

The January 12, 2016 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.

**Council Members:** Joe Harten  
Cheryl McConnell  
Curt Tiettmeyer

Chuck Short  
Daryl Zornes

Solicitor: Doug Miller

Mayor Kobasuk welcomed everyone to the first meeting in 2016, which is his first meeting serving as Mayor.

Fire Safety Update (Reported by Mayor Kobasuk)

Anderson Township Fire Department began providing Fire and EMS services for the Village of Newtown on 1.1.2016. The transition went smoothly at 7am, as the firefighters began moving into the Newtown Station (Station 22). Two days later, a structure fire occurred in the River Hills subdivision. Newtown police have had only positive comments on the training and professionalism they have witnessed from the ATFD firefighters. Chief Ober attended the Newtown Business Association meeting yesterday and assured the business community that ATFD will remain involved in community events.

Fire Chief Mark Ober was present and thanked Mayor Kobasuk and staff for the warm welcome. He also thanked Anderson Township Administrator Vicky Earhart, who was also present and Anderson Trustees for making this a reality. Newtown Station 22 is fully staffed and the firefighters are enjoying their new space. Run statistics and response times were discussed. All four ATFD stations responded to the fire in River Hills and Mariemont Fire Department provided mutual aid. Union Township covered Anderson Township during this incident. While safety of all areas remains the main focus, collaboration continues with all mutual aid responders. At Mayor Kobasuk's request, Chief Ober or one of his four Battalion Chiefs will be present at the 1.26.2016 Council Meeting. Mayor Kobasuk told Chief Ober it had been a pleasure to work with him and has heard nothing but good things about the said he has heard nothing but good things about the department and said it has been a pleasure to work with Chief Ober. The Village is receiving the same type of coverage from ATFD and other mutual aid providers, just as in the past with LMFR. Mayor Kobasuk asked Mr. Short if his concerns had been answered. Mr. Short said he understands. Mayor Kobasuk thanked Chief Ober and Administrator Earhart for attending.

Liquor License Transfer – Wags Dog Park (Reported by Mayor Kobasuk)

Wags Park (AndyDandy Center LLC) 3810 Church Street, Newtown, OH 45244, is currently a membership club and they serve liquor to members. They would like to be able to serve liquor to non-members, which will require a D5 liquor license. The transfer of the D5 license is coming from Hahana Beach since it will now be using the A1A brewer's license from 50 West Brewing, as 50 West will no longer be a brewery. Police Chief Synan and Building Commissioner Gerry Stoker doesn't have an issue with the transfer. Resident and Planning Commission Chair John Russell said he has no problem with the license transfer, as long as the Jumbotron and dog barking issues have been corrected. Bob Slattery said he would make sure the Jumbotron would be turned off at 10PM during the spring, summer and fall months and used from 4-6PM during the winter. The Doggy Day Care provides incomes year round, when Wags Park is closed for part of the season. Mr. Slattery said the dog barking complaint had been resolved with the neighbor, who has since moved out of the Village.

**Mr. Short made a motion to transfer the D5 Liquor License from Hahana Beach to Wags Park. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

2015 "A Year in Review" (Reported by Mayor Kobasuk)

Village Council's accomplishments in 2015 were quite impressive. The MVCA/Short Park Development Agreement was signed. This will be a great facility and Mr. Harten was instrumental in finalizing the joint venture. Lake Barber is a 50 acre lake with a walking trail now open to residents and employees of Newtown businesses. Two utility aggregation contracts were approved. The Fire Levy campaign was successful; therefore, Fire/EMS services are now provided by Anderson Township Fire Department. Mayor Kobasuk commended former Mayor Cosby for assisting with the 2015 accomplishments.

2016 Council Committees and President Pro-Tempore (Vice Mayor)

Mayor Kobasuk thanked Mr. Zornes for his years serving as Vice Mayor. He suggested Council appoint Curt Tiettmeyer as President Pro-Tempore (Vice Mayor).

**Mr. Harten made a motion to appoint Curt Tiettmeyer to serve as President Pro-Tempore (Vice Mayor). Mr. Zornes seconded the motion. All Aye. Motion Carried.**

Mayor Kobasuk suggested Council consider doing away with the many subcommittee meetings and discuss all business during the second Council meeting, which is the fourth Tuesday of the month. The first Council meeting held the second Tuesday of the month will be utilized as the formal Council meeting. Mrs. McConnell agreed saying in reality, the second and third committee members could be deleted just having the Chair of the committee reporting to Council.

Vacant Council Seat (Reported by Mayor Kobasuk)

Council will hear from interested residents who have submitted letters of interest and/or resumes by the deadline of Jan. 22 (noon) at the January 26 council meeting, which begins at 7 pm. A short one to two minute explanation on why the candidate believes he or she can best serve the Village as a council member. The term remaining on the seat is two years. A council member must be a resident of Newtown.

#### Engineering Update - Ben Brandstetter, BCI (Project Status Handout)

#### OPWC Grant Projects

- Based on initial feedback, Edith/Pine/Jefferson and SR32 Storm Water Project will not receive grant funding in 2016
- 0% loan applications will not be taken "mid-year" in this cycle. Next Application cycle will be September 2016

#### Storm Water Issues

- Photos of Edith/Pine/Jefferson/Ragland Drainage Issue were presented from the 12.27.2015 storm event

#### Storm Water Utility Study/Fee Follow-up

A Storm Water Utility Fee is a small fee that would be charged to every property owner in the Village. The Storm Water Utility Fund would be used exclusively for storm water projects. Implementing the Storm Water Utility Fee will free up money for road projects.

- Summary of Municipal Storm Utility Fees was presented
- An estimated annual revenue of \$160,000 is projected
- Residential fees are estimated from \$3.00 to \$6.00 per month
- Businesses would pay \$6.00 minimum to \$500 maximum per month
- Cincinnati Water Works charges 5% and they will handle the billing to the residents and businesses
- Billing is expected to begin in May

#### 2016 Street Improvements

- BCI has been putting together a list that will be proposed at the 1.26.2016 Council Meeting
- Program budget to be in the \$100,000 to \$150,000 range

#### Round Bottom Road Storm Drain

- Meeting is scheduled for week of 1.18.2016 w/MSDGC for reimbursement
- Drain was damaged due to heavy equipment crushing the drainage pipe

#### Ragland Road Drainage Issue (Impacts Edith, Jefferson and Pine)

The flooding issue is a result of a combination of tree limbs and debris gathering against the bar grate at the culvert entrance behind the Edith Street properties, as well as the inadequate downstream capacity of the pipes that drain across Ragland Road and Harriet Street.

- Project cost to improve is \$400,000 – additional trash racks to collect debris as it drains down through the swale, but the continued observation and maintenance of this area will be required long-term

Mr. Short asked Council to consider researching low interest loans, as this has been an ongoing problem for the residents for too many years. The swift flow of water is a danger to the residents and has become more of a safety issue.

Terry Fairley, 6931 Edith Street, presented pictures to Council of the 12.27.2015 flooding event. He voiced his concern about the chance of children getting sucked into the drain, as children are curious of the amount of water that is flowing in the back yards running over to Ragland Road. Residents have incurred property damage, which is replaceable, but the loss of life is the biggest concern, stated Mr. Fairley.

Mayor Kobasuk said while this is a substantial amount of money; it is a problem that needs to be fixed. After more discussion, Mr. Tiettmeyer said he will look at the portion of money that has been set aside already for this project. He will also contact the bank about a straight loan. (This will be discussed at the 1.26.2016 Council Meeting.)

#### Lake Barber Parking Permit (Reported by Joe Harten)

Council discussed parking permits last Fall. For clarity, Mr. Harten made the following motion:

**Mr. Harten made a motion to charge \$10 per vehicle/per year for a parking permit. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

2016 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 2016 Bike Trail Map. The Municipal Center and American Indian Artifact Education Center were featured in the 2015 map. Newtown will be on the mileage guide for the bike trail as a highlighted destination.

**Mr. Harten made a motion to authorize \$490 to advertise in the Cincy Bike Trails Map and other assorted websites as part of the package. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

2015 Park Rental Summary / 2016 Park Fees (Reported by Joe Harten, Chairman of Newtown Parks)

Mr. Harten presented a 2015 Park Usage and Fee Analysis that was calculated from a 2015 Park Rental Summary and comparisons of rental fees for surrounding areas. 2016 Park Fees were discussed and the following motion was made:

**Mr. Harten made a motion to install the 2016 Park Fees as presented. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

Planning Commission (Reported by Cheryl McConnell)

The Planning Commission met 1.5.2016 – open-ended projects were reviewed with Building Commissioner Gerry Stoker. Planning will be working to update the Zoning Code over the next year. Gerry Stoker has proven to be a great asset to the Village thus far, as he has been very responsive in correspondence and attended the recent NBA meeting.

Transfer of Money for Fire/EMS Protection (Reported by Curt Tiettmeyer)

The transfer of money from the General Fund to the Fire Fund will take place for the first three to four months until the Village receives the first payment from Hamilton County Auditor/Treasurer for taxes. The transfer will advance payment to Anderson Township for Fire/EMS protection.

**Mr. Tiettmeyer made a motion to approve an advance from the General Fund to the Fire Fund for \$47,916.67. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

Council Checklist

**Mr. Tiettmeyer made a motion to approve the 12.31.2015 Council Checklist for an amended amount of \$65,211.45. Mr. Harten seconded the motion. All Aye. Motion Carried.**

Ordinance, Setting Date, Time and Place for Village Council Meetings (Reported by Mark Kobasuk)

This ordinance is adopted annually by Village Council. Regular meetings of the Council of the Village of Newtown shall be held on the second and fourth Tuesday of each month at 7:00pm at the Newtown Municipal Center, 3537 Church Street, Newtown, Ohio 45244. The date and time of a regular meeting may be changed or cancelled, and the place of a regular meeting may be changed, by a majority vote of Village Council.

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 01-2016 AN ORDINANCE SETTING THE DATE, TIME AND PLACE OF VILLAGE COUNCIL MEETINGS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Ordinance, Employment and Compensation of Legal Counsel (Reported by Curt Tiettmeyer)

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 02-2016 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Solicitor Miller thanked Village Council for approving the contract for another year.

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. Harten. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 01-2016 A RESOLUTION APPROVING A CONTRACT WITH BRANDSTETTER CARROLL INC. FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Resolution, Advance Payments of Real Estate Taxes

The Council of the Village of Newtown desires to receive advance payments of real estate taxes from the County Treasury during 2016.

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

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 2-2016 A RESOLUTION AUTHORIZING ADVANCE PAYMENTS OF REAL ESTATE TAXES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Resolution, 2015 Supplemental Appropriations and Transfers

**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. 03-2016 A RESOLUTION APPROVING THE VILLAGE TEMPORARY APPROPRIATIONS FOR 2015, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Resolution, Contract w/Key Chrysler Jeep Dodge, Inc.

The Council of the Village of Newtown is desirous of acquiring two new 2016 Dodge Charger AWD Police Cruisers. Total cost of acquiring both vehicles shall not exceed \$49,200.00.

**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. 4-2016 A RESOLUTION AUTHORIZING A CONTRACT WITH KEY CHRYSLER JEEP DODGE, INC. FOR TWO POLICE CRUISERS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Mrs. McConnell asked if this transaction was a change from previous year's plan with last year (2015) purchasing one cruiser and this year (2016) purchasing these two cruisers. She asked if this is what was planned from the beginning. Mr. Tiettmeyer said, yes.

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

Ordinance, Declaring Personal Property as Surplus

The Council of the Village of Newtown desires to dispose of two used (2013) Dodge Charger Police vehicles that will not be needed for Village purposes upon the purchase of new vehicles. Total value of surplus is \$35,000.00.

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 3-2016 AN ORDINANCE DECLARING PERSONAL PROPERTY AS SURPLUS, AUTHORIZING ITS DISPOSITION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Resolution, Contract w/MobilComm

The Council of the Village of Newtown wishes to purchase new equipment for two new police department vehicles. The cost to purchase and install new equipment the new police cruisers is \$17,500.00.

**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. 5-2016 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH MOBILCOMM FOR THE PURCHASE OF POLICE VEHICLE EQUIPMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Resolution, Contract w/Vinyl Graphics

The Council of the Village of Newtown wishes to purchase new graphics for two new police department vehicles. The cost to purchase and install the graphics on two new police cruisers is \$528.75.

**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. 6-2016 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH VINLY GRAPHICS FOR THE PURCHASE OF POLICE VEHICLE GRAPHICS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Resolution, Change Order No. 9 w/John P. Tumlin & Sons

The Village of Newtown has a contract with John P. Tumlin & Sons Ltd. for the Police Department Renovation Project. Amount of Change Order No. 9 is \$855.00.

**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. 7-2016 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH JOHN P. TUMLIN & SONS LTD. DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

The Change Order is to construct a 24" x 48" reinforced concrete wall under the east door stoop to infill the resulting void after ramp removal. The ramp was constructed with only two side walls and when removed a void resulted allowing gravel to escape from under the existing building slab.

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

Resolution, Change Order No. 10 w/John P. Tumlin & Sons

The Village of Newtown has a contract with John P. Tumlin & Sons Ltd. for the Police Department Renovation Project. Amount of Change Order No. 10 is \$3,875.00.

**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. 8-2016 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH JOHN P. TUMLIN & SONS LTD. DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

The Change Order is to correct current flooring problems. Once the flooring is finalized and painting completed, the police officers can move into the front patrol room. The rear of the building will then be renovated for the Chief of Police.

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

Council Minutes

**Mr. Zornes made a motion to approve the 12.22.2015 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.**

Resolution, Liability Insurance w/the Ohio Plan Risk Management

The Council of the Village of Newtown wishes to obtain liability insurance benefits through the Ohio Plan Risk Management administered through Hylant Administrative Services. Coverage period is 1.23.2016 thru 1.23.2017; premium amount is \$27,965.00, which includes covering Lake Barber and the Newtown Fire House.

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

**Mr. Zornes made a motion to adopt RESOLUTION NO. 9-2016 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. Harten seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Ordinance, Appointing Street Commissioner/Cemetery Sexton

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

**Mr. Short made a motion to adopt ORDINANCE NO. 4-2016 AN ORDINANCE APPOINTING A STREET COMMISSIONER AND CEMETERY SEXTON IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

Oyster Bay Court Snow Removal Agreement w/the Country Club Section Homeowners Association

At the 12.22.2015 Council Meeting, Street Commissioner John Knuf asked Council for direction regarding snow plowing three undedicated streets located in Ivy Hills: Oyster Bay Court, Lake Forest Lane and Legends Lane. Mr. Kobasuk said it is his understanding two of the three streets have snow removal through a contracted agreement with an independent company. Mr. Kobasuk thought Maintenance had plowed Oyster Bay Court in the past and asked Mr. Knuf to plow Oyster Bay Court, which is a very short street.

At Council's direction, Solicitor Miller prepared an agreement between the Village of Newtown and the Country Club Section Homeowners Association. Mr. Short asked Solicitor Miller about the agreement presented and Solicitor Miller said to do nothing with the agreement since he learned today the HOA does not own the street. The property owner's each own a piece of the street. Solicitor Miller said the HOA is responsible for the maintenance of the street. Each time a homeowner sold a property, the agreement would need to be revised between the Village of Newtown and the homeowners. Mr. Harten said he is not for having to revise the agreement each time. Mrs. McConnell asked if this was an issue Council wanted to spend money on in the Village – to be offering these services to private citizens. At the 12.22.2015 Council Meeting, Mr. Knuf said plowing Oyster Bay Court would be a liability for the maintenance employees and the Village in general. Mrs. McConnell said those points were well taken. Mr. Harten and Mr. Short agreed. After discussing liability and other concerns, Council decided not to move forward with revising the agreement.

Boy Scouts

Jackson Burke from the Overlook subdivision and James Nowinski from Ivy Hills subdivision are First Class Scouts working on their Citizenship in the Community merit badge. Council thanked both young men for attending the Council meeting and wished them well achieving their merit badge.

Mr. Harten made a motion to adjourn at 8:25PM, seconded by Mr. Zornes. Motion Carried.

Transcribed by Becky Fairley