

# Village of Harveysburg

## Village Council

November 8, 2021 – 7:00 PM

### Present:

Randy Carruthers – Councilman  
Charles Juniel – Councilman  
Jim Nelson – Councilman  
Mark Tipton – Councilman / President of Council

### Absent:

Dick Verga – Mayor  
Richard Pottenger – Police Chief  
Pat Bennett – Councilman

### Village Staff Present:

Mary Wilkie – Fiscal Officer

### Visitors / Guests:

Kim Herberth – Village Resident

This is a summary of the meeting of the Harveysburg Village Council held Tuesday November 8, 2021, at 7:00 PM. Upon request, a recording of the meeting is available for review.

In Mr. Verga's absence, Mr. Tipton called the meeting to order at 7:01 PM

Motion made by Mr. Carruthers to excuse Mr. Bennett. Second by Mr. Juniel. Roll Call – Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Carruthers to excuse Mr. Verga. Second by Mr. Juniel. Roll Call – Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

**Disposition of Previous Minutes:** Due to an oversight, meeting minutes from the 10/28/2021 Council meeting were not distributed to Council members in a timely manner, and no one has had a chance to review. Discussion regarding disposition will be continued at the scheduled 11/22/2021 meeting.

### Mayors Report: Mr. Verga

Mayor Verga was on the phone listening to the meeting and requested that I speak for him. What follows is the information that which he requested I present:

Mr. Verga reports that from his two study programs, he cannot get a good response as to what the Village is to do with his "front door" project.

Mr. Verga reports that he was in contact with State and County officials regarding a Covid19 vaccine mandate for Village employees and Council members. There can be a vaccine mandate imposed on Village employees but there can be no mandate imposed on Council members.

**President of Council Report:** Mr. Tipton

Mr. Tipton reports that his topics of discussion are best covered under new and old business.

**Fiscal Officer:** Ms. Wilkie

Ms. Wilkie requests Council to increase appropriations to the Police Levy by \$10,000, to address the forecast increase in expenses for the remainder of 2021. This transfer was discussed with the county auditor. Resolution 2021\_018 approving the transfer of funds from the general fund to the police was read by Village Solicitor Mark Webb.

Mr. Cochran makes the motion to declare Resolution 2021-018 an emergency. Second by Juniel. Roll Call – Carruthers, Cochran, Juniel, Tipton – Aye, Nelson - Nay. Motion passed.

Mr. Cochran makes the motion to pass Resolution 2021-018. Second by Juniel. Roll Call – Carruthers, Cochran, Juniel, Tipton – Aye, Nelson - Nay. Motion passed.

Ms. Wilkie notes that in the Finance Committee meeting of 10/28/2021 it was discussed that snow removal rates need to be adjusted for the 2021/2022 winter snow season. The rate to be charged for the 2021/2022 snow season will be \$300/hr. prorated and billed in 15-minute increments.

There was general discussion clarifying that for snow removal and other emergencies, employees will be paid time and a half for work during off hours that will include a three-hour minimum for the driver. The core work hours for our road and street employees are between the hours of 8 AM and 4 PM.

Mr. Tipton makes the motion that the billing rate for snow removal for Caesars Creek Estates and Sheperds Ridge PUD be set at \$300/hr. to be billed in 15-minute increments. Second by Juniel. Roll Call – Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, None - Nay. Motion passed.

Mr. Tipton makes the motion that for snow removal work performed during off-hours, street employees be paid time and a half with a three-hour minimum. Second by Juniel. Roll Call – Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, None - Nay. Motion passed.

Ms. Wilkie states that she needs to discuss with Chief Pottenger that there continues to be issues with missing gas receipts for police vehicles. We are saving money using the current WEX system but if we are not saving receipts, then the Village will get hit in the audit.

Ms. Wilkie states that as we go forward, all police revenues and expenditures (labor/gasoline) will need to be reviewed monthly. We need the monthly reviews to make certain that we do not fall outside our allocated budget target.

Ms. Wilkie reported that the Halloween home decoration winners were awarded their monetary prizes.

**Village Attorney Report:** Mr. Mark Webb

Mr. Webb reports that at the Council meeting of 10/28/2021, prior Village Solicitor Mr. Joe Lucas was to provide him an information packet regarding the Warfeld Annexation. It has now been two weeks and Mr. Webb still has not received this information packet. Mr. Webb stated that he has both phoned and emailed Mr. Lucas resulting in no response.

Mr. Webb reports that the KAS Cable statutory agent is no longer valid and may not be an operating business. Mr. Webb will proceed to try to contact KAS via phone call to initiate removal of abandoned equipment from the Village.

Mr. Webb reports that letters to two property owners cited for ordinance violations have gone unanswered and that he has sent second letters to both. If these letters go unanswered, Mr. Webb will cite them into Mayors Court for specified ordinance violations. Mr. Webb recommends that we have a stricter policy in place regarding what our exact procedure for enforcement will be and that the policy of Harveysburg should emulate what he does with Springboro and Waynesville, and that is to have the owners bring their properties into compliance.

Mr. Webb reports that the Brimstone LLC, agreement is enforceable with community development fees but does not think that the agreement gives us any remedy regarding non-payment of vendor fees. Vendor fees and licenses are issued and enforced through our ordinances. What it sounds like is a verbal gentlemen's agreement between Pete Carroll (prior RenFest Principle) and the Village, that he would be paying the vendor fees for the vendors. In Ohio, verbal agreements are valid for 6 years and that the collection of non-payments of vendors fees would have to be initiated against the vendors.

**Guests:**

None.

**Old Business:**

Mr. Tipton reports that the Village has yet to receive a response from the Harveysburg Historical Society regarding the Notice of Violations that were provided to them on August 20, 2021.

Discussion followed and was centered around the general question of "what next". Mr. Webb states that filing the case is not the issue, the issue is about compliance. The parking lot needs to be put into compliance according to Harveysburg Zoning guidelines or it needs to be removed. Mr. Cochran notes that this is not a "witch hunt" – this is a zoning issue. Harveysburg zoning ordinance was infringed by not having a permit for the construction of a parking lot and the resulting "stop work" order was ignored.

Mr. Tipton makes the motion that the Harveysburg Village Council direct Mark Webb, Village Solicitor, to cite the Harveysburg Historical Society into Mayors Court for their non-response to our previously served "Notice of Violations". Second by Mr. Juniel. Roll Call – Carruthers, Cochran, Juniel, Tipton – Aye, Nelson - Abstain. None – Nay. Motion passed.

Mr. Carruthers provided an update on the public hearing for Kevin Martins request to rezone the property at 91 Cross Street. The meeting was held Thursday November 4, 2021, which resulted in the approval by the Planning Commission to rezone the property from "undefined" to B1.

Mr. Tipton reports that the cost estimate for the Snow Emergency signs came in well above the \$800 allocated in prior Council meeting. Discussion in Council concludes that we should limit the order to obtaining signposts and attachment hardware for the eight signs that we currently have in storage. Final cost to the Village will be approximately \$400.

**New Business:**

Mr. Tipton presented information regarding Massie Township Fire Department and the expenses being incurred by the department for contracted runs. Contracted runs are EMS and fire runs that are within Massie Township and to which the department cannot respond due to lack of on duty personnel. Year to date there have been 85 contracted runs at a cost to the township of \$37,200. There has been discussion at the past two Township Trustees meetings to possibly man the fire house with two paid EMT's on a 12-hour or 24-hour basis and the costs associated with this concept would be \$130K to \$260K per year.

**Police:** Chief Pottenger

No report - Chief Pottenger was not in attendance.

**Committees:**

Community Relations

Ms. Kim Herberth gave a brief overview of the planned activities for the annual Holiday Party.

Finance - None

Grants - None

Planning and Zoning - None

Records - None

Trees - None

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

Mr. Tipton made the motion to adjourn at 8:20 PM. Second by Mr. Nelson. Motion passed by voice vote.

Attest:

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Mark Tipton, President of Council, acting Clerk of Council

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Mayor Richard Verga

\_\_\_\_\_  
Mark Tipton, President of Council

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Steve Cochran

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Randy Carruthers

\_\_\_\_\_  
Pat Bennett

\_\_\_\_\_  
Charles Juniel

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Jim Nelson