

Village of Harveysburg

Village Council

August 22, 2022 – 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
- Mary Wilkie – Fiscal Officer
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Debbie York – Harveysburg Resident
- Alma Plummer – Historical Society
- Jodie Black – Historical Society
- Robert Fischer – Warren County Court Judge
- Gary Loxley – Warren County Court Judge

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*This is a summary of the meeting of the Harveysburg Village Council held August 22, 2022, 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 7:00pm.

Roll Call: Nelson, Herberth, Tipton, Juniel, Mayor Verga

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

Disposition of Previous Minutes:

Motion made by Mr. Tipton to approve August 8th Council Minutes. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye, Nay – None. Motion passed.

Motion made by Mr. Juniel to approve August 9th emergency Council Minutes. Second by Mr. Nelson. Vote – Nelson, Herberth, Tipton, Juniel – Aye, Nay – None. Motion passed.

Motion made by Mr. Nelson to approve July 25th Council Minutes. Second by Mr. Tipton. Vote – Nelson, Herberth, Tipton, Juniel – Aye, Nay – None. Motion passed.

Mayors Report: Mr. Verga

Mayor Verga states he has spoken with Wendi Van Buren and Phil Trovillo about the trees within the Village. Wendi took time to come to the Village and look at the trees. She trimmed the red bud trees herself. She also offered to train people in the Village to do the proper maintenance on the different trees within the Village. There are two upcoming classes she teaches regarding car and maintenance of trees. Mayor Verga has a couple companies set up to come out and give us quotes. He also states he intends on reconstituting the Tree Board.

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Mayor Verga asks Village Solicitor Chase Kirby what he found regarding Council overriding the Planning Commission in reference to the Black School issues. Mr. Kirby states that the Council can only override a recommendation from the Planning Commission which would require a three-fourths vote. The Black School issue is not something Council can override. Under the zoning ordinance, it is the Zoning Administrators duty to interpret the meaning and applicability of the provisions. He states our position all along is for the Black School to become compliant with proper ingress and egress. He and the other lawyer agree this is something that can be solved without the need for litigation. He states the Village has shown some leeway by not issuing citations in this matter. The Black School lawyer has not given us a clear position on what they want done to resolve the matter.

Jodie Black states that at a previous meeting a guest stated that they shouldn't need a permit for the mini-split A/C unit because they are not adding electrical. It is maintenance and repair of a non-conforming building.

Mr. Tipton states that there have not been any permits applied for regarding the installation of the mini-split. Mayor Verga and Mr. Tipton both state that a permit is needed for that A/C unit because it is 220V and cannot be plugged into the wall.

Ms. Black states they were trying to be a good neighbor by allowing the yard to be used for staging of construction equipment. The parking lot was put in without permission after construction was completed and without the knowledge of the Black School. She states she called Mr. Tipton the day it happened, and he told her they would not be in trouble for it.

Mr. Tipton agrees that it is not at the fault of the Black School, but the fault of the contractor that put it in and he believes the contractor should be contacted to make it right. The contractor was aware of a stop work order in place and violated it anyway. The majority of the parking area resides within the easement of the road. He states the correct path is to take it to BZA.

Ms. Black states they have received unfair treatment and the Village should abide by their own rules and regulations. She states Michelle Cochran has exceeded her term limits and then her husband was placed on BZA. She states the last Planning meeting they attended they were talked to very poorly and other members of the commission were also not allowed to express their opinions or explanations if they did not align with Ms. Cochran's.

Alma Plummer directs attention to page 87 of the Harveysburg zoning book that relates to non-conforming structures.

Mayor Verga states that Earl Hendrickson wants to vacate AnnCam Drive. That will need to be approved in Planning Commission and then voted on in Council.

Mr. Nelson inquires that since it was never officially dedicated to the Village do we need to do anything or would that be the County. Mr. Tipton poses the question to Mr. Kirby on how to proceed. Mr. Kirby will review documents first on move on from there.

Mayor Verga states he is going to look into what can be done about the Village having multiple zip codes because it has long caused issues with the Harveysburg Post Office running too slowly for some residents and not others.

Mayor Verga states the restoration has finally begun on his home.

President of Council Report: Mr. Tipton

Mr. Tipton reports that the general fund levy, police levy and electrical aggregation made it onto the November ballot. Trebel will hold meetings for the residents in October from 6-7:30pm. The tentative dates for Harveysburg residents will be the 17th, 19th, and 20th. The date of the 20th may need to change due to it being a court night. Waynesville and Massie Twp have also signed contracts with Trebel and will have their own meetings. There will be a total of 9 possible meetings within the area for any residents to attend and become informed on what the aggregation is.

Fiscal Officer: Mrs. Wilkie

Mrs. Wilkie states that gym rental fees need to be increased. The proposal is to increase the rate to \$25/hour for frequent or ongoing rentals and \$28/hour for one- or two-time rentals. The rental fee will be the same for residents and non-residents.

Motion made by Mr. Tipton to increase the gym rental fees to \$25/hour for frequent use and \$28/hour for one- or two-time rentals for residents and non-residents. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye, Nay – None. Motion passed.

Mrs. Wilkie would like to work with Mr. Kirby on sending letters to residents about past due water bills.

Mrs. Wilkie states that the \$200 uniform allowance was discussed and no decision was made. She would like to work with Mr. Kirby and Chief Pottenger to write a policy and discuss implementation of said policy.

Mrs. Wilkie reports that it was decided not to order the OBC books for 2022 since it is so late in the year and they will get started on the information needed to order the 2023 OBC books.

Mrs. Wilkie reports that Massie Twp. is currently undergoing an audit and she expects an audit of Harveysburg soon. She expects the bill to be around \$7k.

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

Village Attorney Report: Chase Kirby

Mr. Kirby gives an update on the annexation. After looking into the matter, he found that the owner may remove his name from the petition. He states because Mr. Warfel has made it clear he wants to put a stop to the annexation; Mr. Kirby is required to strikethrough Mr. Warfel's name on the petition and we can no longer legally pursue the annexation.

Guests:

Judge Gary Loxley begins the presentation for the Warren County Court. He states he handles the docket for the Northern half of Warren County while Judge Robert Fischer handles the docket for the Southern half of Warren County.

He states the total number of cases in 2019 was 8,347 and the total number of cases in 2021 was 6,574. The decrease is mainly attributed to the significant decrease in traffic citations that were issued.

He continues by stating an issue on the November ballot will be Bail Reform, deciding whether the "sole purpose of bail is to secure a person's attendance in court." Currently, a judge can consider bail based on multiple factors: securing the subjects attendance if they are likely to flee, if the subject will pose a danger to the public or if they are likely to reoffend. A recent court case, DuBose v. McGuffey January 2022, decided that the only criteria that should be considered is whether or not the individual is likely to appear at each stage of the proceedings. The outcome of the November ballot will decide whether judges can continue taking public safety into consideration when setting bail.

Judge Loxley states the Veterans Court Docket was established in 2015. There are approximately 1 out of 4 individuals who are able to qualify for enlistment. Those who do serve our country deserve our help when they have started making poor choices after service. There have been 19 graduates since 2015 and 3 more are set to graduate September 7th.

Judge Robert Fischer begins with the DeCoach Assessment which will bring an assessor into the courthouse so the drug/alcohol and mental health assessments can be done right away instead of waiting a period of 2-3 months. This will hopefully decrease the recidivism by getting people treatment faster than they have been previously.

He states that in October 2021, the new Warren County Jail was dedicated. When the Sheriff's Department moved out of the previous building this opened space up for County Court and the Probation Department took over the office space. Officers now have their own office space. This has helped significantly with Probation Officers being able to speak privately with the individuals on probation. He also adds that a new County Court is being proposed, but the old jail needs to be taken down first and a plan for the entire campus needs to be laid out before new buildings will begin going up.

Judge Fischer states the SUCCESS Docket was established in 2015. This docket focuses on individuals with mental health issues and to get onto this docket the individual must volunteer. It is essentially an intensive probation. They meet with their probation officer, case manager, therapist, conduct group therapy and meet with the judge himself. These meetings occur once a week or once every other week depending on the meeting. They also reach out to organizations that can provide long term care to assist these individuals. The main goal is to stop the revolving door and lower the recidivism by getting the right treatment. We have had 4 graduates this year.

He continues by stating the court likes to be involved in the community so they are involved with several community outreach programs. These include things such as, Student government class, Hosting students at the courthouse, Warren County Junior Fair, Memorial Day parade, Veterans services, or Lunch with Police Chiefs. The student government class from Lebanon actually takes a day and spends half at one of the Warren County government buildings to see what it is all about and the other half of the day at the Warren County Jail to see how it is run and ask questions.

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Jodie Black tells Council that the Harveysburg Historic Fall Fest will be held September 17th from 12-4pm. She hands out flyers to those present at the meeting. They will have a food truck, craft booths, music and more available at the festival. She has requested police presence at the event and would like signage to assist with event parking. She asks that it be displayed on the front sign for Village residents to be reminded.

Old Business:

Mr. Tipton states that we are scheduling gym improvements for the first week of October. (A/C unit, LED light installation, basic improvements)

Mr. Tipton reports that we need to be conscious of gym tables that need replaced or repaired.

Mr. Tipton reports that all permits and inspections have been entered into iWorQ for the year 2022 and we are set to go live on October 3rd.

New Business:

Mr. Tipton states we have multiple overgrown lots again: Burton and Fox properties.

Mr. Tipton states that Duncan Oil has offered a contract of \$2.17/gallon for propane for the Village this winter.

Motion made by Mr. Tipton to accept the contract through Duncan Oil to provide up to 80,000 gallons of propane to the Village for \$2.17/gallon. Second by Mr. Juniel. Vote – Nelson, Herberth, Tipton, Juniel – Aye, Nay – None. Motion passed.

Police: Chief Pottenger

Chief Pottenger begins his report:

- All vehicles operating well.
- There are currently no new hires.
- The Renaissance Festival opens September 3rd.
- We are still citing speeds over 70 mph on SR 73.
- Accident with injuries on August 18th. A woman fell off the back of a motorcycle shortly after leaving bike night. This caused a complete road closure on West SR 73 and traffic was rerouted through the Village of Harveysburg. This caused some complaints from residents about speed and noise, but it could not be avoided due to the severity of the accident and careflight landing. The injured person was taken by careflight to the hospital. No updates on her condition. Alcohol or drugs did not seem to be a factor in the accident.
- Jordan Wright is still on leave.
- Still asking to get approval for a \$200 uniform allowance for officers. Chief Pottenger adds that the Sheriff's Office does not offer a uniform allowance to officers because they provide everything and issued items must be returned upon termination of service. The Sheriff's Office detectives are provided 3% on pay for clothing allowance and do not have to return clothing when they leave.
- The gym has been booked for October 29th for the Halloween party.

Committees:

Community Relations –

Ms. Herberth states that thank you letters have been sent to all who donated towards the Safety Town event. She updated her expenditure for the event and states we spent \$84.73 total.

Ms. Herberth states she has reserved the gym for December 9th to have the Christmas party.

- Finance - Meeting 9/26 at 6:30pm
- Grants - None
- Planning and Zoning – 8/23 at 6:30pm
- Records - TBD for September or October
- Trees - None

Motion made by Mr. Nelson to adjourn at 8:55pm. Second by Mr. Juniell. 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