

# Village of Harveysburg

## Village Council

December 11, 2023 – 7:00 PM

### Present:

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

### Absent:

- Charles Juniel – Councilman

### Village Staff Present:

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

### Visitors / Guests:

- Micheal Storehalder – Candidate for Harveysburg PD
- Charles Camp – Harveysburg Resident
- Kevin Brewer – Harveysburg Resident
- Terri Smith – Harveysburg Resident
- Jonathan Funk – Harveysburg Mayor Elect
- Tim Hill – Planning Commission President

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*This is a summary of the meeting of the Harveysburg Village Council held December 11, 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

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

### Disposition of Previous Minutes:

Motion made by Mr. Tipton to approve the November 27<sup>th</sup> minutes with the clarification that Mrs. Wilkie was absent. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

## **Mayors Report:**

Mayor Verga invites Chief Pottenger to introduce the officer candidate for Harveysburg PD. Chief Pottenger introduces Michael Storehalder to the Council and passes his background packet to the Council for review. He states that he would like the Council to approve the hire on the condition that his drug test come back clean. Mr. Storehalder addresses the Council and provides a brief overview of his qualifications and background.

Motion made by Mr. Tipton to hire Michael Storehalder as an auxiliary officer under the condition his drug test returns clean. Second by Mr. Bennett. Vote – Bennett, Herberth, Carruthers, Tipton – Aye / Nay – Nelson. Motion passes 4-1.

Mayor Verga swears in new Officer Michael Storehalder.

Mayor Verga asks Kevin Brewer if he has any updates to share. Mr. Brewer states the only update he has is that he is gathering bids to clear the lot he recently obtained.

Mayor Verga states that Donna Matthews was not able to attend the meeting tonight to present her Bingo night idea due to personal reasons. She will hopefully be able to attend the next meeting.

Mayor Verga states this is the last meeting of the year unless an emergency meeting is required for some reason. He states this is the last meeting as his 16 years as Mayor and the majority of his years have been well served.

## **President of Council Report:**

Mr. Tipton reports that the 2024 CDBG project has been expanded. It will start at Maple/South and run all the way to Wall/South. It will also run down Frost to Grant and go down Grant to Stewart. This will be 1700ft of road resurfacing and will impact approximately 50 households. The project is estimated at \$217k with a Village match of \$22k. It is based off the PASER study completed in 2021, this rated South St. 4-3, Frost St. 4-3, and Grant St. 2-1. He expects this project to score well. This project will be the driver to pass the Operating Levy for 2024.

**Resolution 2023-18:** Authorizing the Mayor to prepare and submit an application to participate in the Community Development Block Grant (CDBG) funding program and to execute contracts as required. Read in completion by Mr. Kirby.

Motion made by Mr. Tipton to declare Resolution 2023-18 an emergency and waive the three readings. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Motion made by Mr. Nelson to adopt Resolution 2023-18. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Jon Funk adds that the more money the Village can put towards the project then the more points will be given so the likelihood of being awarded the grant money will increase.

Mr. Tipton states that there is the possibility of expanding even further to resurface more side roads/alleys within Old Harveysburg and we could apply for OPWC money. However, that would put the project into 2025.

**Fiscal Officer:**

Mrs. Wilkie reports that the Financial Audit is back, and she can review the highlights in executive session because it is confidential. We should qualify for the AUP audit which would be about a \$10k savings.

Mrs. Wilkie states she has completed the 2024 temporary appropriations as best as she could and everyone on the Council has been provided with a copy. She has the official certificate from the Budget Commission and a resolution that will need to be passed tonight.

Mrs. Wilkie states there is only \$22k in the police fund and there is not more money coming in so the Council will need to make a decision regarding the police department.

**Resolution 2023-19:** Approving the temporary appropriations for the fiscal year 2024. A copy has been provided to each council member. Read in title only by Mrs. Wilkie.

Motion made by Mr. Carruthers to declare Resolution 2023-19 an emergency and waive the three readings. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Motion made by Mr. Nelson to adopt Resolution 2023-19. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Mrs. Wilkie would like to propose giving Phil a one-time stipend of \$150 for all his help with the Village. She would also like to collect money for Bill and Joe for Christmas and plan a small Christmas dinner.

Motion made by Mr. Tipton to approve a one-time stipend of \$150 to Phil Trovillo. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye / Nay – None. Motion passed.

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

**Village Attorney Report:**

**Resolution 2023-20:** Declaring it necessary to levy an operating levy tax outside the 10-mill limitation and requesting certification from the Warren County Auditor. Read in completion by Mr. Kirby.

Motion made by Mr. Bennett to declare Resolution 2023-20 an emergency and waive the three readings. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Motion made by Mr. Bennett to adopt Resolution 2023-20. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Mr. Kirby states we will likely need an emergency meeting after this resolution is certified so we can pass the second resolution that will get the levy on the ballot.

Mr. Kirby reports that he and Tim Hill, Planning Commission President, had a conversation with the attorney of the Black School and went out himself to view the parking area. He states that it is his opinion that although it is not the best parking area it does comply with Village ordinances in section 601. He would like to see the stop work order vacated. He also states the Black School has intentions of expanding in the future with a new building on the property.

**Guests:**

Jon Funk states there has been some concern over some sections of the Admissions Tax that have TBD in the permit fee section. The concern is that amount being extremely high. Mr. Tipton states that the fee amounts are to be determined by the admission board. His original thought was that the highest fee would not exceed more than \$50. It is to be an administration fee coverage.

Mr. Kirby states we received a petition for referendum with a certified copy of the admission tax. He assumes there will be a petition circling soon in an attempt to get it on the ballot to be struck down. He invites those present to speak either in favor or opposition of the admission tax.

Mr. Tipton states he is a proponent of the admission tax. It is something that we have not been able to consider for years due to a contract. It is not a tax on the Renaissance Festival itself, but on the visitors who attend the events. As the Village expands and gains more businesses, this tax will apply to them as well. It is a way to show the residents that the Council is trying to increase our revenues through all legal methods possible.

Mr. Kirby asks Mr. Brewer his thoughts of the tax if hypothetically his business started hosting a band and had a cover charge. Mr. Brewer states he hasn't given something like that much thought, but it would be nothing directly out of his pocket, so he doesn't find that to be an issue.

Mayor Verga states the only complaints he has heard about the admissions tax is the lack of specificity of some of the verbiage in the document like the TBD mentioned earlier.

Mr. Funk states his business delivers to Ohio and some surrounding states. There are approximately 12 cities where he must buy a license to do business. He must fill out certain forms for his employees, pay percentages of employee's pay to the city, and file tax returns with each city. He states this admissions tax could improve services here in the Village.

Terri Smith states her problem with the admissions tax is that the levies were voted down, so it looks like the Village doesn't want to support itself and just take money from the Renaissance Festival. She states if the Village had other means of supporting itself, such as a levy or income tax, she would not be opposed to the admissions tax. She also states the Council needs to find a way to communicate better with the Village and cites the issue with the fee schedule.

Charles Camp states the council minutes are after the fact by sometimes a month and the residents want to know about things sooner if they cannot make it to meetings. He suggests email, Facebook, or group text as ways of communication.

Mayor Verga states when he first became mayor they decided a newsletter was the best way of communication, but it eventually stopped because people wanted to move onto communication through technology.

**Old Business:**

NONE

**New Business:**

Mayor Verga states that Jon Funk is a member of the BZA. Once he becomes Mayor, he will need to vacate that chair and name a replacement.

Mr. Tipton states that in the Streets and Buildings meeting Phil discussed the need for truck maintenance on the silver truck \$800 and red truck \$200. This would be to take care of filter replacements, oil changes, brake lines, and brake replacement.

Motion made by Mr. Tipton to approve \$1,000 for road truck maintenance. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Mr. Tipton states there are snow throwers that have been stored for years that Bill wants to put on GovDeals again and if they don't sell then scrap them.

Motion made by Mr. Carruthers to put the snow throwers on GovDeals. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Mr. Tipton reports that he called Miami Valley Lighting again and was told they will install the light at North/Lorraine this month.

**Police:**

Chief Pottenger begins his report:

-Vehicles are running well

-One pending application

Joe Nelson has been added to the roster as acting Clerk of Courts. He needs to contact the Sheriff's Office to take his LEADS test.

Mr. Nelson wants to know why we are hiring new officers when we don't even know the future of the department. Chief Pottenger states that we need to hire officers for the spots we have open so that if we find a way to keep the department running, we have the people to work. He states he has two officers that will likely be leaving soon due to finding paying jobs elsewhere.

Chief Pottenger states he has also reassigned the morning officer to patrol Main St. in the early mornings to crack down on the people speeding and running stop signs through the Village.

**Community Relations:**

Ms. Herberth reports the Christmas Party was a success and they had 8 activities this year. It was a great success thanks to many generous donations of food, gifts, and time. We gave out 73 gifts. She says a week before the party she was contacted by someone in the Village that had a \$250 gift card through their work to spend on something she thought was valuable. That gift card was able to purchase food, drinks, wrapping paper, and gifts. We did have unexpected expenses such as buying a new Santa suit, purchasing a gift card for the person who came as Santa, and the purchase of new gifts. She states that in total this only cost the Village \$486.50.

**Planning Commission:**

Mr. Hill plans to vacate the stop work order for the Black School. He looks forward to their expansion.

Mr. Hill states the Dollar General is continuing to move forward with a slightly different plan that meets a lot of the criteria. We still aren't sure how they plan to manage pedestrian traffic and that will be something asked at the next meeting.

Mayor Verga states that the Dollar General no longer plans to clear cut the trees on the property after receiving some pushback about cutting them down.

Mr. Tipton would like to thank Tim for all the time he has put into this dollar store and his communication with the developer.

**Committees:**

- Community Relations – None
- Finance - None
- Grants - None
- Planning and Zoning – 12/12 at 6:30pm
- Records - None
- Trees - None

The Council decided December 18<sup>th</sup> at 7pm will be the date for the emergency meeting for the discussion of the Operating Levy to pass the required resolution to get it on the ballot.

Motion made by Mr. Nelson to enter into executive session per ORC 121.22 to discuss confidential matters regarding the recent non-certified Village Financial Audit. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye/ Nay – None. Motion passed.

Mr. Tipton invites Jon Funk, Mary Wilkie, and Heather Matuszak to attend the executive session.

The executive session begins at 8:22pm.

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

The executive session ends at 8:34pm and the doors are open to the public.

Motion made by Mr. Bennett to adjourn at 8:35pm. Second by Mr. Tipton. Passed unanimously.

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