

RECORD OF PROCEEDINGS

Minutes of VILLAGE OF GETTYSBURG MONTHLY COUNCIL MEETING Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____ September 14, 17 _____ 20 _____

CALL TO ORDER

Mayor Jason Lance led attendants in the Pledge of Allegiance and called the meeting to order at 7:00 PM. Fiscal Officer Jesse J. Berry called roll.

PRESENT: Jason Lance, *Mayor*; Karla Harmon, *Council President*; Chris Miller, *Councilmember*; Norman Warner, *Councilmember*; Robert Williams, *Councilmember*; John Archey, *Councilmember*; Tim Bryan, *Councilmember*; Jesse J. Berry, *Fiscal Officer*; Matt Pierron, *Village Solicitor*

ABSENT: None

CITIZENS: Paula Harshbarger, Michael Harshbarger, Susan Parkman, Rocke Parkman,

GUESTS: Josh Burton *State Treasure Public Liaison*, Nile Morrison *Best Way Representative*, Roger VanFrank *Darke County Park Director*

ALSO IN ATTENDANCE: Jay Roberts, Friends of the Cardinal Center President Roy Harrison

AGENDA REVIEW

Mayor Lance read over the agenda. Fiscal Officer Jesse Berry requested Water Operator Jay Roberts give his report before the guest speakers so that he (Roberts) may be excused. Councilman Chris Miller motioned to approve the agenda; Councilman Bob Williams seconded, and the September 14, 2017 agenda was approved.

APPROVAL OF MINUTES

Council read over the minutes of August 17, 2017. There were no questions or comments from Council. **Motion:** Norman Warner motioned to approve the minutes. Councilman Chris Miller seconded and the minutes of the August 17, 2017 Council Meeting were approved.

BILLS REVIEW

Council read over the Payments Report for August 1, 2017 to August 31, 2017. There were no questions or comments from Council. **Motion:** Councilman Chris Miller motioned that payments made August 1, 2017 to August 31, 2017 be approved. Councilman Tim Bryan seconded and expenditures for the month of August 2017 were approved.

Water/Sewer Report

Water Operator Jay Roberts briefed Council on generator maintenance. Roberts went on to state that the generators at the water and lift stations have never been serviced or had any maintenance done. Roberts presented an estimate for the cost of annual maintenance services. He went on to brief Council on pumps at the lift station; stating they too have never been serviced or had regular maintenance performed. Roberts presented an estimate for annual maintenance service on the pumps, and concluded by informing Council that the water plant and lift station have not been taken care of very well over the years; and in many areas, not at all.

GUEST SPEAKER

Josh Burton from the Ohio State Treasurers Office came to express gratitude and appreciation for Gettysburg's participation in the Ohio Online Checkbook program. Burton gave a description of the program and talked about some of the other government bodies that are participating. Burton recognized Fiscal Officer Berry for his efforts in collaborating with the State Treasurer's Office to get Gettysburg involved in the program. Burton's visit was concluded by having his picture taken with Berry and Mayor Lance for the local newspaper.

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~~Dark~~ County Park Director Roger VanFrank spoke about a bike route proposal, delegating the bike route going through Gettysburg a State and US bike route (a proposal that was already presented to Council recently by a representative of the Ohio Department of Transportation). VanFrank wanted to address concerns Council had regarding any cost or expenses Gettysburg would be responsible for. VanFrank made it clear that Gettysburg would not be responsible for any cost or maintenance regarding the bike route proposal; now or in the future. VanFrank concluding by urging Council to reconsider the proposal. Fiscal Officer Jesse Berry stated that he drafted resolution for the bike route proposal and posted it under new business.

Best Way Representative Niles Morrison addressed Council regarding numerous complaints about Best Way's performance in trash removal services. Morrison opened the floor to Council and Villagers present. Several attendants, including Council members, expressed complaints and concerns about the quality of service from Best Way. Morrison stated the Best Way driver would go through a performance audit and that any issues would be corrected and resolved.

COMMENTS FROM PUBLIC:

There were no comments from the public.

MAYOR'S REPORT

Mayor Lance informed Council of a couple basketball organizations that may be interested in renting the Cardinal Center for the season. Then Mayor Lance gave a brief update on crime cameras for the Village, including rough cost estimates.

SOLICITOR'S REPORT

Solicitor Mathew Pierron informed Council that the contract they approved between prosecuting attorneys Gebaux and Brand needed a small clarification, on the request of Gebaux and Brand. Councilman Chris Miller motioned to approve the amendment to the Gebaux and Brand contract. Councilwoman Karla Harmon seconded and the motion carried.

FISCAL OFFICER/VILLAGE ADMINISTRATOR

Berry brought up an issue that was raised at the August Council meeting by Villager and former Fiscal Officer Brett Clark regarding a substantial inter-fund transfer. Clark had stated the \$14,651.63 fund transfer from the Water Fund to the Debt Retirement Fund (which happened during Brett Clark's term) was supposed to have been transferred back by the end of the year (2016). Berry informed Council that was not accurate, and the funds did not need to be transferred back by the end of a respective fiscal year. Berry then pointed out the transfer itself was illegal, as inter-fund transfers between enterprise funds are not allowed. Berry stated the legality is irrelevant as the transfer has already happened, and that the person responsible was no longer employed for the Village; and concluded by informing Council he'd monitor the funds and when the Debt Fund was strong enough he'd draft a resolution to transfer the funds back.

OTHER REPORTS:

Water/Sewer: nothing

Streets: Street Commission Chair John Archey informed Council of the Commissions efforts in having some streets repaired and/or redone in 2018.

Storm Sewer: nothing

Finance Committee: nothing

PDI: nothing

ADA/Hospitality: nothing

Park Board: Park Chair and Councilman Chris Miller recognized and thanked volunteers who participated in the trail survey. Miller went on to report he's in negotiations with Upward Sports for the

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2017-2018 basketball season. Miller then mentioned a two-year contract with the Darke County Civics Theater. Miller concluded by informing attendants that the Park Board voted in new officers.

Zoning Board— nothing

Records Commission—nothing

OLD BUSINESS:

1. **Ordinance 2017-06 Amending Ordinance 2015-03 The Village of Gettysburg's Right to Abate, Enforce, and Notify Zoning and Ordinance Violators – Third and Final Reading** – Councilman Tim Bryan motioned to approve third and final reading of Ordinance 2017-06. Councilman Williams seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes — and Ordinance 2017-06 was approved
2. **Annexation of West Main Street Follow-up** — tabled
3. **Rental Registration Program Follow-up** — tabled

NEW BUSINESS:

1. **Friends of the Cardinal Center Request Village of Gettysburg Sponsor Their Annual Christmas Bazaar** – Friends of the Cardinal Center President Roy Harrison requested Gettysburg sponsor their Christmas Bazaar so that the event would be covered under Gettysburg's insurance. There was a small discussion on the topic. Solicitor Mathew Pierron remind Council and the FOCC that, though the event and all volunteers and participants would fall under Gettysburg's insurance, it doesn't guarantee liability protection for anyone. Councilman Tim Bryan motioned for the Village of Gettysburg to sponsor the Friends of the Cardinal Center Annual Christmas Bazaar. Councilwoman Karla Harmon seconded and the motion carried.
2. **Ordinance 2017-07 Approving a Contract for Employment Between the Village of Gettysburg, OH and Jesse J. Berry as Fiscal Officer for the Village of Gettysburg, OH and Declaring an Emergency** – Solicitor Mathew Pierron explained that after consultations with his colleagues, the best course of action would be to contract Berry for both positions separately, and that he has drafted an ordinance, contract, and job description for each position. Berry, Council and Pierron went over every line item of the contracts, starting with the fiscal officer position, and discussed in length the attached job descriptions; making changes as necessary and agreed upon. Councilman Chris Miller motioned to accept the Fiscal Officer Job Description as agreed upon by Berry and Council. Councilwoman Harmon seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the Fiscal Officer Job Description was approved. Councilman Tim Bryan motioned to approve the Fiscal Officer Contract for employment between the Village of Gettysburg and Jesse J. Berry be approved. Councilman Miller seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the Fiscal Officer Contract for employment between the Village of Gettysburg and Jesse J. Berry was approved. Councilwoman Karla Harmon then motioned to suspend the three reading rule for Ordinance 2017-07. Councilman Miller seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the three reading rule was suspended. Councilman Chris Miller motioned to approve Ordinance 2017-07 Approving a Contract for Employment Between the Village of Gettysburg, OH and Jesse J. Berry as Fiscal Officer for the Village of Gettysburg, OH and Declaring an Emergency. Councilman Williams seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and Ordinance 2017-07 Approving a Contract for Employment Between the Village of Gettysburg, OH and Jesse J. Berry as Fiscal Officer for the Village of Gettysburg, OH and Declaring an Emergency was approved.

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3. Ordinance 2017-08 Approving a Contract for Employment Between the Village of Gettysburg, OH and Jesse J. Berry as Village Administrator for the Village of Gettysburg, OH and Declaring an Emergency – Council, Berry, and Pierron then went over the Contract for Employment between Gettysburg and Berry as Village Administrator and the attached job description, making necessary changes and agreements. Councilman Chris Miller motioned to accept the Village Administrator Job Description as agreed upon by Berry and Council. Councilman Bryan seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the Village Administrator Job Description was approved. Councilman Chris Miller motioned to approve the Village Administrator Contract for employment between the Village of Gettysburg and Jesse J. Berry be approved. Councilman John Archey seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the Village Administrator Contract for employment between the Village of Gettysburg and Jesse J. Berry was approved. Councilman John Archey then motioned to suspend the three reading rule for Ordinance 2017-08. Councilman Williams seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the three reading rule was suspended. Councilwoman Karla Harmon motioned to approve Ordinance 2017-08 Approving a Contract for Employment Between the Village of Gettysburg, OH and Jesse J. Berry as Village Administrator for the Village of Gettysburg, OH and Declaring an Emergency. Councilman Miller seconded. **Roll Call:** Norman Warner, no; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and Ordinance 2017-08 Approving a Contract for Employment Between the Village of Gettysburg, OH and Jesse J. Berry as Village Administrator for the Village of Gettysburg, OH and Declaring an Emergency was approved.

4. **Resolution 2017-10 Creating an Ambulance/EMS Fund 2902 and Declaring an Emergency** – Fiscal Officer Berry explained that the ambulance/ems levy passed in 2016 taking effect 2017 needed its own fund. Councilman John Archey motioned to suspend the three reading rule for Resolution 2017-10. Councilman Bryan seconded. **Roll Call:** Norman Warner, yes; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes. Councilman Norman Warner then motioned to approve Resolution 2017-10 Creating an Ambulance/EMS Fund 2902. Councilwoman Harmon seconded. **Roll Call:** Norman Warner, yes; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and Resolution 2017-10 passed.
5. **Resolution 2017-11 Authorizing Fiscal Officer Jesse J. Berry to Amend the 2017 Revenue and Appropriations, and Declaring an Emergency** – Fiscal Officer Berry explained this resolution would allow him to receive money and pay expenditures out of the new Ambulance/EMS Fund 2902 for 2017. Councilman John Archey motioned to suspend the three reading rule for Resolution 2017-11. Councilman Bryan seconded. **Roll Call:** Norman Warner, yes; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the three reading rule for Resolution 2017-11 was suspended. Councilman Robert Williams motioned to approve Resolution 2017-11 Authorizing Fiscal Officer Jesse J. Berry to Amend the 2017 Revenue and Appropriations, and Declaring and Emergency. Councilman Archey seconded. **Roll Call:** Norman Warner, yes; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and Resolution 2017-11 was approved.
6. **Resolution 2017-12 Designation the Bike Route Through the Village of Gettysburg a State and US Bike Route** – there was no discussion. Councilman Chris Miller motioned to approve the first reading of Resolution 2017-12. Councilman Bryan seconded. **Roll Call:** Norman Warner, yes; Karla Harmon, yes; Chris Miller, yes; Robert Williams, yes; John Archey, yes; Tim Bryan, yes – and the first reading of Resolution 2017-12 was approved.
7. **Harshbarger Zoning Appeal** – Paula Harshbarger and Michael Harshbarger were present to appeal zoning violations they received in July 2017. Solicitor Mathew Pierron explained the appeal process to the Harshbarger's and Council, pointing out the Harshbarger's would get to

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present their case, then each member of Council would get to express their opinion and cast a vote whether to sustain or dismiss the violation. The Harshbarger's immediately launched into a lengthy appeal, citing situations and circumstances irrelevant to their case. Mayor Lance allowed the Harshbarger's tirade to continue at length and unabated. When the Harshbarger's finally concluded, members of Council had the opportunity to speak, oftentimes being interrupted by the Harshbarger's unabated; leading to unnecessary dialog and discussion – oftentimes unrelated to the relevancy of the zoning violations in question. After nearly an hour and a half of conversation, Mayor Lance spoke up and expressed his wish that in addition to the years of leniency the Harshbarger's have already received regarding the violations, they should receive more leniency. Mayor Lance further expressed his desire to give the Harshbarger's an additional thirty days, on top of the sixty plus days they've already been given (not counting many previous years the Harshbarger's have been given regarding the same violations that were always ignored) - as outlined by the zoning violations they received. Pierron pointed out to Council that the appeal was not about leniency or giving more time to clean up the property; further explaining the violations have already happened and it's up to Council to sustain the violations or not. Pierron also noted that if the violations are not sustained, and the Harshbarger's do not get prosecuted, there would be nothing to stop them from committing, or maintaining the same violations – as is evident in past years of the same pattern. After additional discussion regarding the Mayor's suggestion, along with unrelated content matter, Solicitor Pierron asked each Council member in turn if they wanted to sustain the appeal, dismiss violation, or 'modify' it as suggested by Mayor Lance. Councilman Warner had no comments and voted to sustain. Councilwoman Karla Harmon stated the violations have been going on for years, and that Gettysburg finally had the opportunity to do something about it; reminding other Council members that the Harshbarger's have had all summer – also not counting the previous years the Harshbarger's were asked to clean up their property to no avail. Harmon then voted to sustain. Councilman Chris Miller expressed his agreement with Mayor Lance stating the Harshbarger's should have leniency and additional time, and voted to 'modify.' Councilman Bob Williams had no comments and voted to 'modify.' Councilman John Archey expressed his frustration and disappointed at the idea of 'modifying,' also reminding members of Council how many years they have been asking the Harshbarger's to clean up their property to no avail. Both Archey and Harmon then mentioned the years of complaints from Harshbarger's neighbors regarding all the trash, lawn mowers, and vehicles covering the Harshbarger property, and that it was Council's responsibility to the residents of that neighborhood to do something about it. Archey voted to sustain. Councilman Tim Bryn then expressed his agreement with the Mayor, stating the extended time will be a 'last chance'; going on to state if the property is not cleaned up within the allotted time, the appeal would be sustained. Bryan concluded by voting to 'modify.' Since it was a tie vote, Mayor Lance cast the deciding vote; voting to 'modify.' Solicitor Pierron clarified that there would be a meeting between Council and the Harshbarger's at their place of residence on September 18, 2017 at 4pm. Pierron then clarified that by the following October Council Meeting the Harshbarger's would need to fulfill whatever demands were agreed upon between them and Council on September 18; concluding that a 'follow-up appeal meeting' would take place at the October Council Meeting and another vote to sustain or dismiss would take place. Additional unabated dialog broke out amongst Council and the Harshbarger's.

ADJOURNMENT: Councilman Norman Warner interrupted the unnecessary conversation that had erupted and motioned that the Council Meeting be adjourned. Councilman Bob Williams seconded. The motion carried and the meeting adjourned at 10:03 pm.



 JESSE J. BERRY, FISCAL OFFICER



 JASON D. LANCE, MAYOR

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