

The February 10, 2015 meeting of the Newtown Village Council was called to order at 7:00 p.m. by President Pro Tem (Vice Mayor) Daryl Zornes, who led the Pledge of Allegiance to the Flag.

Councilmembers:	Joe Harten	Chuck Short
	Mark Kobasuk	Curt Tiettmeyer
	Cheryl McConnell	Daryl Zornes
	Solicitor: Doug Miller	Fiscal Officer: Keri Everett

Maintenance Department Update (Reported by Mark Gillespie)

Mark recently reached out to several local jurisdictions. Sharing resources, man hours and training was discussed with Richard Shelley, Anderson Township Director of Public Works. John, Mariemont Service department loaned their bucket truck to Newtown Maintenance to remove the Christmas lights, which was greatly appreciated. Mark is networking with Bill Pittman, Symmes Township to discuss their cemetery procedures for records and maintenance. The goal is to reduce and extend everyone's budget and help one another when possible.

Mark is researching cemetery software. Six bids have been received. A meeting will take place Thursday with several people to evaluate three different cemetery software programs.

Memorandum of Understanding with the Newtown Veterans Association

Mr. Ken Burger spoke on behalf of Lynn Burger, Commander of the Newtown Veterans Association. The Veterans Association is seeking approval to add two new cast-bronze monuments to the current Veterans Memorial, located at Moundview Park. The addition of these monuments will complete the memorial. Mr. Burger presented construction drawings of the proposed monuments. The Fallen Soldier monument honors all present day service men and women. (This monument is also known as the Battlefield Cross.) The Taps monument honors all service men and women that have served over the past 100+ years. The Taps monument includes symbolic representations of the Civil War, WWI, WWII and the Vietnam War era. The monuments will cost around \$10,000, which will be covered by the Veterans Association.

Mr. Kobasuk asked if the Veterans Association would be responsible for replacing monuments if vandalized. Currently, the memorial is insured through the Village of Newtown's liability insurance. As of today, the Memorandum of Understanding has not been signed by the Veterans Association.

Mr. Harten asked if the two new monuments would be able to be moved voluntarily at a later time if the Council decided to relocate the memorial. Mr. Harten said, personally, he would rather not potentially compound a future problem if these new monuments will not be able to be relocated. Mr. Short said with the monuments being made of bronze they won't be as difficult to move as the granite slabs. Mr. Harten said he has a vision others may not share, those conversations will come in the future. He doesn't want to destroy something that is nice that the Veterans Association has spent money on, needlessly. Mr. Ken Burger said the only money put towards ordering the monuments is money holding the manufacturing slot for the Veterans Association. Mr. Tiettmeyer asked if the plants on the plans submitted tonight are existing plants. Mr. Burger said everything on the plans is existing except for the two newly proposed monuments.

Mr. Kobasuk made a motion to approve the two new bronze monuments, as described by Ken Burger. Mr. Short seconded the motion.

Discussion

Mr. Tiettmeyer said he thinks the motion should be approved contingent on an agreement reached between the Village and the Veterans Association since the Village is taking responsibility for the memorial. The purpose of the agreement is to clarify the responsibility and obligations for future generations of Council and future generations of the Veterans Association. The agreement was not signed because both parties could not agree. Mrs. McConnell said Solicitor Miller had suggested that Council should have the right in the future to say no to replacing an item if cost prohibitive. Mr. Kobasuk agrees to not bind future Council but wants the Veterans to get the memorial the way they want it. Mr. Tiettmeyer said Council should have some responsibility to make some decisions for the benefit of the Village overall including the memorial. Mrs. McConnell said the agreement as it stood at the very end would basically just say the Village was responsible for everything, if they vote as such. And that the Veterans would pay for the engraving costs and flag replacement each year. The agreement showed there was a process for the Veterans to come to Council to seek approval before any changes are made. Mr. Tiettmeyer said in the future, when Council agrees to something with anyone, an agreement needs to be in place before we do any kind of business. Mrs. McConnell agreed going forward this is a great lesson to be learned from this experience. Mr. Tiettmeyer said he feels strongly that the record reflect the Memorandum of Understanding.

Mr. Kobasuk amended the above motion: to approve the two new bronze monuments, as described by Ken Burger, subject to the Veterans Association working out the agreement with the Village. Mr. Tiettmeyer seconded the motion.

Discussion

Mr. Harten said he has agonized over this issue, but he will vote "No" to the additional monuments. It is nothing against the work by the Veterans Association or the look of the monuments. He said he wished he would have been here years ago when the discussion first came about, as he would have vigorously fought against the current location of the monument. Mr. Harten said he thinks the placement of the memorial is much more appropriate next to the Municipal Center at the Bicentennial Park. The land use in the park has changed to the degree that the placement of the memorial is inconsistent with the rental use and having the memorial there. Mr. Harten said he thinks the memorial is getting too cluttered in the wrong place and doesn't want to put more hard-earned time, money, and sweat effort into the location at Moundview Park.

Roll Call: Mr. Harten-No, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Solicitor Miller will review the agreement and forward to Lynn Burger via Ken Burger for resolution. Mr. Tiettmeyer thanked Ken Burger for presenting to Council. Mr. Kobasuk asked Ken Burger to thank his brother Lynn Burger for all of his work. Mr. Kobasuk doesn't want the ordering of the monuments to be delayed; therefore, he will amend his motion so Mr. Burger can place the order. Solicitor Miller wanted to make sure Mr. Burger understood Council's approval is subject to signing the Memorandum of Understanding. Mr. Burger will forward the information to Lynn Burger.

Municipal Center Odor Issue (Reported by Curt Tiettmeyer) (Pictures and video presented)

Structural Systems Repair Group began working on the hose tower 2.9.2015. In an effort to relieve the odor issue, the following items have been done to the hose tower: 1) installed outside vents two inches in diameter in the concrete block around the base of the tower. During installation of these vents, it was determined that the concrete blocks were full of bat guano. 2) Installation of two fresh air vents will provide air circulation in the hose tower. One vent was installed directly above the ceiling of the copy room and one at the top of the hose tower. 3) The openings at the top of the tower were sealed. 4) An access door installed on the second floor will assist with future inspections. Permakil will be consulted as to the next steps to clean the tower. We are hoping to see immediate relief from the odor within one week.

Council Minutes

Mr. Zornes made a motion to approve the 1.27.2015 Council Minutes, seconded by Mr. Harten. All Aye. Motion Carried.

Short Park Update (Reported by Joe Harten)

Council approved MAKSo/ve to perform a ground-penetrating survey of the old landfill at Short Park. This will take place Friday 2.13.2015. The estimate came in under budget. Results will be available within 2-3 days.

MVCA / Short Park Update (Reported by Joe Harten)

Kobasuk, Mr. Harten and Solicitor Miller are seeking Council's opinion on a few items on the potential agreement with MVCA, depending on the results of the ground-penetrating survey. The first draft requested MVCA to pay up to \$10,000 in legal fees to assist with construction administrative expenses. MVCA removed the \$10,000 in their revisions and did not agree to the \$10,000. The proposal was made and not accepted – we are getting a significant athletic complex with trails, \$50,000 for other improvements in the park and reducing fixed costs substantially, in terms of maintenance of the park. The agreement is now back in Council's hands.

Mr. Kobasuk said as of 2.3.2015, Solicitor Miller's legal fees for this project are up to \$7,965. Solicitor Miller expects the \$10,000 will be used up by the end of discussions. Mr. Kobasuk said this is a unique arrangement, as there are not many public entities that partner up with a non-profit corporation. This is a legal minefield – we could be responsible by what they do under a joint venture. Mr. Kobasuk said we just talked about Memos of Understanding guiding the future – our Solicitor Miller or someone twenty-years hence is going to be working on this arrangement having to approve things. Mr. Kobasuk said he doesn't think it is unusual to ask for the \$10,000 to go towards legal fees given what we are spending on this project. The cost thus far is \$11,115, including the \$7,965 plus \$3,150 consulting fees. MVCA is improving twelve acres in addition to a \$50,000 donation, which is now down to \$39,000 for the kids because of the legal issues. Mr. Kobasuk added the \$10,000 to the draft of the agreement and said we should leave it in there. Mr. Kobasuk thanked Mr. Harten for all of the work he has done on the agreement, but he believes having the \$10,000 provision in the agreement is justified.

A few of the issues holding up the agreement include environmental testing, indemnification and who's going to remediate. Attorney Tim Hoffman was consulted and thought it was fair to have MVCA remediate if any strange items are uncovered during the ground survey. He thought it was fair that MVCA indemnify the Village if major items are detected during the ground-penetration testing. Currently, the park is not a problem. Mr. Kobasuk doesn't believe MAKSo/ve will find any major items but the goal is to protect the Village. Mr. Harten said Mr. Kobasuk has made good points and believes it's a policy issue at this point. Mr. Kobasuk said he doesn't feel the need to rush the agreement. After additional conversation, Council decided to table the discussion for legal fees until the results from the radar ground-penetrating survey. Solicitor Miller will leave the legal fees in the agreement.

Planning Commission Update (Reported by Cheryl McConnell)

The Planning Commission met 2.3.2015. The board reviewed the Zoning Code and recapped other issues. Mrs. McConnell talked to Mr. Spry after the meeting and learned that he is not only a residential building official, but certified as a commercial building department. Mr. Spry uses outside Plans Examiners as a cost of doing his own business. He does have the final word on all residential and commercial projects in the Village.

Ohio Division of Liquor Control

Mr. Kobasuk made a motion to *not* request a hearing of the Ohio Division of Liquor Control for Dry Run Beverage, located at 7607 Main Street in Newtown. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Ordinance, American Legal Publishing

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

Mr. Kobasuk made a motion to adopt ORDINANCE NO. 05-2015 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2015 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO, 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. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Ordinance, Personal Property Surplus (2011 Dodge Charger)

2011 Dodge Charger Police Vehicle VIN #2B3CL1CTXBH551729-\$18,000.00. Norwood is buying the cruiser.

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

Mr. Kobasuk made a motion to adopt ORDINANCE NO. 06-2015 AN ORDINANCE DECLARING PERSONAL PROPERTY AS SURPLUS, AUTHORIZING ITS DISPOSITION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Chief Synan said the Police Department researched all of the cars and the Dodge remains the best deal. Chief Synan's new cruiser is AWD. The Ford Explorer AWD was about \$10,000 more than the new Dodge. The department may eventually go with AWD vehicles for all of the cruisers.

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

2015 Dodge Charger AWD Police Cruiser for Chief Tom Synan. Cost shall not exceed \$25,575.00

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

Mr. Kobasuk made a motion to adopt RESOLUTION NO. 14-2015 A RESOLUTION AUTHORIZING A CONTRACT WITH KEY CHRYSLER JEEP DODGE, INC. FOR A POLICE CRUISER, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Contract w/MobilComm (Police Vehicle Equipment)

For purchase and installation of police equipment on above new police cruiser in amount of \$10,000.00.

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

Mr. Kobasuk made a motion to adopt **RESOLUTION NO. 15-2015** 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. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Contract w/Vinyl Graphics (Police Vehicle Graphics)

For purchase and installation of graphics on one new police cruiser in amount of \$330.00.

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

Mr. Kobasuk made a motion to adopt **RESOLUTION NO. 16-2015** A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH VINYL GRAPHICS FOR THE PURCHASE OF POLICE VEHICLE GRAPHICS, 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. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Checklist

Mr. Tiettmeyer made a motion to approve the 2.10.2015 Checklist for \$56,584.46. Mr. Harten seconded the motion. All Aye. Motion Carried.

First Reading of Ordinance, Permanent Appropriations 2015

Mr. Tiettmeyer made a motion to approve the First Reading of AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS FOR 2015 AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Tiettmeyer made a motion to have the Second Reading at the 2.24.2015 Council Meeting. Mr. Short seconded the motion. All Aye. Motion Carried.

Resolution, Structural Systems Repair Group, LLC (Hose Tower)

Approve contract in order to remediate an odor in the Village Hall located at 3537 Church Street.

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. 17-2015** A RESOLUTION ACCEPTING A PROPOSAL AND APPROVING A CONTRACT WITH STRUCTURAL SYSTEMS REPAIR GROUP, LLC FOR REPAIRS TO VILLAGE HALL, 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. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Police Department Renovations – Pre-Bid Meeting (Reported by Curt Tiettmeyer)

The pre-bid meeting took place today with four companies represented. Before we have the third and final readings of the 2015 Appropriations, the budget number for the renovation will be available. The appropriations can be changed at each reading, which could happen, depending on the numbers that come in for the renovation project.

2015 Budget Discussion - Edith / Jefferson / Pine Project (Reported by Curt Tiettmeyer)

Mr. Short sent an email inquiring where the numbers stood in planning for the project. Mr. Short said he thought it was around \$65,000 for 2015 and 2016. We are in line with the numbers provided by Brandstetter Carroll provided, in terms of making sure we have the 40% match for 2015 and 50% match for 2016. We actually have a little more than 40% for this year; therefore, next year we will have a little less than 50% to come up with – around \$50,000.

2015 Budget Discussion Continued (Reported by Curt Tiettmeyer)

It is a tight year from the budget perspective, due to the commitment of trying to get the police department renovations done. Mr. Tiettmeyer is happy to discuss the budget with anyone. After reviewing the bids, which are due Feb. 27, 2015, the bids will be presented at the 3.10.2015 Council meeting.

Street Committee: Street Committee Members: Chuck Short (c), Cheryl McConnell and Curt Tiettmeyer. The committee will meet Thursday, 2.19.2015 at 8am at the Village Office.

CPR Class for Village Employees

The LMFR Fire Department is offering CPR classes for Village employees. Lt. Mike Thompson said the cost is \$7.00 per person. Due to lack of interest, Mr. Short tabled the discussion.

Round Bottom Road Storm Pipe Failure

In a recent discussion between Solicitor Miller and Ben Brandstetter, there is no reason to access One Shot's property. Ben believes One Shot's construction caused the problem with the pipe failure. Ben is getting a price to scope the pipe. He does believe there is a full blockage. Mr. Short will look into the dollar amount and report back to Council.

Mr. Kobasuk made a motion to adjourn at 8:30pm, seconded by Mr. Short. Motion Carried.

Transcribed by Becky Fairley