

Village of Harveysburg

Village Council

December 12, 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:

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Village Staff Present:

- Chase Kirby – Village Solicitor
- Richard Pottenger – Police Chief
- Mary Wilkie – Fiscal Officer

Visitors / Guests:

- Jacqui Lohman – ChoiceOne Engineering
- Debbie Shonta York – Harveysburg Resident
- Charles Camp – Harveysburg Resident

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This is a summary of the meeting of the Harveysburg Village Council held December 12, 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 6:58pm.

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

Disposition of Previous Minutes:

Motion made by Mr. Juniel to approve November 28th Council Minutes with the edit of a motion made by Mr. Bennett to pay the Lexipol bill for \$2828.33 that had no second and the motion died. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye/ Nay – None. Motion passed.

Mayors Report: Mr. Verga

Mayor Verga asks Mr. Kirby if he has reached any further conclusion about the Black School. Mr. Kirby states that he has not been able to speak with Michelle Cochran since the last meeting and that is his next step.

Mr. Nelson asks that since the grant was done through the county and it is claimed that the majority of the asphalted area is in the right of way, can it be declared as on street handicap parking. County map records show a 40ft right of way for that street. Mr. Kirby asks if there is signage for handicap parking. Mr. Nelson states there used to be signage. Mr. Bennett states he believes it was removed by the contractors when they asphalted the parking lot.

Mayor Verga states that he asked Mr. Rivera to look at the old hotel property to see if we go after the owner for demolition. According to Mayor Verga, Mr. Rivera's judgement was that the building is not salvageable. He asks if we have in condemned. Mr. Bennett asks if we have an official report of the inspection. Mr. Tipton will contact Mr. Rivera to receive the inspection report. Mr. Bennett suggests that we then demo the building with Village money. Mr. Tipton states we can recover Village cost through the owner later and adds the building was condemned by the health department a year ago.

Mayor Verga asks guest Debbie Shonta York if she has the paperwork she presented before. He asks her what the expiration date on the petition is. She responds that the expiration is December 16th. Mayor Verga states he attempted to contact multiple attorneys that specialize in election law or municipal law and had a hard time finding anybody to speak with. He states he spoke with someone who disagreed with Mr. Kirby that the people who start the petition must pay for the court costs. Mr. Kirby asks who they told him was responsible for attorney fees and court costs. Mayor Verga states there was not a clear answer from anybody, and he received nothing but confusion. Mr. Kirby states the people who start the petition will typically start an LLC and that is how the people go about hiring the attorney. He states it is up to the people who started the petition to figure out how to proceed and pay for any attorney/court fees that may be incurred.

Guest Debbie York states she was told it must be voted on in Council and then if it was voted through then it could be taken to the Board of Elections for verification. Mr. Kirby does not believe this to be accurate information.

Mr. Carruthers makes not that we do not strictly follow rules for allowing guests to speak. Typically, you must notify the Council 24 hours ahead of time that you wish to speak so that you can be added to the agenda. He states the Council is very generous in allowing guests to speak until it got very out of hand a couple meetings ago. He would like to move on from this topic.

Motion made by Mr. Carruthers to move on with Council agenda. Second By Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mayor Verga states we used to hand out boxes of chocolate to Village employees. It would add up to approximately \$330 and he wanted to know if Council was going to do that again. Mr. Nelson states it was discussed last year and decided that we can't spend money like that. Mrs. Wilkie confirms that it is inappropriate use of Village funds. He asks what is wrong with doing that for the police officers. Mrs. Wilkie states it is the same issue, you cannot use government monies for that.

President of Council Report: Mr. Tipton

Mr. Tipton states Trebel was here today for the public meetings at noon and 6pm. Nobody came to either meeting. The Trebel representative gave us paperwork for approval. He states we need a motion to adopt the electric aggregation operations and governance plan.

Motion made by Mr. Bennett to adopt the electric aggregation and governance plan. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton states the additional paperwork we must file with PUCO takes some legwork. It must be signed in front of a notary public. We need a motion to allow someone to sign PUCOs certificate application on Village Council's behalf.

Motion made by Mr. Bennett to have Mark Tipton sign the PUCO certificate on the Village of Harveysburg Council's behalf in front of a notary public. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton states ChoiceOne will do the legal work for the easement for the storm sewer project. We will need up to \$600 to have them proceed.

Motion made by Mr. Bennett for a purchase order of up to \$600 for ChoiceOne to proceed with the legal work for the easement. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mr. Tipton provided Council members with a handout summarizing Village accomplishments for 2022.

Mr. Tipton states he handed out the first cut of the admission tax ordinance at the last meeting in executive session. If anybody has had a chance to look it over and has comments or questions, we can enter into executive session at the end of this meeting.

Mayor Verga states he was asked by a resident why talk about the Renaissance Festival is being held in secret. He asks if there is any reason why we can't talk openly about it. Mr. Tipton states it will be an open topic when Council has decided exactly how we will be moving forward with the tax ordinance. Mr. Tipton states since we do not have any business or industry we must look into alternative income streams because the voters have let us know that they do not want to be taxed at an increased rate.

Fiscal Officer: Mrs. Wilkie

Mrs. Wilkie states she has been busy getting everything done that is due the 15th. Since December 26th is a holiday, she would like to have a small meeting December 30th to approve appropriations for 2023. The council agrees to have a short Finance meeting beginning at 5pm followed by a Council meeting for appropriations.

Mrs. Wilkie states we are going to have a small party for the road crew as we did last year. It would include breakfast and a gift card/money for the road crew members. She can accept donations towards the gift cards.

Mrs. Wilkie states that the Warren County Recorder has a property fraud alert system. You will be alerted when your name pops up in transactions involving your property. She passes out information for those who might be interested in signing up.

Mrs. Wilkie asks if Council needs to vote on approving the state liquor license for Caesar Supply in 2023 or if they want a hearing. She received notice that they have applied for the liquor license and Chief Pottenger has received information to complete the background check. Council agrees that they should approve the license. Mrs. Wilkie states the Clerk of City Council needs to sign it and it is due by February 14th.

Mrs. Wilkie reminds Council that the Lexipol bill is still in limbo. Council members have not had a chance to review the entire policy and will not approve until it is reviewed. Mr. Tipton states he has questions on things he has been able to review thus far.

Motion made by Mr. Tipton to postpone the decision to pay the Lexipol bill until 2023. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Mrs. Wilkie states the minutes in June show that Council approved a purchase order for \$2,966 for a grant, but she has no idea what the grant is for and had no recollection of this being talked about. Mrs. Wilkie states she handed out copies of the grant that they received the body cams for and the second page says our match was \$4,536.25. We ended up paying \$6,018.98. To install them was supposed to be part of that grant for \$3,518.99. She is confused about where all this is coming from.

Chief Pottenger states it comes from the JAG Grant and he states we pay it all up front and are then reimbursed everything except our \$4,536 match.

Ms. Herberth has the \$2,966 as a computer grant match.

Mrs. Wilkie states this is messing up appropriations and affecting the cost of the Village audit. Purchase orders are being printed after bills. The invoices are from July and August. Council only approved the \$4,536 match and not paying the entire grant upfront which would be approximately \$18k. She states it was not presented to Council like that and therefore the grant was not properly approved. We did not appropriate \$18k in equipment. Mr. Tipton states it looks like we are missing invoices if the total is \$18k and we only have approximately \$8k in invoices. Mrs. Wilkie states this will likely be something for the December 30th meeting because we will need to carry over appropriations from 2022 to 2023 to pay the remaining balance for this grant. Chief Pottenger will work with Officer Cruse on getting the remaining invoices. Chief Pottenger has only received the Provision camera system for two cruisers.

Mrs. Wilkie states she is receiving invoices from Steve Rivera for bills that we have not collected yet. He is having to re-inspect properties. How do we collect money for that? There was also a \$90 fee for an unsafe building and the Mayor had another \$100 consultation fee for the fire damage plan he looked over. We are paying him money that we in turn are not collecting.

Mr. Tipton informs Council that he has spoken with the builders that they owe additional fees for properties that need re-inspection and that he has been ignored each time. The builders still have a chance to pay the additional fees before the issue is turned over to the Village Solicitor.

Mr. Tipton states we need to figure out how to handle the Mayor's consultation. Mayor Verga states the insurance company will cover the cost, but Mrs. Wilkie is unsure how she can collect from his insurance

company for the consultation. Mayor Verga will speak with his insurance company on how they will handle it.

Mr. Tipton asks how we will handle the inspection cost of the old hotel since Mayor Verga requested it. Mayor Verga states he didn't request an inspection, but just asked Mr. Rivera to take a look at the property and didn't realize there would be a fee. Mr. Tipton states that Mr. Rivera charges \$90/hour for services. Mrs. Wilkie states that taking a look at it is an inspection and we were charged \$90. We cannot bill the building owner since they did not request the inspection.

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 Chief Pottenger gave him correspondence from the adjuster regarding a vehicle that was damaged and he is going to handle that.

Guests:

Jacqui Lohman from ChoiceOne Engineering addresses the Council about the CDBG 2024 project discussed at the November 28th Council meeting. The RED option of repairing part of South St. turning onto Frost St. and continuing onto Grant St. is what will be applied for. The CDBG application is due by January 13, 2023. The estimate is approximately \$145k which includes the road repairs and engineering services. They would like to get the authorization letter passed so that the grant can be applied for.

Mr. Kirby reads Resolution 2022-21: Authorizing the Mayor to prepare and submit an application to participate in the Community Development Block Grant (CDBG) funding program to execute contracts as required.

Motion made by Mr. Tipton to declare Resolution 2022-21 an emergency and waive the three readings. Second by Mr. Nelson. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Motion made by Mr. Nelson that we adopt Resolution 2022-21 as emergency. Second by Mr. Juniel. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton, Juniel – Aye / Nay – None. Motion passed.

Old Business:

Mr. Carruthers asks Mrs. Wilkie if we have any ongoing business with the ash tree service. Mrs. Wilkie confirms that we do not have current business with that company. He states they charged \$1,500 to remove the maple tree and grind the stump in his yard and they never took care of the stump. If we ever have dealings with the company in the future, he believes that should be considered. He also wants the Village to take care of the stump at some point soon.

Mrs. Wilkie states the Jordan Wright case is completely handled and done. The Village settled for \$35K through Workers' Comp.

New Business:

Mr. Tipton asks if anybody else received the spam text with Mayor Verga's name attached. Mr. Tipton, Mr. Carruthers, Mr. Juniel and Mr. Bennett received the text. The question is whether or not it can be investigated considering someone was able to obtain Council members phone numbers for the spam to be sent.

Police: Chief Pottenger

Chief Pottenger gave Mr. Kirby a copy of the settlement from the insurance company. He will provide Mr. Kirby with additional paperwork to handle the rest.

-One more weekend of Yuletide Village

-There are 2 grants he will be working on. One is a retention and new employee grant that must be submitted by December 17th. It would give us up to 2 people that we can sponsor through academy and pay them up to 2 years after they graduate academy. At the end of 2 years it would require us to continue with their salaries. It will also give us money to give current officers a raise. The second grant is for equipment and vehicles. He would apply for a new vehicle, AEDs and other various equipment.

-Ohio Basic Code books for 2023. It will cost us an additional \$300 because we skipped a year.

-There are no new applicants.

Mr. Tipton states that in the Police Committee meeting it was discussed that Officer Perkins was in an accident on Halloween night. After the accident he did not take a drug test. It has been passed by resolution and it is in the personnel policy that an employee takes a drug test following an accident.

Mrs. Wilkie asks if there was an instance this past year where we needed the Ohio Basic Code books that we did not update. Chief Pottenger states that we always need them because they are the guide the officers follow when they have questions. Mr. Kirby suggests getting the PDF version of the OBC and only one OBC book that can be cross referenced. He suggests a cheat sheet for ordinances used frequently.

Community Relations – Ms. Herberth

Ms. Herberth reports on the Christmas party: Fliers were printed for free, all candy was donated, gift cards were donated, Mrs. Brewer baked all the cupcakes, and another resident donated 3 cases of soda. Ms. Herberth's niece did the face painting, and we were not charged for the supplies needed for that task. Lebanon Public Library donated books and games to be given away. Multiple other items were donated at no cost to the Village, and we have 19 Thank You letters to send out in appreciation. The

total cost for the Village was only \$334.94. Approximately 120 people attended, and 66 children received gifts.

Ms. Herberth states we have two large boxes full of books that were donated, and she wants an idea of how to get the books into kid's hands. The books are from elementary to middle school age.

Committees:

Community Relations – Meeting 12/2 at 7:30pm

Finance - 1/23 at 6:30pm

Grants - None

Planning and Zoning – None

Records - None

Trees - None

Motion made by Mr. Nelson to adjourn at 8:36pm. Second by Mr. Juniel. Passed by voice vote.

Attest:

Heather Matuszak, Clerk of Council

Mayor Richard Verga

Mark Tipton, President of Council

Kim Herberth

Randy Carruthers

Pat Bennett

Charles Juniel

Jim Nelson