

The January 10, 2017 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

<b>Council Members:</b>	Curt Tiettmeyer (Vice Mayor)	Chuck Short	Solicitor: Emily T. Supinger
	Daryl Zornes	Cheryl McConnell	Fiscal Officer: Keri Everett
	Joe Harten	Terry Fairley	Assistant to Mayor: Becky Fairley

#### Recognition of Solicitor Douglas R. Miller

A public ceremony was held in council chambers, as Mayor Kobasuk recognized Mr. Miller after serving the Village of Newtown for twenty-eight plus years, from 1988-2016. Mr. Miller began working for the Village when Ronald Reagan was president. Mayor Kobasuk and Council thanked Mr. Miller for his many years of service and dedication to the Village of Newtown. A nice crystal award was presented to Solicitor Miller. Past mayors Paul Frede and Curt Cosby attended the reception held prior to the Council Meeting in Solicitor Miller's honor. Solicitor Miller thanked Mayor Kobasuk and Council for the confidence they entrusted in him. He said it has been an honor to serve the elected officials of Village of Newtown, current and past, as well as the residents. Mr. Miller thanked his wife Colleen for being his rock and supporting him while serving the Village of Newtown. Mr. Miller said the Village is in good hands with Solicitor Emily Supinger, Strauss Troy.

#### Welcome Solicitor Emily Supinger

Mayor Kobasuk introduced and welcomed Ms. Emily Supinger as the new solicitor for the Village of Newtown. Ms. Supinger is a partner with the law firm of Strauss Troy. The firm possesses a team of talented attorneys who specialize in a broad range of areas, including local government law, labor, employment and benefit law, real estate, zoning, eminent domain, tax law, estate planning and civil litigation. Ms. Supinger has extensive municipal experience and qualifications. She currently serves as the Law Director/Solicitor for the City of Wyoming, the Village of Woodlawn, the Village of Moscow, as well as for the Village of Bethel.

#### Ribbon Cutting Ceremony

Ribbon Cuttings for Urban Grill on Main and Chica Sport took place Thursday, January 5, 2017. Chica Sport is open for business and Urban Grill on Main opens tomorrow, January 11<sup>th</sup>. Councilman Short said the Ribbon Cuttings were well-attended having representation from the Newtown Police Department, Anderson Town Fire Department, Newtown Maintenance Department, as well as an employee from Administration. Councilwoman McConnell and members of the Newtown Business Association also showed their support by attending.

#### Council Committees (Reported by Mayor Kobasuk)

There will be no change in the order of Council Committees since Council is good with their committees.

#### MVCA Short Park Joint Venture

Chris Hicks, 444 Woodwick Court, 45255. Mr. Hicks said while he is not a Newtown resident, he appreciates the opportunity to address Mayor and Council tonight. He hopes everything works out positively for everyone involved. The below was read verbatim for the record:

#### **Mr. Hicks COMMENTS:** Short Park Agreement

18 months ago, MVCA and Newtown entered the Short Park Agreement promising a \$2.5m "state of the art" facility. It now seems stretched out and scaled back. The agreement itself has too many flaws to address in a few minutes. So, I will focus on three areas of concern.

First, let's talk about a pattern of not **following the agreement** as written. Three examples:

1. Sections 2.4 and 4.8 obligated MVCA to **open meetings and public records**. But, in 18 months, there have been 0 open meetings and 0 public records. When I asked about this, Doug Miller first told me transparency requirements would be removed. When they weren't (it would require a Council vote), I was told Newtown wanted to save legal fees needed to enforce the agreement. This begs the question: Why would Newtown even need to spend legal fees to get MVCA to follow the agreement they signed?
2. Section 5.5 states that a **public governing board** was to be formed "upon entering the agreement". Ms. McConnell said it would "govern all issues in relation to proposed changes at Short Park." Newtown named its members a year ago, but, still 0 meetings and no MVCA members.
3. Section 10.1 required MVCA to **pay \$10k within 90 days**. That payment happened 11 months late. In May, Mr. Kobasuk gave an update without mentioning MVCA was 8 months overdue on its payment at that time. This begs the question: How could an 8-month late payment not be relevant to a public update?
  - I could go on with examples but let's move on.

Second, let's talk about the **hazardous waste concern** documented in agreement Sections 12.1 and 12.2. Short Park is a former unlicensed landfill that was subject to open dumping.

- Despite the concerns in the agreement, Newtown and MVCA have done no hazardous waste testing even in areas where pilings and light posts will likely penetrate the protective cap and in areas to be graded that may damage the cap.
- While testing has not occurred, secrecy has. A January 2015 meeting on "environmental concerns" was closed door. Even the records are secret to this day. Public discussion has never taken place.
- Unfortunately, you downplay concerns. A Hamilton County report is clear: ". . . the area had problems with open dumping . . ." that caused the Ohio EPA to become involved in the 1970s. But in a recent EPA filing Mr. Kobasuk paints a different picture: ". . . there cannot be any guarantee that a small amount of open dumping did not take place . . .". But I think that is a double negative so maybe he is saying lots of open dumping took place.
- Bottom line: Safety and responsibility demand there be proper testing.

Finally, let's touch on the shaky foundation created by this **religion and government mix**. I think it may be the most concerning aspect.

- Agreement Section 5.5 gives a religious group special rights to use and to determine who can use public land.
- That could be a problem on many levels, but one example is reflected in a "lifestyle agreement" MVCA parents must sign acknowledging they will be thrown out if they condone homosexuality in any way. That sure seems incompatible with a public joint venture in 2017.
- What will happen when some ACLU type lawsuit gets filed?

You are all public servants, or Christians or both. Honor your principles and be accountable to your obligations:

1. MVCA must open its meetings on park business per Section 2.4.
2. MVCA must hand over its records on park activities (past, present and future) per Sections 2.4 and 4.8.
3. The Governing Board should be formed and meet as soon as possible per Section 5.5.
4. The records of the January 2015 environmental meeting should be made public.
5. MVCA and Newtown should commit to proper hazardous waste testing.
6. There should be open public hearings on what was presented here tonight. That would be a great start for the Governing Board.

I respectfully ask Mr. Rhodenbaugh and Mr. Kobasuk to commit to these things tonight, in public and on-the-record. Thank you for hearing my points. I ask that they be recorded in the minutes and this document be placed into the public record.

**End of Mr. Hicks comments.** Mayor Kobasuk thanked Mr. Hicks.

#### MVCA "SPARC" Short Park Athletic Recreational Complex

Tom Rhodenbaugh, MVCA Board Member and Tim Schap briefly talked about history of the agreement and history since the agreement. Mr. Schap is a MVCA parent and architect that has been involved in the plans of the sports complex. Various phases of the master concept of the sports complex were discussed. The purpose of presenting tonight is to ask for Village Council to approve the design and approval to move forward with a formal bidding process that will then lead to the construction of new amenities in the park. Mayor Kobasuk said it is important that MVCA work closely with Solicitor Supinger, as she will be the point person on the bidding process to make sure Ohio regulations for a public project are followed. Ms. Everett will also be involved with the bidding process. Mr. Rhodenbaugh acknowledged the importance of complying with Ohio regulations and said this is spelled out in the contract. Approval from the EPA and certain permits will need to be obtained before MVCA breaks ground. MVCA would like to begin the project sooner than later, but are obligated to break ground by September 2017. While MVCA continues to raise funds for all phases presented, funding to complete Phase I is in place. In Phase I, the lower gravel parking lot will be expanded, basketball courts/hoops will be relocated and the upper shelter pavilion will be moved. The project must be finalized in three years.

**Mr. Harten made a motion to approve the MVCA project plans subject to the Ohio EPA's review and concurrence with the Village's Rule 13 filing. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Abstain, Mr. Zornes-Yes. Motion Carried.**

Mr. Rhodenbaugh thanked Mayor and Council. The next step is for MVCA to submit a bid packet to Newtown.

#### Engineering Status Report

Engineer Ben Brandstetter reviewed the below projects with Mayor and Council.

#### Ivy Hills Blvd. Culvert Cleaning (pipe at Ivy Hills Blvd/Little Dry)

TeleVac conducted a water jetting process on a 30" pipe that has been clogged on 12.12.2016. The pipe was 100% blocked with several large boulders in the line; therefore, this process was not an effective solution to the existing problem. The 30" storm pipe handles low flow situations and is located to the right of the 96" culvert. The 30" storm pipe runs parallel to Little Dry Run. The larger culvert goes to the Ivy Hills Golf Course Retention Basin, as per design and was installed as an overflow for high-volume water. Several contractors were contacted; SmithCorp expressed interest in working on this project. Based upon what was observed from either end of the pipe, the estimated cost for work to be done was between \$5,000 to \$7,000 at an hourly rate of \$260/hr for a crew. SmithCorp began work on 12.27.2016 – this estimated to be approximately 71 hrs worked for a total of \$18,409.59. SmithCorp was directed to suspend work on 1.9.2017 until Council convened on 1.10.2017. The 30" pipe is over 200 feet long; 118 to 120 feet of the pipe has been cleaned leaving 90-100 feet that needs to be cleaned out. Mayor Kobasuk said Ivy Hills has raised concerns about too much water going into the retention pond due to the 30" pipe being clogged. After discussing several alternatives, the following motion was made:

**Mr. Fairley made a motion to continue the cleaning of the culver at Little Dry Run and Ivy Hills Blvd. and approve an amount not to exceed \$35,000. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

#### Ordinance Setting Time, Date & Place of Council Meetings

Council wishes to establish and confirm regular meeting place, dates and times;

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 01-2017 AN ORDINANCE SETTING THE DATE, TIME AND PLACE OF VILLAGE COUNCIL MEETINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

#### Ordinance Providing Legal Counsel

Council desires to employ Emily T. Supinger of Strauss Troy Co., LPA, for calendar year 2017.

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 02-2017 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL AND DECLARING AN EMERGENCY. Mrs. McConnell seconded the motion.**

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Abstain, Mr. Zornes-Abstain. Motion Carried.**

Mr. Zornes stated he abstained from voting out of loyalty, respect and honor to Doug Miller; no disrespect is intended towards Ms. Supinger.

Solicitor Supinger said three readings are not required since the suspension passed, but the ordinance will not go in effect for (30) thirty days.

#### Council Checklist

This checklist is mainly for employee payroll and two other checks: 1) Monthly payment to Anderson Township for fire service and 2) Little Miami Joint Fire District for final payment of settlement.

**Mr. Tiettmeyer made a motion to approve the 1.10.2017 Council Checklist (Payroll) for \$111,674.61. Mr. Short seconded the motion. All Aye. Motion Carried. All Aye. Motion Carried.**

#### Ordinance Regulating Mud and Spillage on Public Roadways

Mr. Zornes asked Solicitor Supinger to compose an ordinance from a few sample ordinances so the police department will have law in place to regulate these issues.

#### WeTHRIVE! (Reported by Joe Harten)

Mr. Harten met with Hannah Smith, Hamilton County Public Health, before the holidays to discuss what needs to be done moving forward choosing a pathway. Mr. Harten expressed the opinion of Council to Ms. Smith that we are unable to require too much of people. Mr. Harten will give a full summary and necessary steps to move forward. The next action is to adopt one or more initiatives. Mr. Harten will pass along information for consideration to Council prior to the 1.24.2017 Council Meeting.

#### 2017 Bike Trail Map (Reported by Joe Harten)

Martin Schickel, publisher of the Bike Trail Map has offered the same price of \$490 to promote Newtown in the 2017 Bike Trail Map. The Municipal Center and American Indian Artifact Education Center have been featured in the map since 2015. A 5% discount was offered for a two-year subscription. Mr. Harten recommended the one-year subscription.

**Mr. Harten made a motion to authorize \$490 to advertise in the 2017 Cincy Bike Trails Map with similar current ad and size. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

#### 2016 Park Year-End Rental Analysis / 2017 Rental Fees (Reported by Joe Harten, Chairman of Newtown Parks)

Mr. Harten presented a 2016 Park Rental Analysis. The results are similar to the mid-year report; the end-of-year statistics show an increase in income of overall rentals with having fewer rentals. One of the strategies last year was to increase the price for the rentals with hopes of bringing in more income per rental with having to clean the house less; thereby, reducing our costs and increasing our net income. Residents made up about 85% of the rentals with fewer non-residents, which was done by intent. Fees were increased dramatically last year for non-residents to bring the fee above competing locations. Residential fees are somewhat below competing locations. All in all this was a great year. Mr. Harten thanked Becky for compiling the year-end data for the year and we will continue to report the profits of the rentals of Village properties.

Increasing the residential rental fee for the Moundview pavilion was discussed. The 2016 rental increase did not include increasing the pavilion rental fee for residents; it actually was decreased somewhat. While remaining competitive, we want to be able to offer a discount for the residents since they have assisted in maintaining the parks. In an effort to keep the rental fees aligned with various local rental venues, a small increase was discussed for the residential pavilion rental.

**Mr. Harten made a motion to increase the residential rental fee for the Moundview Pavilion (2pm-10pm), increase fee from \$150 to \$200. The (all day rental) will increase from \$200 to \$250. Mr. Fairley seconded the motion. All Aye. Motion Carried.**

#### Council Minutes Approval

**Mr. Short made a motion to approve the 12.06.2016 Council Minutes, Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-No. Motion Carried. Motion Carried.**

#### Resolution, Liability Insurance

Council wishes to obtain liability insurance benefits through the Ohio Plan Risk Management, Inc. administered through Hylant Administrative Services, LLC. Mr. Short said the premium decreased \$1,254.25.

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

**Mr. Short made a motion to adopt RESOLUTION NO. 01-2017 A RESOLUTION APPROVING A CONTRACT FOR LIABILITY INSURANCE WITH THE OHIO RISK MANAGEMENT. Mr. Harten seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

Planning Commission (Reported by Cheryl McConnell)

Planning Commission will meet 1.26.2017 at 6:00pm to review a conditional use application for property located at 3603 Church Street. This will be an office for Kaegi Landscaping. Per Mr. Stoker, it isn't necessary to have a Public Hearing since the business is not open to the general public.

Ordinance, Appointing Street Commissioner/Cemetery Sexton

ORC Section 735.31 provides that the mayor of a municipal corporation shall appoint a Street Commissioner for the municipal corporation and such Street Commissioner is to be confirmed by the legislative authority.

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

**Mr. Fairley made a motion to adopt ORDINANCE NO. 03-2017 AN ORDINANCE APPOINTING A STREET COMMISSIONER AND CEMETERY SEXTON IN THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution, Contract w/Brandstetter Carroll, Inc.

Council wishes to approve a contract with Brandstetter Carroll, Inc. to serve as Village Engineer.

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

**Mr. Fairley made a motion to adopt RESOLUTION NO. 02-2017 A RESOLUTION APPROVING A CONTRACT WITH BRANDSTETTER CARROLL, INC. FOR PROFESSIONAL SERVICES AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

Ms. Supinger thanked Mayor and Council for the opportunity to serve the Village of Newtown.

**Mr. Short made a motion to adjourn the Council Meeting at 8:07pm. Mr. Harten seconded the motion. All Aye. Motion Carried.**

Transcribed by Becky Fairley