

Village of Harveysburg

Village Council

August 23, 2021 – 7:00 PM

Present:

Dick Verga – Mayor
Pat Bennett – Councilman
Randy Caruthers – Councilman
Steve Cochran – Councilman
Charles Juniel – Councilman
Jim Nelson – Councilman
Mark Tipton – Councilman / President of Council

Absent: Richard Pottenger – Chief of Police

Village Staff Present:

Mary Wilkie – Village Fiscal Officer

Visitors / Guests:

Kim Herberth – Village Resident, Jane Price – Village Resident, Michele Cochran – President Harveysburg Planning Commission.

This is a summary of the meeting of the Harveysburg Village Council held Monday August 23, 2021, at 7:00 PM. Upon request, a recording of the meeting is available for review.

Mayor Verga called the meeting to order at 7:00 PM

Disposition of Previous Minutes: Motion made by Mr. Bennett to approve the minutes from August 9 Council meeting. Second by Mr. Juniel. Motion passed by voice vote – 6 yea / 0 nay.

Mayors Report: Mr. Verga

The Mayor held a residents only meeting on Tuesday August 17, (No Council representatives are invited) to discuss ideas for his Front Door Project. The Mayor reported that his idea of the Gazebo was out and the only consensus was that there should be a sign – “Welcome to Harveysburg”.

Parking lot at the Black School continues to be a source of discussion. Noting that the parking lot was constructed without benefit of a building permit, using an unapproved plan and was in direct violation of a “Stop Work Order”, there was discussion of what enforcement options are to be pursued.

Mr. Webb informed Council that he issued the Notice of Violations to the Harveysburg Historical Society as requested of him by Council. Unless the violations are remedied, the next step would be to charge the Harveysburg Historical Society with said zoning code violations and to then summon them into Mayors Court. The Mayor comments that the Harveysburg Historical Society was relatively innocent in this matter and that it was Shawn Campbell that went ahead and violated the stop work order.

President of Council Report: Mr. Tipton

56:0 Mr. Tipton addressed the Mayors complaint, and reportedly residents' concerns that he was spending too much time in the Village office working on issues that are best described as those efforts that are normally performed by a Village employee or a Village Administrator. Mr. Tipton assured Council that he was serving in a voluntary mode – answering phones, taking payments, and working within the office to understand the record keeping and other office tasks. Several Council members voiced their support for Mr. Tipton and his efforts.

Mr. Tipton responded to an Open Records request as presented by the Harveysburg Historical Society. The minutes of the last BZA meeting were provided to Ms. Jodi Black and the recordings of the June and July Planning Commission meetings were provided to Ms. Alma Plummer. Ms. Black was emailed a PDF of the BZA meeting minutes. A hardcopy of the BZA minutes and a USB flash drive of the recordings were also provided to Mr. Jim Nelson who serves as Council representative to the Harveysburg Historical Society.

All other topics for this meeting are best covered under new and old business.

Fiscal Officer: Ms. Wilkie

Ms. Wilkie reported that Ashley Richardson, Clerk of Court for the Village of Harveysburg only worked 8.5 hours the past two weeks with the reason being that very few tickets are being written. For the prior week, zero citations were written.

We have had two requests for refunds of reinstatement fees by citizens that had their licenses suspended. Discussion was held and it was determined that it was in the best interest of all that the Village pay the reinstatement fees for anyone who had their license improperly suspended. The actual number of “self-paid reinstatement fees” is currently unknown but most likely less than ten. Mr. Carruthers made the motion to reimburse the reinstatement fees for any that are requested. Second by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

John Boyd estimates for air conditioning for the Council room came in just under \$6,000. Finance Committee recommended the purchase of four tower floor fans to assist in circulating the air in the Council room. The approximate cost for the fans is \$120. Acoustic wall panels and drapes are being examined for applicability for sound suppression in the Council room. Mr. Cochran made the motion to allocate \$750 for acoustic panels and floor fans. Second by Mr. Carruthers. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Ms. Wilke informed Council that she has successfully applied for ARPA monies and got the HARM (outstanding trash bills) properly certified with the County Auditor.

Final bills for Ken and Loraine project are in and been forwarded to County. It was determined that the cost of registering the easement on the Sorice property should be the responsibility of the property owner. Motion by Mr. Tipton to forward to Steve Sorice the bill (responsibility) for the registration of the easement. Second by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Tipton – Aye, Nelson – Abstain, Nay – none. Motion passed.

Gym rental client would like to discuss with the Village the potential for extended access and reduced rate for rentals.

Village Attorney Report: Mr. Mark Webb

Mr. Webb discussed the issues associated with the Police and Street levy renewals. The renewals were certified by Warren County Board of Elections but were objected to by the Secretary of State office because they were “too early”. There is a meeting on Thursday, August 26 with the WCBE and the Secretary of State to determine the path forward.

Mr. Webb reported that numerous citations (having license forfeiture) that were entered into credit card payment portal and not into the Baldwin system were able to be recalled without any fees to the driver. There have been two people call into the Village for reimbursements of license forfeiture fees.

Mr. Webb reported that he spoke to Brimstone LLC attorney and that the liquor license application as it was submitted was rejected (or soon to be) and that any need to proceed with a variance, they will need to come to Council for this request.

The Opioid Settlement Proceeds was submitted and accepted, and the Village should be receiving more information soon.

Jordan Wright withdrew his request for his continuation of his BWC lawsuit and Mr. Webb notes that he will contest it in the future.

Guests:

Ms. Herberth (Village Resident) – brought up the issue of the continued use of the term “Grandfather Clause” can be interpreted as being racist. The preferred alternative term is “Legacy”.

Old Business:

Councilman Caruthers requested an update on scheduling regarding issues with the stumps not being properly removed and can the return of the stump grinding crew be expedited.

New Business:

The Village Halloween night will be Saturday, October 30th. The children’s party will run from 3:00 PM to 6:00 PM in the gym and from 6:00 PM to 8:00 PM will be the time reserved for the traditional beggar’s night. Motion by Mr. Bennett to declare October 30th as Village Halloween night and to allocate \$300 for candy. Second by Mr. Cochran. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Councilman Tipton requested that the Village residency requirement for BZA membership be examined. There is nothing in Harveysburg zoning ordinances that says that a person needs to be a resident to be a participating member of the BZA. Mr. Webb noted that the ORC is explicit in calling out residency requirements at the township level. Term limits are not defined in ORC for BZA membership and Mr. Webb noted that there is also no alternate member designated on the Harveysburg BZA.

The President of Planning Commission made the request that the Village call for the Warren County Health Commission to perform inspections of the Brothers property and the old Hotel on Main Street.

Mr. Caruthers noted that there is continued interest in the Brothers' property by the person that tried to buy the property two years ago.

Planning Commission meeting has been moved to Tuesday, August 31'st.

Mr. Verga states that Michele Cochran and Randy Caruthers must be kicked off Planning Commission because of the six-year time limit statute on their term. Mr. Cochran asks the Mayor "why now", and exactly why are these select Commission members being singled out for removal? Mr. Verga does not know when Commission members were appointed or exactly how long that they have served.

Motion made by Mr. Tipton that the Village does not change the membership of our Zoning Commission until February 2022. Second by Mr. Carruthers. Roll Call vote – Cochran, Juniel, Tipton – Aye, Bennett, Nelson – Nay, Carruthers - Recuse. Motion passed.

Mayor Verga insists that an Ordinance was passed several years ago that allowed for two Council members to be on the Planning Commission. Mr. Carruthers notes that four members of the Planning Commission are not legitimate or rather not legally allowed to be on the Commission due to term limitations or due to their being seated on the Commission without proper Council approval. These members are Mr. Carruthers and Ms. Cochran for term limits with Mr. Hatfield and Mr. Trovillo for proper appointment procedure not being followed.

Police: Chief Pottenger

Absent.

Committees:

Community Relations

Finance

Grants

- Police are in the process of applying for another grant for body cameras, computer equipment and tasers.
- Grant has been submitted.

Planning and Zoning

Records

Trees

Motion to accept the bank reconciliation was entered by Mr. Nelson. Seconded by Mr. Juniel. Roll Call vote – Bennett, Caruthers, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Motion to pay bills was entered by Mr. Nelson. Seconded by Mr. Juniel. Roll Call vote – Bennett, Caruthers, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Mr. Tipton made the motion to move to executive session to discuss the job performance of a Village employee at 9:10 PM. Council returns from executive session at 9:11 PM.

Mr. Nelson made the motion to adjourn at 9:12 PM. Second by Mr. Juniel. Motion passed by voice vote.

Attest:

Mark Tipton, President of Council, acting Clerk of Council

Mayor Richard Verga

Mark Tipton, President of Council

Steve Cochran

Randy Carruthers

Pat Bennett

Charles Juniel

Jim Nelson