

# Village of Harveysburg

## Village Council

November 28, 2022 – 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:

### Village Staff Present:

- Chase Kirby – Village Solicitor
- Richard Pottenger – Police Chief
- Mary Wilkie – Fiscal Officer
- Heather Matuszak – Clerk of Council

### Visitors / Guests:

- Alma Plummer – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held November 28, 2022, 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 6:57pm.

Roll Call: Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel, Mayor Verga

### Disposition of Previous Minutes:

Motion made by Mr. Tipton to approve November 14<sup>th</sup> Council Minutes as written. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

### Mayors Report: Mr. Verga

Mayor Verga states that due to December 26<sup>th</sup> being a recognized holiday, we will not have a council meeting that day. The December 12<sup>th</sup> meeting will be our last council meeting of the year. We will need a short Finance meeting to sign the 2023 budget before the end of the year.

Mayor Verga states we need to have an executive session regarding the Renaissance Festival. He would like to invite Chief Pottenger as a guest to the executive session since Mr. Ashcraft has a good relationship with the police department and Chief Pottenger.

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

Mr. Tipton states that he intended on going into executive session after tonight's meeting. He objects to Chief Pottenger attending the executive session due to him being an employee of Mr. Ashcraft. We cannot have an employee of the Renaissance Festival attend these meetings.

Mr. Tipton states that in the Finance Committee meeting he asked that \$1,000 be set aside to approve a payment to a homeowner on Grant Street for our storm sewer easement that will go through next fall. He would like council approval for that.

Motion made by Mr. Tipton to put aside \$1,000 to pay the resident on Grant Street for a storm sewer easement through his property. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton states that he previously discussed possibilities for CDBG 2024 projects based on the PASER study that was completed. In conjunction with ChoiceOne, they came up with two possible routes for road projects (shown on screen). First, the RED option of repairing part of South St. to Frost St. to Grant St. would be approximately 1,750ft of roadway and approximately \$160k. Second, the BLUE option of repairing South St. between Frost St. and Wilson St. would be approximately 1,300ft of roadway and approximately \$120k.

Mr. Tipton would like Council opinion on what option they would prefer. His personal opinion would be the RED option and follow later with the BLUE option. We will try to couple it with OPWC money to complete the projects. The money we receive will be based on what option we go with and how we score compared to other projects.

Mr. Tipton states he did get an estimate for chip and seal on Maple St. for \$90k, but we won't be able to complete it due to the curbs. However, chip and seal will work for Old SR 73.

**Fiscal Officer:** Mrs. Wilkie

Mrs. Wilkie states we did receive \$44k from the Renaissance Festival. We have received 100% or close to 100% of the monies we are supposed to receive for the year.

Mrs. Wilkie states she went to Lebanon Ford and finally received the completed affidavit. The affidavit was sent to LCNB Fraud Department. We are owed \$159.

Mrs. Wilkie states we have been paying WC Telecommunications \$120 each month for 3 cruisers and wants to know if the data card has been removed from the totaled cruiser so that payment can be adjusted.

Mrs. Wilkie states we received a bill in June from Lexipol in the amount of \$2,828.33. This bill needs to be approved by Council. If it is not paid, the service will be cancelled. Some of the members of Council

would like access to the police department policies and procedures on Lexipol before agreeing to pay the bill. Chief Pottenger needs emails of the council members that would like access and he can grant them access.

Motion made by Mr. Nelson to wait to pay the bill until Council can review the policy and procedures of the police department. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mrs. Wilkie states she is not getting all the Wex receipts from the Fleet card the police department uses for fuel. It's not worth the savings on sales tax if we have to pay more for an audit due to missing documents. If it is too much of a problem to keep up with individual receipts then we will have to go back to Marathon and pay the sales tax. We did not have an issue with missing receipts when Marathon collected them for us.

Mrs. Wilkie states we need to send out snow removal contracts for the upcoming season. Finance Committee recommended keeping the same contract as last season which was \$300/hr. The cumulative hours last season was 3.5 hours.

Motion made by Mr. Tipton to retain the snow removal rate of \$300/hour. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mrs. Wilkie states we receive \$1,000 grant money from our insurance company every year. Phil Trovillo would like permission to purchase road department equipment and work clothing for the road crew using this grant money.

Motion made by Mr. Bennett to approve up to \$1,000 for the road department equipment and work crew clothing. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mrs. Wilkie states that John Boyd charged us nothing for the HVAC services he provided. It was much appreciated, and we will send him a Thank You letter.

Mrs. Wilkie states she needs to check with the Auditor and local government on how to properly keep track of and document the clothing/equipment purchased for officers. She needs to verify if it is taxable to issue clothing/equipment to officers.

Mrs. Wilkie states a public notice has been advertised through Cox Ohio for the next two Sunday papers about the electrical and natural gas aggregation meeting on December 12<sup>th</sup> at noon and 6pm. The meeting will be in the gym for 6pm.

Mrs. Wilkie states she received a bill for \$195 for annual dues to the Ohio Association of Chiefs of Police. She needs the council to approve payment.

Motion made by Mr. Nelson to pay \$195 to the Ohio Association of Chiefs of Police. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

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

**Village Attorney Report:** Chase Kirby

Mr. Kirby states that after reflecting on the last council meeting and speaking with some in attendance, it was no way to run a Village Council meeting. Meetings are open to the public and the public is encouraged to speak out, but there is a balance. It should not be allowed to spiral out of control where a citizen can essentially have a mini trial about whether a member of council did something wrong. He believes the Council needs to do a better job at allowing the public to speak, but in a manner that is good for business. The last meeting was not a good use of anybody's time. We need to do a better job of keeping restrictions in place. The move of the podium to the middle of the room for a guest to speak is a good start. Another example is during court, one side is able to speak and the other can respond, but it is not a heated debate back and forth.

**Clerk of Council:** Mrs. Matuszak

Mrs. Matuszak agrees with Mr. Kirby's statement and states that is why she wrote the minutes in the manner she did for that meeting. She noted the indirect threat to Mr. Tipton. She noted the interruption and disrespect shown to Mr. Kirby. Mrs. Matuszak states it is her opinion that if that behavior becomes repetitive from Mr. Wilson or any other person that they be asked to leave the meeting. She also believes guests should only speak during the guest portion of the meeting and no longer be allowed to interject themselves into regular proceedings.

**Guests:**

NONE

**Old Business:**

Mr. Tipton provides council members with a copy of House Bill 140 "Ballot Uniformity and Transparency Act", this bill will modify ballot language and will now express the cost to the taxpayer. This is provided simply as information after speaking of the next election at the last meeting.

**New Business:**

NONE

**Police:** Chief Pottenger

Chief Pottenger refers to Mr. Kirby's and Mrs. Matuszak's statements, he has no problem removing someone from council chambers who has become disruptive to council proceedings. He states he just needs to be asked to do so by one of the council members. There are charges associated with disrupting a council meeting if it reaches that point.

Chief Pottenger states he received a request from Mr. Tipton for daily logs after the last meeting. The logs are kept on paper and not electronically, so it is taking time to compile the logs. Part of the logs have been converted electronically and provided to Mr. Tipton. The rest of the logs are being converted and should be available to Mr. Tipton by Wednesday.

-Vehicle #1 needs to be sent in for horn and spotlight repair.

-Yuletide Village is being held at the Renaissance Festival for the next 3 weekends.

-The Village Christmas party is being held December 9<sup>th</sup>.

-Manpower is still low. We have one on training and he should be ready by late December to early January.

### **Community Relations – Ms. Herberth**

Ms. Herberth states the Christmas party is December 9<sup>th</sup> from 6-9pm. She spoke with Chief Fugate from Massie Twp Fire Department and they will be coming with Santa on the firetruck.

Ms. Herberth had local residents reach out and volunteer to assist in handing out fliers in the Village for the Christmas party.

The flier mentions snacks, drinks and treat bags. The Mary L. Cook library will be attending, and they plan on setting up a station to make reindeer food with the kids. The kids will be able to make their own ornaments. Face painting will be provided. Lebanon Public Library is providing free books that we can pass out to the kids. Photos can be taken with Gary the mini horse and with Santa. Kids will receive a free gift. We had donations of wreaths and a winter basket. We are also going to let kids enter a raffle to win a gift for their parents for Christmas.

Chief Pottenger asks if there will be a contest this year for Christmas lights. The consensus is that we will not do it this year since we did not do the contest for Halloween.

### **Planning:**

Mayor Verga states he has looked into code violations that a Zoning Enforcement Officer would be needed for and believes many current violations will simply take talking with the resident to fix. He does not believe many violations would result in going to court and fines being paid. The Village would not be able to pay a Zoning Enforcement Officer simply from the fines paid to the Village as the President of Planning and Zoning has suggested.

Mr. Nelson asks if Council can vote to have Michelle Cochran removed as President of Planning and Zoning since she refuses to rewrite the zoning book until a Zoning Enforcement Officer is hired. Mr. Kirby stated he will look into exactly what steps need to be taken.

**Committees:**

Community Relations – Meeting 12/5 at 7:30pm

Finance - TBD

Grants - None

Planning and Zoning – 12/28 at 6:30pm (tentatively)

Records - 11/28 before Council meeting

Trees - None

Motion made by Mr. Tipton to enter executive session to consult with the Village Solicitor regarding imminent legal action with David Ashcraft. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

The executive session began at 7:47pm and was ended at 7:55pm.

Motion made by Mr. Nelson to adjourn at 7:56pm. Second by Mr. Juniel. 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

\_\_\_\_\_  
Randy Carruthers

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

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

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Jim Nelson