

# Village of Harveysburg

## Village Council

September 25, 2023 – 7:00 PM

### Present:

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

### Absent:

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### Village Staff Present:

- Andrew Meyer – Standing in for Village Solicitor
- Mary Wilkie – Fiscal Officer
- Richard Pottenger – Police Chief
- Heather Matuszak – Clerk of Council

### Visitors / Guests:

- Logan Arnold – Guest Musician, Senior at Clinton-Massie
- Charles Camp – Harveysburg Resident
- Chase Struna – Little Miami Gig Representative
- Donna Matthews -- Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held September 25, 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: Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel

Logan Arnold performs the Star-Spangled Banner to begin the Village Council meeting.

### Disposition of Previous Minutes:

Motion made by Mr. Bennett to approve the September 11<sup>th</sup> minutes as written. Second by Mr. Juniel.  
Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

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

Guests asked to exit the Council chambers. The Council invites Heather Matuszak and Mary Wilkie to remain. The executive session begins at 7:50pm.

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

The executive session ends at 8:32pm. Council chambers opened for the public.

### **Mayors Report:**

Mayor Verga would like the Council to consider allowing a permit fee reduction to Kevin Brewer and only charging him what he would have paid through the new fee schedule.

The Council would like to consult with the attorney before any decision is made.

Motion made by Mr. Tipton to table the discussion. Second by Mr. Juniel. Vote – Nelson, Herberth, Carruthers, Tipton, Juniel – Aye / Abstain – Bennett. Motion passed.

Mayor Verga states the election will be November 7<sup>th</sup> and early voting will begin October 11<sup>th</sup> at the Board of Elections.

Mayor Verga states Kevin Martin's attorney has been told that the existing pipe is not on his property but is on the neighbor's property. Mayor Verga would like to know if we have anything supporting this. Mr. Tipton states that approximately 1/3 of the pipe is on Mr. Martin's property and the rest is on the neighboring property. He shows the construction drawings provided by the contractors from the sewer project that support the statement. This survey was completed in June 2023.

Mayor Verga states he called the Mayor of Waynesville to see if they could manually control the traffic lights at 42 and 73 to control excessive traffic through Harveysburg on weekends. He spoke with the Waynesville Chief of Police today and was told he saw no significant increase in traffic that would warrant manually controlling the traffic lights.

### **President of Council Report:**

NONE

### **Fiscal Officer:**

Mrs. Wilkie states our current electric service contract with Integrity Electric is expiring. Their new offer is a 3-year contract at \$0.0669/kWh. The Trebel aggregate program is for 2 years at \$0.068. The Finance Committee recommends going with Integrity Electric.

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

Mrs. Wilkie states the first check was paid to K.T. Holden for \$94,962. We will need to open more purchase orders to use the ARPA and OPWC money.

Motion made by Mr. Tipton to open purchase orders for ARPA (\$60k) and OPWC (\$90k) for the purpose of paying for the sewer project. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mrs. Wilkie reports the attorney funds for the Renaissance Festival case are down to \$1,318.75. We need to approve a new purchase order for additional funds.

Motion made by Mr. Tipton to approve a purchase order for \$3,000 for attorney funds. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mrs. Wilkie reads Resolution 2023-16: Accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Motion made by Mr. Tipton to declare Resolution 2023-16 an emergency and waive the three readings. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Motion made by Mr. Tipton to adopt Resolution 2023-16. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

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

**Village Attorney Report:**

NONE

**Guests:**

Chase Struna, a Little Miami Gig representative, gives a presentation about Little Miami Gig fiber optic. They have been expanding from the Morrow area and currently have 3 datacenters. Harveysburg would be serviced from the datacenter located on State Route 380. The company currently plans to place a cabinet at the corner of Old 73 and Wilson Street and would like to expand from there throughout the Village of Harveysburg. The current pricing is: Basic Access \$84.99 (300x150mbps), Family Connect \$114.99 (500x250mbps), GigaStream \$154.99 (1000x500mbps), GigaXstream price quoted upon request (1-10 Gbps). Mr. Struna states that his company is willing to negotiate prices for our area to accommodate the residents. He will be in touch to verify any permits that might be needed. If enough interest is shown from the Village, then LMG will present a plan to lay fiber optic lines throughout Harveysburg. If that work starts, he expects everything to be completed within 6 months. To get updates

about the project, residents may visit [LittleMiamiGig.com](http://LittleMiamiGig.com) and fill out a questions/comments request under the Contacts tab.

Donna Matthews, a Harveysburg Resident, would like to issue a formal complaint against the Chief of Police, Richard Pottenger, she claims she was taken against her will to the hospital and held under a psychiatric hold approximately two years ago during the COVID epidemic. She states she was not permitted to get her medication that is required to be taken daily. She states Chief Pottenger transported her to the hospital along with Donald Fugate, who was in the passenger seat of the vehicle. She claims the air conditioning was placed on high and the music was turned up extremely loud. When she asked them to turn both down, she stated they only laughed at her.

**Old Business:**

Mr. Tipton reports that the Dawson cell tower project has been postponed by Verizon until 2024.

Mr. Tipton reports that the sewer project is progressing well.

**New Business:**

Mr. Tipton states the Village received an open records request from Ed Richter, Dayton Daily News, and that the request was completed.

Mr. Tipton reports that Warren County Water and Soil is planning a Jonas Run rehabilitation project in 2025/2026.

Mr. Tipton states he has spoken with Phil Trovillo and they talked about community leaf pickup for the weeks of October 16<sup>th</sup> and October 23<sup>rd</sup>.

Ms. Herberth reports the person who requested to complete community service was able to paint curbs around the Village today.

Mr. Juniel states there is a tree down at the end of Clark that is across the road. It would likely prevent large vehicles like the school bus from turning around. He also states there is a large tree that is close to the wires that looks like it will fall with a strong wind.

**Police:**

Chief Pottenger begins his report:

Possible issue with the radio and tires on one vehicle. The county will check on Tuesday.

Plans are to take the totaled cruiser to the county tomorrow to begin stripping the equipment.

Chief Pottenger comments that the PD was not responsible for the decision to take Donna Matthews to the hospital. He is unable to comment further due to the HIPAA law.

Ms. Herberth asks if there has been an update on the vehicle break-ins near the Warren/Clinton County border. Chief Pottenger states no additional update has been received.

Mr. Tipton states that on Thursday at court a ticket was never turned into the office, so it was not on our records. Chief Pottenger states the attorney addressed that issue with him and he spoke with the officer. There was a mix-up because it was originally going through the county and then came back to our court.

**Community Relations:**

NONE

**Committees:**

Community Relations – None

Finance - 10/23 at 6:30pm

Grants - None

Planning and Zoning – 9/26 at 6:30pm

Records - None

Trees - None

Motion made by Mr. Nelson to adjourn at 9:37pm. Second by Mr. Carruthers. Passed by voice vote.

Attest:

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Heather Matuszak, Clerk of Council

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Mayor Richard Verga

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Mark Tipton, President of Council

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Kim Herberth

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Randy Carruthers

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Pat Bennett

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Charles Juniel

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Jim Nelson