

Village of Harveysburg

Village Council

September 13, 2021 – 7:00 PM

Present:

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

Absent: Mary Wilkie – Village Fiscal Officer

Village Staff Present:

Richard Pottenger – Police Chief

Visitors / Guests:

Kevin Martin – Village Resident

This is a summary of the meeting of the Harveysburg Village Council held Monday September 13, 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. Juniel to approve the minutes from August 23 Council meeting. Second by Mr. Tipton. Motion passed by voice vote – 6 yea / 0 nay.

Mayors Report: Mr. Verga

There was a general discussion of the annual Harveysburg Historical Society event to be held Saturday September 18th from 11:00 AM until 4:00 PM. Village government building will be open for access to restroom facilities.

Next move is for the Harveysburg Historical Society to appeal their zoning violations to the BZA. This plan is on hold until they get a survey of the property to better understand the exact location of the property line.

Mr. Verga says that he made a mistake regarding Planning Commission membership by stating that Michele Cochran and Randy Carruthers had reached their tenure, and both needed to go away. In setting a six-year term limit for Commission members, any Village legislator that is serving on the Commission that is re-elected, their term then starts over. Another misstep was that Mr. Verga neglected to have Village Council approve the appointment of Mr. Carruthers when he was reelected.

Mayor Verga objects to Councils vote at last meeting regarding postponing new appointments to the Planning Commission until new Council is seated. Mayor Verga says that Village council cannot override OBC / ORC. The Mayor said that he contacted the County Prosecutor, the State Attorney General office,

the County Auditor's office and the State Ethics office regarding the vote and each office told the mayor "that it is not my job".

Mr. Webb stated Council voted on a process to find new membership for the Planning Commission. Verga is worried about the 6-month extension. There was much discussion about exactly who is legitimately on the Planning Commission because there never seems to have been a process of confirmation by council. Historically the Mayor has always just appointed people to the Commission. By code, the Mayor appoints candidate members, Council is to approve appointments but the Village has not been following proper process for years.

Mr. Webb questions whether the Village should have been able to add an additional Council member (elected official) to the Planning Commission. Both ORC and OBC are very explicit in defining the membership to the Planning Commission. The Harveysburg Village Ordinance authorizing the addition of a second Councilman to the Planning Commission cannot be located and there is no mention of such an Ordinance within the text of any Council minutes back to 2016.

Mr. Webb notes the need to establish a process to reevaluate the Planning Commission in that it cannot just disband. Automatically reappointing members when their term is up could be jerryandering. The Village must create an established procedure: Who is on the Planning Commission, when were they appointed, when their term is up, if they are currently "invalid", and then how are we going to replace them. The Mayors' plan is to remove Michele Cochran as President of the Planning Commission and to then reappoint her as a Village resident member. Mr. Webb will research and write a memo on what to do regarding how to handle members exceeding their six-year term.

President of Council Report: Mr. Tipton

Mr. Tipton reports that tile samples submitted for testing came back positive for asbestos. He is currently looking into grants for funding the remediation and replacement of the flooring.

Mr. Tipton was contacted by Michael Yetter to discuss his interest in the position of Zoning Administrator for the Village of Harveysburg. Mr. Yetter will make contact the week of September 20'th to arrange a meeting with all interested parties.

HB110 passed back in July. There is money in this bill (~\$150 million) for demolition of blighted and distressed properties. Michael Weinstein, Sr. Consulting engineer with Patriot Engineering contacted Mr. Tipton to arrange a meeting to discuss possible Village projects that would be appropriate for being considered for funding under this program.

Sound suppression panels for the Council room are being researched. Council currently allocated \$750 dollars for this project and current estimate for panels will be approximately \$1,600.

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

Fiscal Officer: Ms. Wilkie

Ms. Wilkie's notes were presented by Mr. Tipton. Please see attached sheet.

Ms. Wilkie reports that Ashley Richardson, Clerk of Courts, is not getting enough hours due to lack of citations and would like to guarantee her a minimum of three hours for each shift that she works. Motion to allocate to Ashley Richardson a three-hour minimum billing for each day worked was made by Mr. Tipton. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Ms. Wilkie presents Resolution 2021-015 that provides for a general fund advance and supplemental appropriation of \$7,600 for laptops for the Police Department. The Village will be reimbursed for these funds once the grant is received.

Motion by Mr. Carruthers to declare Resolution 2021-015 an emergency. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Motion by Mr. Carruthers to pass Resolution 2021-015 as an emergency. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Motion by Mr. Bennett to have our Fiscal Officer open a purchase order to purchase the items as described in Resolution 2021-015. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Gas cards have been received and placed in all Village vehicles. Gas cards for Police vehicles were not included but will soon be sent by the provider.

Ms. Wilkie notes that it appears that our prior Operations Manager has the Village on an automatic annual fire extinguisher inspection schedule. Prior years invoice was \$256.80 for the inspection of 14 handheld fire extinguishers. It is expected that the invoice will be similar for this year's inspection and that they will be paid out of our blanket certificate for buildings.

Village Attorney Report: Mr. Mark Webb

Mayors court is running smoothly, Ashley is doing a great job.

Warren County Board of Elections did de-certify our levy renewal /increase ballot because it was too early. Harveysburg still has opportunities for renewal in 2022 and 2023.

Guests:

Kevin Martin informed Council that he purchased the property at 110 West Main and will be performing demolition of all structures, satellite dishes and concrete pads. Kens Cable still has cabling strung throughout the Village and there is a question regarding the responsibility of who needs to remove said cabling from overhead wires.

Old Business:

Mr. Tipton informed Council about an ongoing issue with the appearance of an unlicensed, unpermitted campground on property owned by Caesars Creek Properties. A critical issue was that an electrical permit was secured for the property using the name and address of the RenFest. Mr. Tipton reported that he spoke to Mr. Ashcraft regarding the campground and there appears to be positive action in the removal of RV's and Campers at this time.

Dawson Tower. The preliminary layout of the Dawson Tower was presented. No significant issues were identified.

Presented to Council for review were the Public Notices that will be published for the public hearings as required for the rezoning of the Martin property at 91 Cross Street and the variance for the Dawson cell Tower that will be at the corner of Harveysburg Road and SR73.

New Business:

Police: Chief Pottenger

See attached notes.

Committees:

- Community Relations
- Finance
- Grants
- Planning and Zoning
- Records
- Trees

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

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