

Village of Harveysburg

Village Council

August 14, 2023 – 7:00 PM

Present:

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

Absent:

- Pat Bennett – Councilman
- Randy Carruthers – Councilman

Village Staff Present:

- Chase Kirby – Village Solicitor
- Richard Pottenger – Police Chief
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Tim Hill – Planning Commission Member
- Christian Foster – Harveysburg Resident
- Kevin Martin – Harveysburg Resident
- Jeffrey Perry – Officer Candidate

.....
*This is a summary of the meeting of the Harveysburg Village Council held August 14, 2023, at 7:00 PM.
Upon request, a recording of the meeting is available for review.*
.....

Mayor Verga calls the meeting to order at 7:00 pm.

Roll Call: Nelson, Herberth, Tipton, Juniel

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

Disposition of Previous Minutes:

Mr. Tipton states he has something he would like to discuss with Mr. Kirby before approving the minutes.

Motion made by Mr. Tipton to postpone the approval of the July 24th meeting until the next Council meeting. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayors Report:

Mayor Verga informs the Council that Kevin Brewer had three tanks removed from his property. He states soil samples were sent for analysis, but he has not heard an update about the results.

Mayor Verga asks Chief Pottenger to introduce his candidate for police officer.

Chief Pottenger introduces Jeffrey Perry as a candidate for police officer. He gives a brief overview of his qualifications and passes his employment packet to the Council members to review. Candidate Jeffrey Perry then introduces himself to the Council and gives a brief explanation of his history in law enforcement.

Motion made by Mr. Juniel to hire Jeffrey Perry as a police officer for Harveysburg Police Department. Second by Mr. Tipton. Vote – Nelson, Herberth, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mayor Verga swears in Jeffrey Perry as a police officer for the Village of Harveysburg.

President of Council Report:

Mr. Tipton reports that the storm sewer project began last week. He states black sewer pipe and concrete structures have been delivered and placed in staging areas. There has been one mistake where they have misplaced pipe on the wrong property, and they will be fixing that once the rain passes.

Fiscal Officer:

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

Village Attorney Report:

Mr. Kirby reads Ordinance 2023-04: Approving the solid waste management plan of the Warren County Solid Waste Management District.

Motion made by Mr. Tipton to declare Ordinance 2023-04 an emergency and waive the three readings. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson to adopt Ordinance 2023-04. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Kirby reads Resolution 2023-15: Authorize spending American Rescue Plan Act (ARPA) funds for the storm sewer project in the Village of Harveysburg, Ohio.

Motion made by Mr. Nelson to declare Resolution 2023-15 an emergency and waive the three readings. Second by Mr. Tipton. Vote – Nelson, Herberth, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson to adopt Resolution 2023-15. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Kirby informs the Council that he would like to enter executive session at the end of the meeting to discuss pending court action.

Guests:

Kevin Martin asks if there is an update on the storm sewer project regarding his property at 464 Main Street.

Mr. Tipton responds that after his meeting with ChoiceOne, there is not a recorded easement for that property and the sewer pipe is out of the right of way, so the Village has no right to do anything. All the water will be redirected to the publicly maintained storm sewer and the abandoned pipe will be plugged so that no flow goes through it. The pipe will be plugged by using brick and sealing with concrete. The catch basin between 464 Main St. and 466 Main St. will be replaced and water will be routed west along Main Street. It is not in the plan to remove the existing storm sewer on the property of 464 Main Street.

Christian Foster asks why it was necessary for the emergency approval of Resolution 2023-15. He is concerned about the overuse of passing resolutions/ordinances via emergency. He also asks if the storm sewer has been an ongoing problem.

Mr. Tipton responds that the project didn't begin until July 1st and at that point in time we did not know what blend of money we were going to use to pay for the project. He states that the ARPA funds require a resolution to allocate that money. It is passed via emergency so we can begin paying those bills immediately. He states the storm sewer has been an ongoing problem for years.

Old Business:

Mr. Tipton states the old hotel adjudication hearing was postponed again. The owner, Mr. Burton, has a plan for a new façade and stabilization, but has not brought forth any plans or purchased permits to have anything done.

Mr. Tipton states a letter was sent to Jenkins Community Development to gain building access so Mr. Rivera could complete an inspection and then Mr. Kirby can petition for someone to declare the property a public nuisance/blighted property.

Mayor Verga asks that the derelict property at 82 Main Street be reported to Mr. Rivera. Mr. Tipton states another derelict property is the red house on South Street that has a large hole in the roof.

Mr. Tipton states he spoke with Tony Warfel and he is expected to attend the next Planning Commission meeting with Cross Development to propose the plans for the dollar store.

Mr. Tipton hands out a new fee schedule chart that Tim Hill has worked on and organized into one sheet.

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

Mr. Hill, Planning Commission member, states that through his work on the new fee schedule chart he learned why the Village of Harveysburg needs a new fee schedule. There are many commercial fees that are not listed in our old fee schedule.

Mr. Tipton would like the Council to approve having Mr. Kirby move forward with making the proposed admissions tax into a formal document.

Motion made by Mr. Tipton for Mr. Kirby to properly format the proposed admissions tax for Council approval. Second by Mr. Nelson. Vote – Nelson, Herberth, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton states that the Village only receives about \$300-\$500 per house through taxes each year. If the Villages dissolves into Massie Twp. then the township will likely end up raising taxes. He states that he has spoken with other villages, specifically Corwin, and they have a reciprocal income tax. Their entire budget is based on this reciprocal income tax. He states this would be a way to prevent raising taxes on Village residents by providing an additional income stream for the Village budget.

Mr. Tipton asks who is going to contact the Gaston family about the block party they wanted to have, to let them know if it is approved. Chief Pottenger states he will contact the family and surrounding neighbors that will be affected by the road blockage of Frost Street.

New Business:

Mr. Tipton reports that in conjunction with Darrel McKinney, he has been in contact with John Campbell from Duncan Oil and is working on an aggregated propane price for the Village of Harveysburg and Massie Twp. You must own your tank to be part of the program. The current summer rate is \$1.79/gal and the winter rate will be \$2.20/gal.

Police:

Chief Pottenger begins his report:

Vehicles are running well.

The Black School Festival is on September 16th. The police department will block off roads for the event and be present during the event.

The Ohio Renaissance Festival will open September 2nd.

Officer Roat held the first Harveysburg Police Department Junior Academy. She had three students in the class, and they did a great job. There have been several requests from parents and other children about when the next academy will be. Chief Pottenger gives a special thanks to Kevin Martin who sponsored the event and made it possible for the students to receive a special shirt, hat, and pizza party.

Officer Welling has received a new assignment as our court Bailiff and IT Specialist. His current full-time job does not allow him enough time to dedicate to weekly commitments.

Officer Waymier should be on the road for solo patrols by the end of the month. She has committed to working Sundays.

Chief Pottenger asks Mr. Kirby if there has been an update with the insurance company about the wrecked cruiser. Mr. Kirby informs him that the claim has been resolved and they should be issuing an additional check to cover the additional cost of having equipment removed.

Community Relations:

Ms. Herberth reports that the Mary L. Cook Library is prepared to install the free library box. They just need our approval and a spot to place it. The Council agrees to have the library box installed. Ms. Herberth has suggested placing it next to the sitting area in front of the government building so that it is in view of the security cameras and viewable to the public.

Ms. Herberth placed new books and activity sheets from the Mary L. Cook Library inside the post office. She also added binders donated by a friend for anybody to take.

Ms. Herberth reports that the community garage sale is set for September 7th-9th.

Ms. Herberth has corrected the trick-or-treat listing on a local publication to always reflect the Saturday before Halloween since the incorrect listing caused confusion last year.

Ms. Herberth has been working with Jodie Black on promoting the Black School event over Facebook and has listed the event on multiple pages.

Ms. Herberth addresses the comment from Mayor Verga a few meetings back about the censoring criteria of Facebook. She states she looked into the Let's Talk Harveysburg page and shows the posts from Mayor Verga that had been approved. She also shows the posts that were automatically declined by Facebook for "violating community standards." The violations are not specified so she cannot go into further detail as to why they were automatically declined, but she wanted to be transparent that it was not the admins of the page declining posts.

Records:

Mrs. Matuszak provided a copy of the previously approved retention schedule to members of the Council. She asks them to review it and suggest any items that need edited before we begin using it.

Committees:

- Community Relations – None
- Finance - 8/28 at 6:30pm
- Grants - None
- Planning and Zoning – 8/29 at 6:30pm
- Records - 8/17 following court
- Trees - None

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

Executive session begins at 8:12pm. Mrs. Matuszak is invited to stay.

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

Executive session ends at 8:23pm. Doors are opened back to the public.

Motion made by Mr. Nelson to adjourn at 8:24pm. 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