

The February 14, 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.

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

Fire Department Update (Reported by Chief Mark Ober)

It's been an excellent first year and a very busy January thus far for 2017. In the first year of services provided to the Village of Newtown, the Anderson Township Fire and Rescue Department has completed 4,879 total responses. Of the 4,879 responses, 340 responses were completed in the Village of Newtown with an average response time of 4 minutes and 17 seconds. Operations are running very smoothly – this collaboration has been a win-win for all involved. The guys enjoy Station 22 and have received a warm welcome from Village residents and businesses. In 2016, 55 company level fire inspections to village businesses were conducted by the engine and medic crew from Station 22. These inspections produced 156 violations which are within the normal average. Keys in 45 Knox Boxes were replaced to our master key enabling access when the buildings are unoccupied. A representative from the fire departments regularly attends the monthly Newtown Business Association meetings.

Project Status Report (Reported by Engineer Ben Brandstetter, BCI)

Ivy Hills Blvd. Storm Line (culvert cleaning at Ivy Hills Blvd/Little Dry)

- Culvert cleaning is complete
- BCI reviewing Smith Corp. invoice total \$31,879.21
- Trash Rack pricing is being requested from two contractors. Trash rack may be funded from the Storm Water Utility Fund, stated Mr. Tiettmeyer.

MRF/OPWC Grants

- SR32 Storm, basically from Burger east of the east corporation line
- Project is approved for OPWC funding (\$390,000 total, Village share 50%)
- Coordinate SR32 Storm w/ODOT Safety Grant. Meeting will take place @ Village Office 2/22/2017
- BCI Proposal submitted 1/24/2017

Street Paving Plan

- All Village streets have been assessed by BCI – the streets have been broken down into three categories:
1) streets/alleys, 2) County roads and 3) SR 32. Each one has a potential different funding source
- Village Street Summary sorted by condition was presented
- Council will select streets to be paved at 2.14.2017 Council Meeting
- Bid Documents will be prepared Feb/March 2017
- Project go out to bid April 2017
- Contract will be approved by Council May 2017
- Coordination will take place w/Duke Gas to discuss gas service replacement on streets slated for resurfacing in 2017
- Duke requested that Newtown consider waiving permit fees, which is done by many municipalities
- GCWW has no foreseeable plans to replace mains on the proposed streets scheduled for repair

Council Checklist

Mr. Tiettmeyer made a motion to approve the 2.14.2017 Council Checklist for \$233,777.14, seconded by Mr. Zornes. All Aye. Motion Carried.

Ordinance, Supplemental Appropriations 2016

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. 04-2017 AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR CALENDAR YEAR 2016 AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2016. Mr. Short seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Ordinance, 2017 Appropriations, First Reading

Mr. Tiettmeyer made a motion to have the First Reading of AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017. Mr. Short seconded the motion.

Discussion

Mr. Tiettmeyer said there are a few changes that will be made to the appropriations. He will explain the changes and present the second reading at the 2.28.2017 Council Meeting.

Resolution, Retention of Brenda Wehmer, Dinsmore & Shohl (Infrastructure Financing)

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 04-2017 A RESOLUTION APPROVING THE RETENTION OF BRENDA WEHMER AND THE LAW FIRM OF DINSMORE & SHOHL AS BOND COUNSEL. Mr. Zornes seconded the motion.

Discussion

Mr. Tiettmeyer presented the above motion with the notion that Council still agrees with moving forward with issuing general obligation bonds in the amount of 1.5 million dollars for street and storm water improvements. The estimate to enter into agreement with Ms. Wehmer is \$7,775 plus out-of-pocket expenses. Total is expected to be less than \$10,000. After the Village identifies a bank to issue the bonds, legislation will be brought before Council.

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

Park Design Project

In Mr. Harten's absence, Mr. Tiettmeyer brought forth the following motion for conceptual design plans for Short Park and Moundview Park for future changes. Mr. Harten obtained a quote from Gilb Landscaping, Inc. for \$2,925. Nature Works quoted around \$5,000 for design plans. Mr. Short asked if a third quote would be obtained since that is best practice. Mr. Tiettmeyer said he is comfortable with the Gilb quote since the other quote was \$5,000. Mayor Kobasuk said we need to move forward and Gilb has done work for the Village in the past.

Mr. Tiettmeyer made a motion to approve the proposal of \$2,925 from Gilb Landscaping, Inc. for the conceptual design plans for Short Park and Moundview Park. Mrs. McConnell seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Lexipol Agreement, Law Enforcement Material

Council wishes to enter into an agreement with Lexipol to subscribe to and use of its Law Enforcement Policy Manual and Daily Training Bulletins.

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. 05-2017 A RESOLUTION APPROVING AN AGREEMENT FOR USE OF SUBSCRIPTION LAW ENFORCEMENT MATERIAL WITH LEXIPOL. Mr. Short seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Agreement w/Darlene M. Pride

Council wishes to approve an agreement with Darlene M. Pride, an independent governmental affairs consultant, to audit certain Ohio Bureau of Motor Vehicles records for tax revenue purposes. This is a routine matter.

Mr. Zornes made a motion to suspend the rules, seconded by Mr. Fairley.

Mr. Zornes made a motion to adopt RESOLUTION NO. 06-2017 A RESOLUTION APPROVING AN AGREEMENT WITH DARLENE M. PRIDE TO AUDIT OHIO BUREAU OF MOTOR VEHICLES RECORDS. Mr. Short seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Ordinance, American Legal Publishing's Ohio Basic Code, 2017 Edition

Mr. Zornes made a motion to suspend the rules, seconded by Mr. Short.

Mr. Zornes made a motion to adopt ORDINANCE NO. 05-2017 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2017 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Ordinance, Prohibiting Tracking of Materials on Streets, Highways & Public Areas

Mr. Zornes made a motion to suspend the rules, seconded by Mr. Short.

Mr. Zornes made a motion to adopt ORDINANCE NO. 06-2017 AN ORDINANCE PROHIBITING THE TRACKING OF MUD, DIRT, OR OTHER SIMILAR MATERIALS ON STREETS, HIGHWAYS AND PUBLIC AREAS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Human Resource – Police Department (Reported by Daryl Zornes)

Police Department employees have offered to give full-time Police Officer Jake Stoll sick time; Officer Stoll had surgery and is currently out of sick time. This has been done in the past for other employees. Mayor Kobasuk asked Solicitor Supinger to put a policy in place in regards to donating sick time for future reference.

Mr. Zornes made a motion to approve police department employees donating sick time to Full-time Police Officer Jake Stoll. Mr. Short seconded the motion. All Aye. Motion Carried.

WeTHRIVE! Initiative Update (Reported by Daryl Zornes)

Emergency Preparedness Pathway was discussed in a recent meeting with firefighter Marvin Conley. Fire Chief Mark Ober was present and said the Emergency Operation Center at the Anderson Center would be available to the Village of Newtown. The Village will need a center, if the Municipal Building doesn't have power, should there be a disaster or there is a need to bring in FEMA. The training room at Station 22 could be used as a back-up since it has a generator, stated Chief Ober. In the event of any type of disaster, we would stay in touch with Hamilton County EMA, stated Chief Ober. A survey was given to council members.

Council Minutes

Mr. Short made a motion to approve the 01.24.2017 Council Minutes, Mr. Zornes seconded the motion. All Aye. Motion Carried.

Planning Commission (Reported by Cheryl McConnell)

Planning Commission met on 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. The conditional use was approved with conditions – no outside storage of landscape materials will be allowed, all repairs will take place inside or offsite and all company vehicles are to be parked in the rear at night. The next Planning meeting is scheduled for March 23rd at 6pm.

Zoning Code Update (Reported by Cheryl McConnell)

Planning Chairman John Russell and Mrs. McConnell met with Gerry Stoker on Feb. 13th to review a draft of proposed changes to the Zoning Code before presenting to the Planning Commission. The proposed zone change will be effected by anything previously approved. Once zoning updates have been approved by the Planning Commission, the Zoning Code will be presented to Council.

Mrs. McConnell said it be beneficial to have a book with hard copies of Village ordinances and resolutions for future reference. The proposed zone change will be affected by previous legislation that has been approved. Lt. McBreen will meet with Gerry. Mrs. Supinger said other communities have their own Code of Ordinances and add it to the code section when a new law is adopted. They publish their Code of Ordinances every year by a provider. The Ohio Basic Code is frequently updated and they add new sections and provisions once they discover a certain provision that is being adopted by most communities, explained Mrs. Supinger. Mrs. Supinger said they ran into this when writing the ordinance prohibiting mud, dirt, etc on streets. One had been passed twenty years so there was an ordinance on the books, but now the Ohio Basic Code has their own also. Now, Newtown has two ordinances to enforce that are slightly different. Mayor Kobasuk will discuss further at an upcoming staff meeting and report back to Council.

Resolution, Selecting WeTHRIVE! Environmental Health Pathway

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

Mrs. McConnell made a motion to adopt RESOLUTION NO. 07-2017 A RESOLUTION SELECTING THE WeTHRIVE! ENVIRONMENTAL HEALTH PATHWAY TO FOCUS ON ENVIRONMENTAL CONDITIONS THAT IMPACT THE HEALTH OF RESIDENTS OF THE VILLAGE OF NEWTOWN. Mr. Fairley seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Agreement w/Brandstetter Carroll, Inc.

Village Council wishes to approve an agreement with Brandstetter Carroll, Inc. for professional engineering services related to the East State Route 32 Storm Sewer Project. Engineering fees are \$36,000. Total construction budget is estimated at \$390,000.

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. 08-2017 A RESOLUTION APPROVING AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. FOR ENGINEERING SERVICES RELATED TO THE EAST STATE ROUTE 32 STORM SEWER PROJECT. Mr. Tiettmeyer seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Street Paving Program (Reported by Terry Fairley)

A summary of village streets with paving costs was presented and discussed. The following streets pavement condition are rated #2: Riverhills Drive (SR32 to Monongahela), Center Street, Harriet Lane, Drake Street, School Street, Ivy Hills Blvd., Pinehurst Drive, Sawgrass Court, Spyglass Court, Ivy Hills Lane, Village Drive, Bent Tree Drive, Seabrook Drive, West Jefferson and Madison Street will have asphalt/curb repairs – total projected for street project is \$904,908. Bid documents will be prepared February/March and go out to bid in April with contract approval May, 2017.

West Street will be paved at a later date along with the rest of the Crull subdivision.

Mr. Fairley made a motion to approve the Village Street Summary, removing West Street and grouping it with Priority #3 streets. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Coordination with Duke Gas (Reported by Ben Brandstetter)

1) Duke Gas plans for 2017 two services on West St (projected to be done by June 1, 2017).

2) Duke requests re-consideration on permit fees. (Note: Many other municipalities do not charge a fee, i.e. Madeira.)

Resolution, Addendum to Agreement w/A & A Lawncare (Reported by Terry Fairley)

The Village entered into an Agreement in March 2016 with A & A Lawncare & Landscaping for grounds maintenance of the Flag Spring Cemetery during calendar year 2016. A feasibility study proved this makes financial sense. Village Council wishes to approve an Addendum to the Agreement, extending the term of the Agreement and adding the Fire Station Lot to the scope of work for the 2017 mowing season. The Addendum to the Agreement is for \$3,510.) This enables us to charge the fee to the Fire Fund so the fee not be taken from the General Fund, explained Mr. Tiettmeyer.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 09-2017 A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT WITH A & A LAWNCARE & LANDSCAPING FOR GROUNDS MAINTENANCE AT THE FLAG SPRING CEMETERY AND THE FIRE STATION LOT IN THE VILLAGE OF NEWTOWN. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Approving Update of Solid Waste Management Plan of Hamilton County

The Village of Newtown has reviewed the Plan Update and has determined that the Plan Update is in the best interest of the Village of Newtown and Hamilton County. There are no changes in the agreement from 2016 with same charge per tonnage for waste management.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 10-2017 A RESOLUTION APPROVING THE UPDATE OF THE SOLID WASTE MANAGEMENT PLAN OF THE HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Newtown Maintenance Department – Lighting Replacement (Reported by Terry Fairley)

Lighting that is twenty years old needs to be replaced at the Maintenance shop. Estimates from Duke Energy, Batteries Plus and Cooper Electric were obtained. Cooper Electric's bid of \$4,010 was the best and cheapest bid to replace the lighting with LED fixtures. A \$1,128 Duke Energy credit will be issued for a net total of \$2,882.

Mr. Fairley made a motion to approve \$4,010 to Cooper Electric to replace lighting in the Newtown Maintenance Shop. Mrs. McConnell seconded the motion. All Aye. Motion Carried.

HVAC Programmed Maintenance Agreement for 5 Buildings (Reported by Terry Fairley)

Three bids were received from: 1) Peck, Hannaford & Briggs (\$3,660 + filters), 2) DeBra-Kuempel (\$4,348) and 3) AirTech Mechanical (total \$4,232). to perform programmed maintenance for specified equipment on a quarterly basis. AirTech Mechanical Services, Inc. came in the lowest bid of \$3,544 + \$668 for air filters. Quarterly maintenance will take place on HVAC systems at the Newtown Municipal Center, Police Department, Firehouse (Station 22), Maintenance Shop and the Moundview House. The agreement shall remain in effect for one year and will automatically renew each anniversary date. A thirty-day written notification is required for cancellation by either party.

Mr. Fairley made a motion to approve and accept the contract with AirTech Mechanical Services Inc. for HVAC services to five locations. Amount of the contract is \$4,232. Mrs. McConnell seconded the motion. All Aye. Motion Carried.

Centralized Collections of Income Tax (Reported by Solicitor Supinger)

Governor Kasich's proposed bi-annual budget had a proposition that the state engage in centralized collections of income tax. Mrs. Supinger encouraged Council to contact our elected officials since this would have a negative impact on the Village's income revenue as well as subvert the home rule authority. Revenue from businesses would be collected centrally by the state; they would then distribute it back to the Village after they take a fee for providing their service. This is a slippery slope as this is one step in the direction of state-wide collection of all municipal income tax. Mr. Fairley asked Mrs. Supinger to draft a letter to State Representative Tom Brinkman opposing the centralization collection of income tax. Becky will also invite State Representative Tom Brinkman to attend a Council Meeting when his schedule allows.

Storm Water Utility Fee (Reported by Curt Tiettmeyer)

Reminder: The first Storm Water Utility fee will be in the Greater Cincinnati Water Works bill this month. An Appeals Board does need to be formed.

Mr. Short made a motion to adjourn at 8:05pm, seconded by Mr. Fairley. Motion Carried.

Transcribed by Becky Fairley