

Village of Harveysburg

Village Council

September 11, 2023 – 7:00 PM

Present:

- Mayor Richard Verga
- Pat Bennett – Councilman
- Kim Herberth – Councilwoman
- Randy Carruthers – Councilman
- Charles Juniel – Councilman
- Mark Tipton – President of Council

Absent:

- Jim Nelson – Councilman

Village Staff Present:

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

Visitors / Guests:

- Kevin Brewer – Harveysburg Resident
- Alma Plummer – Harveysburg Historical Society
- Tim Hill – President of Harveysburg Planning Commission

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This is a summary of the meeting of the Harveysburg Village Council held September 11, 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: Bennett, Herberth, Carruthers, Tipton, Juniel

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

Disposition of Previous Minutes:

Mayor Verga would like August changed to July in the sentence mentioning when the workshop would be held.

Mr. Tipton would like to make the language clear that Mr. Kirby was reading from a letter given to him by an attorney and not stating his own opinion during his statement regarding Kevin Martin’s property.

Motion made by Mr. Tipton to approve the July 24th minutes with noted changes. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Motion made by Mr. Juniel to approve the August 14th minutes as written. Second by Mr. Tipton. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayors Report:

Mayor Verga informs the Council that he has decided to not run for Mayor again this year. He has decided to run for a council seat instead. He states two complaints were lodged by Mr. Tipton and Mr. Nelson questioning the state of his residency. He states he was displaced by the fire at his home and is waiting for it to be rebuilt. He had to appear in court on September 5th for the board to make a decision. He states the decision was unanimous that he was a resident of Harveysburg due to his intent to return to the Village.

President of Council Report:

Mr. Tipton states that he and Mr. Nelson had responded to multiple people questioning Mayor Verga's residency. They told people Mayor Verga intended to return and it was held as fact during his tenure as mayor. When he filed for office again, they decided to investigate the residency issue. He states the Board of Elections held up the intent to return status at the hearing. He states that was new to himself and Mr. Nelson because during their research they did not find anything on intent.

Fiscal Officer:

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

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

Village Attorney Report:

Mr. Kirby reports that he signed a sworn statement of loss for the insurance company related to the totaled cruiser. He expects them to send a check soon for the additional amount to cover the equipment removal. The total settlement is \$27,801 for the cruiser.

Mr. Kirby informs the Council that he will not be at the next meeting due to a scheduling conflict. He will either send somebody in his place or he will submit an independent report to be read.

Mr. Kirby anticipates an executive session to discuss the mediation regarding the litigation with Brimstone LLC. The mediation is scheduled for September 29th.

Guests:

Kevin Brewer informs the Council that 3 tanks were removed from his property. They were able to remove the tank that was under the roadway without damaging the blacktop. They took soil samples and did receive slightly elevated results. BUSTR is having their legal team research the previous owners when it was still a gas station. If the previous owner is found, then they will be responsible for the cleanup. Mr. Brewer states that he has been told he is under no obligation to clean up himself unless the property is transferred in the future and can proceed with his current project. He mentions there has been one slight issue with the purchase of the 41 Maple St. lot, but he thinks that it can be sorted out.

Mr. Brewer states he had a new metal roof installed on his building. He felt the permit fees he paid were excessive. Mr. Tipton shows a breakdown of the permit fees on the screen. With the current fee schedule, Mr. Brewer paid \$850.78. With the proposed fee schedule, Mr. Brewer would have paid \$392.62. Mr. Tipton states because we had to go by our current fee schedule that Mr. Brewer did overpay by \$458.16 than if we would have adopted the new fee schedule.

Alma Plummer presents an overview of what the Harveysburg Fall Festival will have to offer this year. She will also post a flier outside the government building. She thanks the Harveysburg Police Department for the help they will provide for the event.

Old Business:

Mr. Tipton gives an update on the storm sewer project. The project is well underway and coming along. They have been running into issues and dealing with them as they come. Some of the issues involve unmarked lines, no bottoms to current catch basins and the use of nonstandard structures. He states it will cost us in the end with contingency fees.

Mr. Tipton states a letter was sent to the owners of the old high school requesting building access. We were able to finally get a letter to them at a new address and we are awaiting a response. They have until the end of the week to respond and if they do not then we can take legal action.

Mr. Tipton reports that in the Streets & Buildings meeting they recommended moving forward with the contract with Duncan Oil. The contract will be for \$2.20/gallon for propane running from 10/1/2023 to 3/31/2024.

Motion made by Mr. Bennett to accept the contract proposed by Duncan Oil. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mr. Kirby conducts the third reading for Ordinance 2023-01: New fee schedule.

Motion made by Mr. Carruthers to adopt Ordinance 2023-01. Second by Mr. Juniel. Vote – Herberth, Carruthers, Tipton, Juniel – Aye / Abstain – Bennett. Motion passed.

New Business:

Mr. Tipton reports that Mr. Dawson is thinking of putting a solar farm on his property on Harveysburg Road that is in Massie Township. It would be a 30-acre solar farm. He will be the first in the area to do so if approved.

Mayor Verga asks if there has been an update on the cell tower Mr. Dawson intends to have on his property. Mr. Tipton said it is scheduled Q4 of this year.

Mr. Tipton states he received a letter from a nonprofit organization called Hunt for Good. They would like to use the government building lobby as a check-in station for an upcoming fundraising event scheduled for Saturday November 4th. It was approved in the Streets & Buildings meeting to recommend to the Council for approval.

Motion made by Mr. Tipton to approve their request to use the government building as a check-in station. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mr. Tipton states we received a request from a citizen who would like to complete 8 hours of community service within the Village. The Streets & Buildings Committee approved the recommendation to the Council.

Motion made by Mr. Tipton to allow this individual to complete 8 hours of community service within the Village. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Police:

Chief Pottenger begins his report:

Vehicles are running well.

The Black School Festival is on September 16th. The PD will block off the necessary roads for this event.

Chief Pottenger states he needs to speak with the attorney and the magistrate and figure out how we will release people who are arrested for minor offenses because we cannot afford to pay for the kiosk fees at the county jail. We will need to charge them with an ORC, so they go through county court or find a way of accepting bonds ourselves.

A fire extinguisher in one of the vehicles needs refilled.

Motion made by Mr. Tipton to allocate \$50 to have the fire extinguisher filled. Second by Mr. Juniel. Vote – Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Chief Pottenger states he received a records request for logs showing the pickup and drop off for Mayor Verga. He states he does not keep logs of that, so they do not exist.

Chief Pottenger states he received information from Clinton County Deputy Cruse that there have been vehicle break-ins on the border of Warren and Clinton County. The people are currently only getting into vehicles that have left their doors unlocked. He asks people to be cautious about leaving valuables in your vehicle and to lock your doors. Ms. Herberth offers to post a warning to residents on the local Facebook page as well.

Mr. Tipton presents Harveysburg PD Operations Data from the beginning of the year to fiscal week 35.

Community Relations:

Ms. Herberth reports that the Mary L. Cook Library installed the free library box. They also added gravel to the sitting area and stained the existing benches to make everything look nice. They did this at no cost to the Village and it was very much appreciated.

Ms. Herberth adds that since we have partnered with the Mary L. Cook Library, she has had more people comment that they have been taking their children to that library for the various events they host.

Planning and Zoning:

Mr. Hill informs the Council that at the previous planning and zoning commission meeting a retail development was proposed for the land for sale in between Old 73 and SR73. The owner of the property would like to remove the trees and clear cut the creek. He states they are in a tricky situation to be able to meet all the proper zoning codes.

Mr. Hill states the Renaissance Festival lot split is moving forward. The lot will need to be split before anything can be rezoned.

Mr. Tipton expresses his appreciation for the dedication and work that Mr. Hill has already put in since becoming part of the Planning Commission.

Mr. Carruthers points out that one of the biggest issues that the last president of the planning commission had was that there was not zoning enforcement within the Village. He hopes that Mr. Hill can figure out a better way to go forward with zoning and its enforcement.

Records:

Mrs. Matuszak asks if Council had any comments about the retention schedule. No comments from the Council. She will move forward with finalizing the document.

Committees:

Community Relations – None

Finance - 9/25 at 6:30pm

Grants - None

Planning and Zoning – 9/27 at 6:30pm

Records - None

Trees - None

Motion made by Mr. Juniel to adjourn at 7:58pm. Second by Mr. Bennett. 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