

Village of Harveysburg

Village Council

September 27, 2021 – 7:00 PM

Present:

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

Absent: Steve Cochran – Councilman

Village Staff Present:

Richard Pottenger – Police Chief
Mary Wilkie – Fiscal Officer

Visitors / Guests:

Kevin Martin – Village Resident

This is a summary of the meeting of the Harveysburg Village Council held Monday September 27, 2021, at 7:00 PM. Upon request, a recording of the meeting is available for review.

Mayor Verga called the meeting to order at 7:05 PM

Disposition of Previous Minutes: Motion made by Mr. Bennett to approve the minutes from the September 13, 2021, Council meeting. Second by Mr. Carruthers. Motion passed by voice vote – 5 yea / 0 nay.

Mr. Tipton made the motion to excuse Mr. Cochran. Second by Mr. Juniel. Motion passed by voice vote – 5 yea / 0 nay.

Mayors Report: Mr. Verga

Mayor Verga reported that the Harveysburg Historical Society is still waiting on a property survey prior to deciding to go forward with their Parking Lot appeal to the BZA. No time estimate was provided regarding initiation of said survey.

Mayor Verga noted that he had issues with prior meeting minutes. Discussion ensued and no changes to the minutes were deemed necessary.

President of Council Report: Mr. Tipton

Mr. Tipton notes that his topics for discussion for this meeting are best covered under new and old business.

Fiscal Officer: Ms. Wilkie

Ms. Wilkie reports that the Village has received the first distribution of our ARPA funds amounting to \$29,693. Due to intermittent internet outages taking out our Vonage phone service, CenturyLink was contacted to provide a cost estimate for the provision of three copper landlines and backup internet service. The cost estimate is too high to consider a transition to CenturyLink.

Gas cards have been distributed to Village employees. This will save the Village from paying sales tax on all gasoline and diesel purchases.

There was discussion of how to subdivide previously allocated funds for the Village Halloween and Christmas home decorations contest. It was decided that for each event, prize money of \$250 would be subdivided as follows: First place \$125, Second place \$75 and Third place \$50. Motion was made by Mr. Tipton to accept Ms. Wilkie prize money distributions for the home decoration contest. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie reports that there are numerous items that need to be put up for public sale on GovDeals. There will be a reserve of \$5,700 on the Gravely mower and no reserve placed on the upholstered office chairs, wooden benches, and assorted surplus Police equipment.

Resolution 2021-016 allows the Village to place for sale on GovDeals and to accept bids on the aforementioned items with the designated reserve(s). Motion made by Mr. Tipton to declare Resolution 2021-016 an emergency. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Motion was made by Mr. Nelson to pass Resolution 2021-016. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Resolution 2021-017 was read by Mr. Webb. This resolution is for the Council to accept the certified amounts of our levies as provided by the Budget Commission of Warren County. These amounts are: Operating Levy (2.5 mil) - \$53,600, Street Levy (2 mil) - \$31,000, and the Police Levy (2 mil) - \$19,000.

Motion made by Mr. Bennett to declare Resolution 2021-017 an emergency and to waive the three readings. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Motion was made by Mr. Nelson to pass Resolution 2021-017. Seconded by Mr. Carruthers. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Village Attorney Report: Mr. Mark Webb

Mr. Webb reports that Mayors Court is operating extremely well, and Ashely continues to do an excellent job as Clerk of Court.

Mr. Webb provided Council with a memo regarding multiple issues plaguing the Harveysburg Planning Commission. Mr. Webb states that his bottom line is that the Village cannot have more than one Council member appointed nor should there be more than five members on the Planning Commission. The statute is very vague regarding the six-year term in that there is nothing in the statute that says that Commission members cannot serve more than their six-year term and that there is nothing prohibiting the reappointment of a Councilman that has been re-elected. The Mayor stated that in his 20 plus years

he can recall no instance of Council confirmation for members that he has appointed and that doesn't like the idea of immediate re-appointment.

Mr. Webb notes that the Village has struggled to keep accurate records as to when terms of Commission members have started and there are no real good dates on any member. It is up to Council to set a process that it deems appropriate to reset the Planning Commission to comply with the statute.

The Village has the inherent authority to re-establish the Planning Commission and it would be in the best interest of the Village to advertise the open positions and to vet all candidates. In the re-establishment of the Planning Commission, it is important that all new members serve staggered terms. Any appointed Council member will serve until they resign, or until their term expires. In addition, Mr. Webb has expressed concern regarding the discussion of the Mayor removing members from the Planning Commission and this issue needs to be resolved.

Guests:

Kevin Martin appeared before Council to determine the status of his request to rezone the property at 91 Cross Street. Mr. Martin was told that a Public Notice will soon be published, and he can expect the public hearing in the first week of November.

Old Business:

Sound suppression panels for the Council room are on order and should be shipped this week. There are a total of 32 panels ordered. Installation will have 12 panels on the back and side walls and 6 panels on the front wall.

KAS 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. Mr. Webb stated that he will investigate the issue and report back to Council.

Dumpsters have finally been removed. The Village was charged \$175 for an extra dumpster (due to overflow of original donated dumpster), and illicit tires thrown into both dumpsters were returned to the Village for disposal at our expense. Our "free dumpster" has now cost us approximately \$300 in additional expenses.

Dawson Tower. The preliminary layout of the Dawson Cell Tower was presented. No significant issues were identified. The Planning Commission needs to set a date for a public hearing for the required variance.

Earl Henricks will be taking over the HOA for Caesar Creek Estates. Dave Ashcraft and his group resigned from administration and management of the HOA.

Mr. Tipton asked Mayor Verga for an update on the Warfeld property annexation. The Mayor reports the Joe Lucas was supposed to have been getting all required signatures and approvals. Mr. Tipton again reiterated that Mr. Lucas was paid additional funds to see the annexation thru to completion.

Mr. Tipton requests Council approval to renew the eFileCabinete software for \$700. Motion made by Mr. Nelson to spend \$700 to renew the eFileCabinete software. Seconded by Mr. Juniel. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

New Business:

No 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. Tipton. Roll Call vote – Bennett, Carruthers, Juniel, Nelson, Tipton – Aye, Nay – none. Motion passed.

Mr. Carruthers made the motion to adjourn at 9:12 PM. Second by Mr. Nelson. 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