

The January 28, 2014 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

<b>Councilmembers:</b>	Joe Harten	Chuck Short
	Mark Kobasuk	Curt Tiettmeyer
	Cheryl McConnell	Daryl Zornes

**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri Everett  
**Police Chief:** Tom Synan

#### Executive Session

**Mr. Kobasuk made a motion to enter into Executive Session at 7:02pm to discuss Imminent Litigation and to obtain legal advice from Dinsmore & Shol. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

The Council Meeting reconvened at 7:50pm.

**Mr. Kobasuk stated no action was taken in Executive Session; therefore, no litigation will be pursued at this time.**

#### Short Park - Miami Valley Christian Academy Venture (Reported by Joe Harten)

At the 1.14.2014 Council Meeting, Village Council agreed to provide the Term Sheet to MVCA as amended in the last discussion session. Headmaster Shawn Baker has received and understands the various points of the Term Sheet. Mr. Baker will contact Mr. Harten for a meeting, once he reviews the Term Sheet with the MVCA trustees. Mr. Baker wanted to make sure Council understands this is a multi-million dollar investment; therefore, the Trustees may be interested in adjusting/increasing the revenue sharing arrangement, while decreasing rent over the life of the lease.

#### Parks Committee Update (Reported by Mrs. McConnell)

In addition to Short Park, the committee also discussed 2014 budget items submitted by Mr. Short. Mike Spry met Mrs. McConnell at Moundview Park to assess repairs of the second floor ceiling. Mr. Spry will prepare a scope of work for this project. On the preliminary Parks budget estimate, \$12,000 has been budgeted for the Moundview second floor renovations. The committee also discussed several other key budget items, including the possible need for replacing the back porch at Moundview, making it ADA compliant. At this time, \$8,000 is allocated in our preliminary budget. The Parks Committee is moving forward with Lake Barber. An Initial Park Planning Study was discussed, which could cost up to \$15,000. Ron will look into having a base-line water quality test done at Lake Barber. Partnerships with other conservation-type organizations and Nature Works grants were also discussed. The Parks Committee will meet at 6pm on February 25<sup>th</sup>.

#### Form of Government

Mrs. McConnell said after the January 14, 2014 Council Meeting, she came away with questions regarding the form of government that is practiced by Newtown Council Members and the Mayor. Mrs. McConnell asked Solicitor Miller if a written job description for council members and the mayor existed. She would like to know how the positions partner together, the scope of their responsibilities, and limits of power. In viewing other websites from local municipalities, many have something in writing about the type of government they have with duties and responsibilities of each member. Solicitor Miller said the information in the Ohio Revised Code is not always in one place. Mr. Kobasuk asked Solicitor Miller to copy some of the pertinent sections and send to Mrs. McConnell. Mrs. McConnell said the reason this came to light personally, was at the 1.14.2014 Council Meeting, where Mr. Harten and she had requested committee changes for 2014. She came into the meeting under the impression that Council would actually vote on the issue. It ended up that there was no vote, with the Mayor denying the request for committee changes, with no discussion at the table. Mrs. McConnell was surprised at this process and would like clarification on how committees and committee heads are selected and approved. Solicitor Miller said he believes it is up to Council to decide how they want to set up their committees. Mrs. McConnell said because there was no discussion afterwards, she assumed we were following the way the government had been set up, and that the mayor in Newtown does appoint all committee heads and participants. Mr. Harten asked if Council could decide to work as a Committee of a Whole. Solicitor Miller said there needs to be a Parks and Public Safety Committee. Solicitor Miller said there are some orders a Village must have, such as Planning Commission, but Council can decide how they want to organize themselves. Mr. Kobasuk said he recalls being removed from the Parks committee in January 2012 to Planning, Zoning and Development, against his will, at which time; Chuck Short was

assigned by the Mayor to Mr. Kobasuk's place on Parks. Mr. Kobasuk said he has the same question as Mrs. McConnell, as to how Council establishes the committees. Mayor Cosby said he was told it was a decision from the mayor's office and it is how it has always been done. Mr. Kobasuk asked Solicitor Miller to look into it and get some answers for Council.

Little Miami Fire Board Update (Reported by Mark Kobasuk, Chair) The Fire Board is exploring the possibility of entering into a community participation program with Anderson Township and Mariemont. Mr. Kobasuk discussed two points: 1) Functional Consolidation: Mariemont would have their own fire department but would functionally cohabitate in the Fairfax fire station; therefore, sharing some of the expenses. 2) Anderson would close their Broadwell station and move some of their guys into the Newtown fire station, which would reduce current personnel by one and result in cost savings. Mr. Harten said he appreciates the Fire Board pushing forward with this effort to save money; hence, possibly delaying an additional levy.

Real Estate Tax Bill - Property Tax Statement

At the 1.14.2014 Council Meeting, Mr. Tiettmeyer asked why the current LMFD Fire Levy shows up on the Real Estate Tax Bill as a *Township* bill. Solicitor Miller talked to the person in charge of the levies at the Hamilton County Auditor's office and was told it is a standard form across the county and there are only so many lines available on the tax bill and probably not enough room for all of the levies. They consider fire districts to be treated like a township. Solicitor Miller said other joint fire districts report the same way. Solicitor Miller plans to speak with the Treasurer's office to see if there is a different way to report the levies on the tax bill so it reads more easily for the residents. Mr. Tiettmeyer said the current way levies are reported is misleading to the taxpayer and encouraged Solicitor Miller to push hard to get this changed.

Ordinance, American Legal Publishing

The American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio. This ordinance is adopted each year.

**Mr. Kobasuk made a motion to suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Kobasuk made a motion to adopt ORDINANCE NO. 03-2014 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2014 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Checklist

**Mr. Tiettmeyer made a motion to approve the 1.28.2014 Checklist for \$174,022. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

Resolution, Contract w/ Brandstetter Carroll

The Council of the Village of Newtown wishes to approve a contract with Brandstetter Carroll, Inc. as Engineers for the Village.

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 05-2014 A RESOLUTION APPROVING A CONTRACT WITH BRANDSTETTER CARROLL INC. FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Contract w/Michael R. Spry

The Council of the Village of Newtown wishes to approve a contract with Michael R. Spry dba MTS Construction as Building Commissioner of the Village.

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Short. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 06-2014 A RESOLUTION APPROVING A CONTRACT WITH MICHAEL R. SPRY FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call:**

**Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Contract w/Richard A. Weber

The Council of the Village of Newtown wishes to approve a contract with Richard A. Weber as Property Maintenance Inspector of the Village.

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 07-2014 A RESOLUTION APPROVING A CONTRACT WITH RICHARD A. WEBER FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Items To Be Relocated Update (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer talked to Chris Novy at the Cincinnati Museum Center regarding restoring the mammoth tusk. If the Village of Newtown allowed the CMC to display the tusk, they would restore it and display the tusk with other artifacts that would be out of the public's reach. Mr. Novy will get with the individual that examined the tusk and come back with a proposal of what it would cost to build a case for the tusk, should the Village chose to display it here at the Municipal Center. If the Village decided to loan the tusk to the CMC, there would be a two-year commitment that would allow them to display the tusk for two years and they would pay to restore it.

Finance Committee (Reported by Curt Tiettmeyer)

The Finance Committee will meet February 10, 2014 at 6:00pm at the Municipal Center. Further discussion regarding the 2014 Budget will take place.

Council Minutes

**Mr. Zornes made a motion to approve the 01.14.2014 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

Human Resource Committee (Reported by Daryl Zornes)

- The HR Committee will meet February 10, 2014 at 7:00pm at the Municipal Center.
- The HR Committee met last week to discuss employee salaries for 2014 and the preliminary work on employee evaluations.

Mr. Kobasuk said Council thought there should be written performance evaluations and asked if the mayor had been briefed on this issue since he was not present at the recent HR meeting. Mayor Cosby said he was briefed and had talked to Mr. Harten. Mayor Cosby said he understands it is a work in progress, but thinks this is moving in the right direction.

Resolution, Contract for Liability Insurance

The Council of the Village of Newtown wishes to obtain liability insurance benefits through the Ohio Plan Risk Management administered through Hylant Administrative Services. The liability coverage will be for the Village and for Lake Barber. Insurance coverage shall be effective for the period January 23, 2014 through January 23, 2015.

**Mr. Zornes made a motion to suspend the rules, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

**Mr. Zornes made a motion to adopt RESOLUTION NO. 08-2014 A RESOLUTION APPROVING A CONTRACT FOR LIABILITY INSURANCE WITH THE OHIO PLAN RISK MANAGEMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Street Committee Meeting (Reported by Chuck Short)

The committee will meet February 11<sup>th</sup> at 6:30pm at the Municipal Center.

Flag Pole – Municipal Center

At the 1.14.2014 Council Meeting, Mr. Short presented an estimate of \$1,744 from Flagpole Manufacturing to Village Council for a new flag, 30' flag pole, concrete base, lighting and a plaque. Mrs. McConnell asked Mr. Short if he would get additional bids. Mr. Short said he talked to several vendors, one of which declined to quote. The second vendor said they would sell the flag pole but would not install it. The third vendor quoted \$3,705 to install a smaller flag pole than the original quote from Flagpole Manufacturing and it would not include any electrical lighting. Mr. Short did not propose for any action to be taken at this time.

Maintenance Department Update (Reported by Ron Dickerson)

Salt totals are near depletion. Salt will be purchased from North American once Mr. Dickerson hears back from them next week. He will purchase enough salt to replenish what we have borrowed from Hamilton County plus the additional 300 tons we are allowed to store at the county building. At this point, the snowfall is almost two feet above average for the season. Recent repairs to equipment have been done in house. Mayor Cosby said one can definitely tell when they leave the Village of Newtown and thanked the Maintenance Department for their efforts.

Martin Marietta Update (Reported by Solicitor Miller)

There are two appeals currently going on – Oral arguments are set for February 3, 2014. Opinions by the Judges should be issued in six to nine months.

Planning Commission Reported by Joe Harten)

The Planning Commission will meet 1.30.2014 at 7:00pm.

Mr. Kobasuk made a motion to adjourn at 8:15pm.

Transcribed by Becky Fairley