

## Call to Order/Pledge of Allegiance/Attendance

The March 13, 2018 meeting of the Newtown Village Council was called to order at 6:30 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

<b>Council Members:</b>	Curt Tiettmeyer (Vice Mayor)	Terry Fairley	Solicitor: Emily T. Supinger
	Daryl Zornes	Don Carroll	Administrator: Jerry Thamann
	Chuck Short	Sarah Williams	Fiscal Officer: Keri Everett (not present)
			Assistant to Mayor: Becky Fairley

## Approval of Council Minutes

**Mr. Short made a motion to approve the 02.27.2018 Council Minutes, Mr. Zornes seconded the motion. All Aye. Motion Carried.**

## SPECIAL PRESENTATIONS (none)

### Citizen Participation (Two minute limit for each speaker) (Read by Mayor Kobasuk)

We have reached that point in our meeting where a citizen may express an opinion, make a statement, address a concern, or ask a question on any subject that is not otherwise on the agenda. This will allow the statement to be entered into the official meeting record. This portion of the meeting is not for Council to provide responses to citizen comments. If you have a concern or request information, please be sure to leave your contact information with the staff before you leave the meeting. A member of the staff will contact you regarding your request. Please state your name and where you live when addressing Council. Is there anyone present that would like to bring an item, not otherwise on the agenda, before Council? *There were no participants from the public this evening.*

## ADMINISTRATOR'S REPORT

Mr. Thamann submitted the below report via email to council on 3.8.2018. The following contains a summary of recent Village activities. This summary is not meant to be inclusive, but only a short list of various administrative activities.

1. Flooding Issues: The original report gave more detailed info that was previously discussed at the 2.2, but Mr. Thamann wanted to thank publicly the Police Department, Maintenance Department and Administrative Staff (Becky and Keri) handled incoming calls from residents and businesses regarding the flooding issues. Hats off to all those involved.
2. I recently attended two Eastern Corridor advisory committee meetings. The focus areas of the meetings were the Ancor/SR 32 Hill area, and the Village of Newtown focus area. The Ancor/SR 32 Segment focused on SR 32 in the vicinity of Little Dry Run and east on SR 32 to Beechwood Road to Bells Lane. The other focus area meeting was the core of the Village along SR 32 and west toward Clough Pike. This focus area also included the connectivity of Round Bottom Road, Church/Newtown Road, the connection with US 50, and bike and pedestrian usage.
3. MVCA – A meeting was held with MVCA to discuss their proposed development. In attendance were representatives from the OEPA, HCPH, MVCA representatives, Barry Franz of DEC Consulting, and Village representatives. The focus was to discuss the Rule 13 permit requirements of the OEPA and what MVCA may be required to submit to get approval on the Rule 13 for construction purposes.

Mayor Kobasuk said the deadline for MVCA to have plans approved by Village Engineer, BCI is May 1. Any changes to the concept of the plans for the athletic campus will need to be presented to Council. Per Solicitor Supinger, MVCA has to be able to demonstrate proof of funds at the time bids come back and have the total project cost.

### IT / Computer Update

At the 2.27.2018 Council Meeting, Council adopted a resolution to enter into a contract w/Afidence for IT services. Afidence has installed remote desk software on all computers, as well as updated a few computers. Becky ordered a new computer that has Windows 10, which does not support the current recording software that allows us to record meetings. Therefore, we recently purchased the FTR recording software update. We are also working with Time Warner Spectrum to increase the internet speed, which will be an increase each month. Mr. Carroll would like to see that the band-width and WiFi capabilities in Council chambers be sufficient to allow Council to consider moving toward a paperless environment.

At the 2.27.2018 Council Meeting, Council approved \$30,000; Mr. Fairley asked if we had any hard costs on potential expenses that may be realized. Mr. Thamann said the \$30,000 does not include additional hardware/software needs. We are waiting to hear from Afidence as to what equipment needs to be replaced.

ATFD Fire Service Update: Chief Ober will be present at the 03.27.2018 Council Meeting to discuss the summary of the "Anderson Newtown Contractual Responses January thru Dec. 2017."

## MAYOR & COUNCIL MEMBER REPORTS

Ragland Road Drainage Project: Mr. Fairley reported that five of the eight easements for the project have now been secured. Kyle and Anne Vonderheide met with Bruce Brandstetter at our home on 3.09.2018 for Becky to notarize the Declaration and Grant of Permanent Easement for Storm Water Facilities and Temporary Easements for Construction Purposes. We are working to secure the other easements.

### Village Solicitor's Report (Reported by Solicitor Emily Supinger)

1) HB-49 Litigation (recent history): In the past couple years; the state legislature has taken substantial steps to limit municipalities' ability to collect their municipal income taxes. It began in 2014 with the passage of HB-5, which required all municipalities to have strict compliance with the ORC, in order to collect a municipal income tax. More recently, HB-49, the General Assembly has further restricted municipal income tax collection by providing a centralized collection of net profit tax, which is now an option for businesses.

At the 10.10.2017 Council Meeting, Council decided to participate in the litigation with Frost Brown Todd to help fight the consolidation of the income tax collection. Loveland, Wyoming and Woodlawn have jointed the litigation. There are well over one hundred communities participating in this litigation. An injunction is expected to be immediately requested to prevent HB-49 will be requested immediately to prevent HB-49 with provisions that would affect the Municipal Income Tax Code from going into effect on 1.01.2018. If the injunction is not granted, an amendment will need to be made to the Municipal Income Tax Code.

### HB-49 Litigation Update by Solicitor Supinger:

On 2.21.2018, the trial court judge denied the cities and villages motion for a preliminary injunction and granted judgment to the state on all counts. The second part of the decision actually benefits everyone because it allowed that decision to be immediately appealed and will be heard NoVo Court of Appeals, which means no deference is given to the trial court decision. Court of Appeals reviews the legal issues anew without regard to the lower court decision. The appeal in that case has been filed; we have not heard whether or not a stay has been granted, but the appeal is pending. Portions of the Income Tax Code needed to be adopted by February 24<sup>th</sup>, three days after the court's ruling –Strauss Troy contacted R.I.T.A. to learn that they did not have anything prepared. As a result, Strauss Troy prepared the necessary changes to the Tax Code without the benefit of how R.I.T.A. would like it to look. When the General Assembly adopted the new bill, it added about fifteen code sections to the ORC that needed to be adopted by the municipalities. Those code sections essentially created an alternative path that businesses could use to file their net profit taxes at the state level. The amendments Council adopted at the last Council Meeting adopted those code sections into the new Income Tax Code. The Village of Newtown is now compliant and we get to see whether or not those code sections will continue to be effective, pending on how the litigation works out.

1) Personnel Manual: Mrs. Supinger emailed Council a new revised draft of the Personnel Manual. After meeting with Chuck Short, HR Chair, Mayor Kobasuk and Mr. Thamann, a few changes were made. Discussion took place regarding IRS rules for the Police Chief's and Maintenance Supervisor's Village vehicle. The Maintenance Supervisor's vehicle use will have a tax implication, which will be determined at a later date. It is anticipated that Mr. Morgan's salary will be increased according to the taxable amount of \$624, which is the cost of commuting. The cost to the Village will be a little more than \$200. After reviewing the most recent draft, Council will discuss any of the provisions with Mrs. Supinger by March 20<sup>th</sup>, so the draft of the Personnel Manual can be sent to the employees on March 21st for their review. A meeting with the employees will then take place prior to the adopting of the Personnel Practices, which is expected to take place at the April 10<sup>th</sup> Council Meeting.

## PENDING LEGISLATION

Ordinance, 2018 Permanent Appropriations (3<sup>rd</sup> Reading):

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 08-2018 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN DURING THE FISCAL YEAR, ENDING DECEMBER 31, 2018. Mr. Fairley seconded the motion.**

### Discussion

Mr. Tiettmeyer explained that a few changes were made to the budget, moving more money into Equipment Reserve for the Police Department and salaries for the Service Department. From the budget perspective, changes were made to allow for moving the maintenance technician part-time position to a full-time position. Chad McMillen currently is in the part-time position.

**Roll Call: Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes. Motion Carried.**

## NEW LEGISLATION (None)

## NEW BUSINESS

### Checklist

**Mr. Tiettmeyer made a motion to approve the 03.13.2018 Checklist, in the amount of \$114,574.59. Mr. Carroll seconded the motion. All Aye. Motion Approved.**

### Executive Session

**Mr. Short made a motion to enter into Executive Session at 7:10pm, to discuss employee compensation, under Section 121.22G1 of the Ohio Revised Code. Mr. Fairley seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes.**

Council reconvened at 8:32pm; no action taken as a result of the Executive Session.

A few reminders from Mr. Short:

### Lenten Fish Fry

The annual Lenten Fish Fry, sponsored by the Newtown Civic League will take place on Fridays, beginning February 16 through March 30, from 5:00pm to 7:30pm. All are welcome!

### Easter Egg Hunt

The annual Easter Egg Hunt, sponsored by the Newtown Civic League will take place on March 24<sup>th</sup> at 11am at Short Park.

Mr. Short made a motion to adjourn at 8:33pm, seconded by Mr. Fairley. Motion Carried.

Transcribed by Becky Fairley.