they aren't comfortable to ride over.

Tim Hill states he has seen where many towns and villages have begun to paint the streets as an alternative to speed bumps. The attention given to the painted streets tends to naturally slow people down. He also expresses his concern for the young children in the community. He thinks painting the roadway could be a good opportunity to bring the community together as well and create unity on Main Street.

Old Business:

Mayor Verga brings up cameras and street signs. He asks for recommendations or other input. Mr. Carruthers states he has noticed some signs fading. Mrs. Wilkie states Joe and Phil had been talking about cameras, but she has been busy with the budget and hasn't followed up with them yet. She will talk with them tomorrow.

Mr. Nelson would like to see a light put back on the flagpole. Mrs. Wilkie states the flagpole needs to be repaired first. Guest Christian Foster volunteers his time to try and fix the pole and install a light.

Mr. Juniel asks if there is an update to the Broadband internet project. Mr. Tipton states he contacted them, and the village is not on the schedule yet.

New Business:

Mayor Verga would like the Council to approve Chief Pottenger using the police department vehicle to bring him back and forth to meetings.

Motion made by Mr. Bennett to allow the use of the police department vehicle for the Mayor to attend meetings. Second by Mr. Juniel. No vote.

Mr. Kirby interjects and states he would like to research the use of village equipment for that purpose before it is voted on.

Police:

Chief Pottenger begins his report:

Vehicles are running well.

Wednesday is speed awareness day. We will have multiple officers out for the better portion of the day.

He is working on 3 new applications. He is hoping to have the one done before the next meeting and introduce him to the Council at the next meeting. The applicant will need to go to OPOTA before Tuesday of next week, so he doesn't run out of time.

Mr. Nelson asks how hard it would be to put low speed signs up in the village and cites a 2017 law that allows golf carts to be driven on roads under 35mph. Chief Pottenger says that would be up to the Council to allow the Village to become a golf cart area. He states that right now those types of vehicles are staying below 25mph and have the orange sign on the back that they haven't been stopping them.

Chief Pottenger expresses that he believes there are only a handful of residents responsible for speeding through the village and he is going to work on getting them taken care of.

Committees:

Community Relations – None

Finance - 8/30 at 6:30pm

Grants - None

Planning and Zoning – 7/26 at 6:30pm

Records - 8/17 following court

Trees - None

Motion made by Mr. Nelson to adjourn at 9:12pm. 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