

# Village of Harveysburg

## Village Council

December 13, 2021 – 7:00 PM

**Present:**

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

**Absent:** None

**Village Staff Present:**

Mary Wilkie – Fiscal Officer  
Richard Pottenger – Police Chief

**Visitors / Guests:**

Kim Herberth - Village resident / Councilwoman-elect

This is a summary of the meeting of the Harveysburg Village Council held Tuesday December 13, 2021, at 7:00 PM. Upon request, a recording of the meeting is available for review.

Mr. Vergas called the meeting to order at 7:00 PM

**Disposition of Previous Minutes:**

Motion made by Mr. Nelson to approve the minutes from the November 22, 2021, Council meeting. Second by Mr. Juniel. Second by Mr. Juniel. Voice vote. In favor - Unanimous, Opposed – None. Motion passed.

**Mayors Report:** Mr. Verga

Mr. Verga reports that his cell phone and land lines are giving him technical problems and has impeded his work efforts.

Mr. Verga comments that again this year, the Village is not going to be sending boxes of candy out to employees and county officials. He feels that if the Village cannot afford the \$400 for candy that we have bigger troubles than a candy purchase. Ms. Wilkie (Village Fiscal Officer) responds that it is the opinion and position of the Auditor's Office is that the candy purchase is an inappropriate use of public funds. Ms. Wilkie then presents Council Holiday themed cards to sign, which she will then mail to assorted employees and County Officials in addition to the carry-in meal she has planned for Village employees on Friday December 17'th.

Mr. Verga is very insistent that there be only one Council meeting in December. Ms. Wilkie responds to Mr. Verga stating that she may need a meeting on December 27 to have Council approve appropriations as necessary to close out the year.

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

Mr. Tipton recognizes Steve Cochran for his sixteen years of public service, his leadership on Council and contributions to Village.

Mr. Tipton presents a list of Councils accomplishments for 2021:

Mr. Mark Webb became our Solicitor / The Village was awarded \$120K in ARPA funding / OPWC Grant submitted Choice One accrued a score of 68, the third highest score in the County (a \$433K project) / CDBG Grant for 90K is complete - to be submitted soon / Effective pay raise for Street employees of 18% (from \$13.50 to \$16.00) / Effective pay raise for Police of 25% (from \$13.50 to \$17.00) / Hired one full time Police Officer / Purchased a Gravelly Zero Turn Mower / Sound Control Panels for the Council room / Five new home Building permits / One reverse lot split / One parcel was rezoned / Successful summer cleanup program – two dumpsters (30 yard / 40 yard) / Village sponsored successful Halloween and Holiday parties for children of the Village and surrounding area / Have engaged four new companies to help guide Council in essential renovations and source funding for the projects.

**Fiscal Officer:** Ms. Wilkie

Ms. Wilkie reports that for the months of November, December and January, Justin Evens proposes to pay the Village \$500/month for the use of the gym. The Basketball Warehouse teams are utilizing the gym several hours a day on weekdays and are running their games and tournaments on the weekends.

Mr. Tipton makes the motion to accept the recommendation of the Ms. Wilkie and set Mr. Evans gym rental at \$500/month for November/December and January. Second by Mr. Carruthers. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay - None. Motion passed.

Ms. Wilkie requests Council allow Village employees to have access to the gym or Council room free of charge for up to four hours per year.

Mr. Tipton makes the motion to accept the recommendation of the Ms. Wilkie that as available, all Village employees are allowed one annual four-hour free rental of the gym. Second by Mr. Nelson. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay - none. Motion passed.

Ms. Wilkie reports that several weeks ago there was an issue with a Village resident (Joyce Wilcox) renting the gym. The resident set up for their event several hours before their rental time because the gym was empty and unused. After setting up for their event, they left the gym and an unauthorized person entered the gym, moved the arranged tables and chairs resulting in the resident having to again set up for their rental period. Ms. Wilkie would like Council to refund some or all rental fees to Ms. Wilcox.

Mr. Bennett makes the motion that Ms. Wilcox be refunded her full rental fee. Second by Mr. Juniel. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay - none. Motion passed.

Ms. Wilkie reports that we are experiencing a dramatic increase in gym use (i.e., rentals) and recommends that any extra funds that the Village can direct to the upgrade of the gym would benefit so many people. The walls in the gym need painting.

Ms. Wilkie needs to move/reallocate Covid funding from salaries to “other” before the end of the year. Ms. Wilkie requests Mr. Webb to read Resolution 2021-020, for supplemental / reallocation of appropriations.

Mr. Bennett makes the motion that we declare Resolution 2021-020 an emergency and waive the requisite three readings. Second by Mr. Juniel. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay - None. Motion passed.

Mr. Nelson makes the motion that we approve Resolution 2021-02. Second by Mr. Juniel. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay - None. Motion passed.

Ms. Wilkie requests Council to approve two invoices. Invoice #1 is for the purchase of 4 copies of the Ohio Basic Code books for \$735. Invoice #2 is for Mayors Court for the renewal of the software license for the Baldwin Group amounting to \$2,000.

Mr. Nelson makes the motion to appropriate \$2025 for the purchase of Mayors Court software as provided by the Baldwin Group. Second by Mr. Juniel. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, Nay - None. Motion passed.

There was discussion surrounding the need to purchase four copies of the Ohio Basic Code. Mr. Webb notes that from year to year there are few and minor changes to the OBC and if a purchase is to be made the Village should purchase copies of the Ohio Revised Code. No current Council member remembers the exact reason that the Village adopted the OBC. Mr. Webb suggests that Council wait until January, and he will provide input as to what code (ORC or OBC) by which the Village should accept.

Mr. Webb provides to Council the online location of the Ohio Basic Code:

<http://www.lithopolis.org/wp-content/uploads/2017/03/OhioBasicCode2016.pdf>

Ms. Wilkie notes that she has seen some community interest for the advertised position of Clerk of Council, and that applications and resumes are being turned into the Village office. There was discussion of actual title and duties of the Clerk of Council as compared to Clerk of Court as compared to Fiscal Officer and whether the positions are elected or appointed. Mr. Webb stated that he will investigate the position.

Ms. Wilkie reports that the red dump truck needs repairs for a possible faulty wiring harness. The estimate for diagnostics, materials and labor is approximately \$1500.

Mr. Juniel makes the motion that the Village allocate \$1500 for repair of the wiring in the red dump truck. Second by Mr. Juniel. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, None - Nay. Motion passed.

Mr. Cochran raises the question as to if the Village can provide the Mayor a stipend for a phone. Ms. Wilkie is of the opinion that the answer is no but that she will check with the Auditor regarding this

subject. Providing the Mayor a phone would require that the phone be used only for Village business and that he would need a second phone for personal use.

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

Mr. Webb reports that regarding the Warfeld annexation, he has followed through with County Auditor Matt Nolan and all that remains is the County Commissioners Annexation Resolution. Mr. Webb is hopeful that the annexation will be complete by January.

Mr. Webb reports that Dan Kinney, KAS Cable and TV was available on December 6 to come to the Village and meet with representatives for the identification and location(s) of residual KAS equipment. The meeting did not occur because no Village representatives were available to meet with him. Mr. Webb requests that Council direct him as to who the best person is to work with Mr. Kinney. Joe and Jim Nelson have identified as being primary contacts for Mr. Kinney.

Mr. Webb states that he has become aware of a public records request from Ms. Jodi Black. The requested records are easily accessible except for the request for five years of building permit applications. Mr. Webb requests a copy of the record retention policy for the Village, and he does not know how difficult of a task it is to obtain copies of the zoning and building permit applications. Mr. Tipton asks Mr. Nelson (Council representative to Harveysburg Historical Society) if he has any knowledge of exactly what Ms. Black is looking for. Mr. Nelson responds that he thinks that they want to go around the Village and examine projects that have been done but have not gone through planning. Mr. Tipton requests of Mr. Nelson to discuss with Ms. Black to determine exactly what permits and/or applications Ms. Black is looking for and then work with Joe Nelson to recover such records.

**Guests:**

None.

**Old Business:**

None.

**New Business:**

Mr. Tipton reports that Choice One has put together the 2022 CDBG project plan that entails applying for CDBG funds to piggyback atop the Grant/Wilson/Main Street storm sewer project. The intended use of the CDBG funds will be used to decrease the funding level required for the Village buy in.

Mr. Tipton notes that there is a need for a BZA meeting regarding the Dawson Cell Tower variance. It is hoped that the BZA can meet in late December but if that cannot be arranged, we absolutely need the BZA to meet in January.

Ms. Wilkie raises the question to Mr. Webb, "Can all the purchase orders be dated January 1<sup>st</sup> and then approved retroactively?". Mr. Webb responds with "yes". Discussion ensued regarding process and procedure of issuing PO's and approving appropriations. Ms. Wilkie voices her concern regarding spending money without Council's approval and the best way to approach this problem is to meet December 27<sup>th</sup> and approve appropriations. Guidelines provided to Ms. Wilkie note that on the calendar, Council is to meet on or around January 1<sup>st</sup> to approve appropriations for the next year and in

all her years as a Fiscal Officer has never not had an “end of year” meeting to approve appropriations for the following year.

**Police:** Chief Pottenger

Chief Pottenger reports that he has nothing new to report on the vehicles and there are no potential new hires. Traffic enforcement is up and that speeds on SR73 our up. Reports that there was an OVI charge in the center of town last week. Reporting officer coverage of at least six hours every day and sometimes having coverage up to ten or twelve hours per day.

Chief Pottenger reports that one of his officers backed into and damaged a resident’s mailbox on Wellesley Trail. Mr. Pottenger requests Council reimburse the resident \$280 for the damaged mailbox and to have Mr. Webb draw up a release relieving the Village of any other liability.

Mr. Bennett makes the motion that the Village pay the resident \$280 for their mailbox. Second by Mr. Juniel. Roll Call – Bennett, Carruthers, Cochran, Juniel, Nelson, Tipton – Aye, None - Nay. Motion passed.

Chief Pottenger requests the legality of the Village restricting parking to one side of the street for “residents only” and if it is legal, does the Village need an ordinance and signage. Mr. Webb notes that he will need to examine the Harveysburg Zoning documents for guidance.

**Committees:**

Community Relations - Ms. Herberth reports that the Holiday party held on December 10, went without issue. She reports that there were about 80 people in attendance wherein approximately 51 were children (based upon the number of gifts distributed) which was nearly the same number as in 2020. The children decorated cookies, received an age-appropriate gift and a bag of candy. The candy for the event was donated by the Broken Bus Ministry of Fairfield Ohio. The Harveysburg Village Market (Gary) donated popcorn, popcorn boxes as well as gift coupons for a slice of pizza and a soft drink for all youth 12 years of age and older. Leftover candy and cookies were donated to Darrel McKinney’s church on South Street for distribution at his Candlelight Christmas service. Ms. Herberth notes that the new speakers worked great and that the costs of the event came in underbudget at \$363 with \$500 having been allocated.

- Finance - None
- Grants - None
- Planning and Zoning – None
- Records - There is to be a records meeting Thursday December 16, 2021.
- Trees - None

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

Mr. Nelson made the motion to adjourn at 8:20 PM. Second by Mr. Juniel. 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

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Mark Tipton, President of Council

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Steve Cochran

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Randy Carruthers

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Pat Bennett

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Charles Juniel

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Jim Nelson