

The March 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.

<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

Eastern Corridor Public Involvement Segments II and III (Red Bank Corridor to I-275/SR 32 Interchange)

The Ohio Department of Transportation (ODOT) held a Public Open House on March 9, 2017 at MVCA, to share updated traffic volume, travel time, congestion and crash data for Eastern Corridor Segments II and III. ODOT also shared feedback received from the public through an interactive, online survey and a series of Focus Area Workshops that took place in spring and summer 2016. Mayor Kobasuk attended the meeting. Visit <http://easterncorridor.org/involvement/upcoming-opportunities/> for more information.

Hamilton County Public Health (Reported by Mayor Kobasuk)

Hamilton County District Advisory Council met March 13, 2017. The ongoing drug issue in Hamilton County was a topic of discussion; everyday somebody overdoses on drugs. Many children are left as orphans due to drug overdoses. Public health officials reported that the Zika virus will be a concern this year due to the weather. Mayor Kobasuk attended the meeting.

MVCA – Update on Short Park Athletic Recreational Complex (Reported by Mayor Kobasuk)

Mayor Kobasuk is willing to meet with any resident that may have questions on the Short Park development and explain where we are in the process of this project. To schedule an appointment, call Becky at (513) 561-7097. There is a lot of information being distributed to local residents on the Short Park development. Mayor Kobasuk encouraged residents to attend Village Council Meetings and schedule a meeting with him or other council members, should they desire additional information. A lot of the work mayor and council have done on the development is not always reflected in literature distributed by others. Mayor Kobasuk opened the meeting up to audience participation. Resident Kelly Carlier and Chris Hicks, previous MVCA parent spoke in opposition of the MVCA Short Park Development. Below statements are word for word and provided by Ms. Carlier and Mr. Hicks. Mr. Tom Rhodenbaugh, MVCA Board Member's statement was also provided.

Resident Kelly Carlier, 3625 Church Street, read the below to Mayor and Council:

My home is directly between Short Park and MVCA.

Recently the project to allow MVCA to build and control sports facilities at Short Park has been brought back to my attention. This is what I've learned as well as questions I'd very much like to be answered:

- I learned that you approved a plan for the park that did not comply with either the Short Park Agreement or Newtown building codes and without allowing for any resident review or input.
- I learned that despite the site being a landfill subject to open dumping and with elevated methane levels and carbon monoxide levels above OSHA standards, that no hazardous waste testing has taken place.
- I learned that you have allowed the agreement to be repeatedly violated on open meetings, public records, the governing board, the payment schedule and more.
- I learned that you now plan to remove the open meeting requirements agreed to and confirmed by MVCA over 18 months ago.
- I learned that the Governing Board will not have a single person who lives anywhere near the park.

Has council considered the potential threat to the village if a group asks to rent the field and is turned down by the governing committee? Regardless of reasons for turning down a group the simple fact that MVCA is a religious organization could give a group denied access reason to believe they are being discriminated against. Given our currently explosive political climate it's not unreasonable to think Newtown and MVCA could face lawsuits or public outrage for perceived discriminatory actions. Is this a risk council is willing to take? What is the plan to avoid any potential or perceived threat of discrimination?

If proper and thorough environmental testing isn't performed and down the road environmental hazards are discovered the damage could be severe. A worst case scenario should be considered: hundreds of thousands in clean up costs which neither MVCA or the village could afford. Or the possibility that the park is closed. What is the financial and liability contingency plan for hazardous waste or flooding?

The plans for the development of Short Park are being revised to meet the needs of MVCA. These revisions don't have any benefit to the village. From what I've seen and read it's abundantly clear that MVCA doesn't have the support or financial backing to successfully build and maintain facilities at Short Park. What guarantees have MVCA offered other than promises with no weight behind them?

Public parks are an incredible asset of great value and benefit to communities. I live next to the walking path that leads from Church Street to Short Park and I assure you that MVCA's assertion that the park is underutilized is completely unfounded. Also, with the development of the bike trail the park has seen an incredible increase in numbers of people visiting. This isn't something we want to lose. And we will lose it if

visitors riding or walking on the trail see an inaccessible and - useless to them - football field. Considering increased access and visibility in the park as a result of the bike trail I think it's worth considering whether it's wise to hand over control of our park to MVCA.

I'm well aware that personal investments have been made. Years have been spent building relationships, brokering deals and planning this project. I understand how incredibly difficult it is to have forged these relationships. I imagine it is difficult to look objectively at a project you have all invested so heavily in, a project that is clearly failing and instead of saying "well, this isn't working out" to continue to compromise and make concessions to push through a flawed development plan.

Members of council, mayor, your first and foremost responsibility is to the residents of Newtown and the village. We voted for you, not MVCA. I urge you to take a big step back and look at the reality of this project today versus what was originally conceived and promised so many years ago. The SPARC project is no longer a project that is beneficial to the village. It's riddled with broken promises, financial difficulties and environmental concerns. It's time to consider ending it.

End of Kelly Carlier's reading.

Mayor Kobasuk offered to meet with Ms. Carlier after the Council Meeting to answer questions and concerns presented. Mr. Tom Rhodenbaugh's presentation may also answer some of the questions presented by Ms. Carlier. Mayor Kobasuk told Ms. Carlier she raised some very good points and he would like to address them after the meeting. The Village will receive periodic updates from MVCA. Mayor Kobasuk said Council and MVCA believe in transparency. The process takes a long time with building and zoning regulations in place.

Chris Hicks, 444 Woodwick Ct. read the below :

My name is Chris Hicks. I live at 444 Woodwick Ct., Cincinnati Ohio 45255.

In the February 28 Newtown council meeting Mr. Kobasuk announced MVCA would be here tonight to answer some or all of a list of questions provided by me pursuant to a 4-page MVCA plan approved in a recorded vote by this council on 1/10/2017. That plan should be available to the public on either Newtown's site or the SPARC-OH site but it not.

I am going to quickly read the list of questions to be answered so that they are in the public record and the public can assess the completeness of the answers. I have shortened a few to speed this reading.

1. How much money, exactly, has MVCA raised for the project? Both the actual cash on hand # vs. commitments that are not on deposit. Are any funds the result of borrowing or loans?
2. What is the projected cost by Phase?
3. MVCA, said (1/10/17) only enough monies have been raised for Phase 1. MVCA lists paving the parking lot and expanding the restrooms as Phase 2. They list the baseball field as Phase 3. So, is it now possible those items will never be done?
4. MVCA promised \$2.1-2.5m in facilities. Does that original commitment still stand?
5. Is the existing bathroom adequate to a stadium (as per Phase 1)? What will be the restroom plan if Phase 2 is never completed?
6. What is the Phase 1 bleacher capacity vs. Phase 4? How does it compare (Phase 1) to the artist renderings, models and videos MVCA has shown to the public / contributors?
7. MVCA is planning to grade the whole place without the funds raised for a baseball field (now listed as Phase 3 and currently unfunded). What is the projected cost difference to grade all at once or only in areas where funds exist to build? How much will be fill up vs. grading?
8. The existing Zone 3 baseball field is not show in the plan we approved. What happens to it and when?
9. Is the parking lot, in Phase 1, paved or gravel?
10. Does MVCA have a project calendar across all Phases that express their timeline goals based on an actual project plan? Can a time phased plan be provided?
11. Is it true that MVCA did no hazardous waste testing during the due diligence? Was there an estimated cost for hazardous waste (core samples) testing? If so, how much? If something is uncovered, requiring remediation, where will the funds come from for MVCA to perform site remediation?
12. Given the scaling back and phasing of the committed project, what is the projected impact on rentability and rental revenues?
13. How does MVCA think the community should be involved in priority setting? For example, lighting the football field vs. having a baseball field? What alternatives are there for Phasing other than what MVCA presented?
14. The plan says "field fences" will be erected in Phase 1. When not rented or in use by MVCA (during park opening hours), will the field and track be open to public use or locked up?

Additionally, I have discovered new things that should be addressed in public and on-the record:

1. The consumer product safety commission is currently investigating turf fields using crump rubber for possible cancer causing issues. Can MVCA assure that either crump rubber will not be used or it will wait until the CPSC issues a final report before installation of any field?
  2. The entire park area is a FEMA Special Flood Hazard Area. Flooding tends to destroy turf fields. What is the plan to address a flood such as happened in 1997? What is the impact of FEMA building requirements?
  3. The area has elevated methane gas and carbon monoxide emissions above the OSHA 8-hour time weighted average in 2015. Does it not reinforce the need for a full Phase 2 site assessment for the protection of the residents?
  4. There were some items on the 1/10/2017 plan map that was approved that were not legible. Zooming in, I found those notes said that the walking path and the shelter house by the lower parking lot would be demoed. Neither was indicated as being replaced in the Phases. It said the existing bathroom would be demo'ed and relocated. That is not in any of the Phases. These points conflict with the Phases on the on 1/10/2017 plan you approved. Why were there so many discrepancies in only 4 pages?
- End of Chris Hicks reading. End of audience participation.

## MVCA Short Park Development Update

Mr. Tom Rhodenbaugh read the below:

Eighteen months ago the Village of Newtown & MVCA entered into a joint venture agreement with the goal to put several amenities into Short Park that could be used by the community and the school. This agreement was entered into after a 74% favorable vote by the citizens of Newtown for council to negotiate with MVCA for such amenities.

Recently, many Newtown residents received some letters from Mr. Hicks, (a non-resident of Newtown and FORMER MVCA parent) distorting the project and trying to put MVCA and Newtown in a bad light. He made some assumptions and innuendos that are just not true. Mr. Hicks has said his goal is to kill the project, in other words crush the dreams of the many who have donated to the project, crush the dreams of those that have dedicated hundreds of hours to improve the park, crush the dreams of the current and former MVCA students, and kill a project that clearly the majority of Newtown citizens want!

I asked to speak tonight to set the record straight. I want to assure the Newtown citizens that we are on track as far as progress.

So – The goal 18 months ago and still now is to fulfill every amenity that was planned for in the park. MVCA has not backed off that goal and we have staff & volunteers working every day to make this dream a reality. We spoke in BIG picture terms as we entered the agreement. The goal was to add and move amenities – there were no specifics as to the detail of those amenities.

The plan was & is to build an all weather field capable of playing soccer, Lacrosse, & football on as well as a separate baseball diamond. Fields both MVCA and the community will use that can be rented to drive income for both the village and for MVCA to help pay for ongoing maintenance.

Around the all purpose field will be a track, we will have some viewing stands, and lights. There will be a walking bridge to MVCA so additional parking can be used at school. The basketball courts will be made new and relocated to zone 3. The parking lot in the park will be expanded, reinforced and blacktopped. Bathrooms will be expanded. This was the plan originally and this still is the plan -- MVCA has not backed off that plan one bit.

The projected cost of this is estimated at +/- 2.3million dollars. We started raising money 18 months ago – we could not start to raise money until an agreement was actually signed. This happened Sept 22, 2015. We are now 18 month into an agreement that allows 60 months to complete all of the work. None of the work is hugely complicated and after the upfront details of permitting, zoning, and bidding which take a bit more time, but the amenities can then be installed rather quickly. At month 18 (which is 30% of the allotted 60 months in the contract to complete the entire project) we have 65% of the funds.

Let's not let someone else write an artificial time table without the data to make it sound like we are dragging in our plans or commitments. Let's be clear - we do not want to wait 60 months to finish and do not intend to take that long to complete the contracted work. We are certainly pressing to finish sooner.

So, how are we doing on funding? Based on the cash on hand, the cash commitments good upon call we have \$1,450,000 dollars to spend after holding a little back for park maintenance expense.

Fund raising is hard work – and we are working hard. We are very satisfied with our progress and also very impatient. Once we get all the money we get all the amenities and many folks benefit

Now let's talk about our actual project progress. Let me mention: To this point all of the planning, engineering, architectural support, construction consulting and estimating has all been donated to the project by volunteers.

Ok - We started where we should start. With appropriate environmental testing. This was paid for and done by an independent environmental company. We had what is called a Phase I study completed. That study recommended we follow up on two items – a review of the records of methane gas levels. And soil testing for Arsenic. The historic record indicated that the park use to be an orchard and in the past orchards were sprayed with pesticides that contained arsenic so it was recommended we test the soil for arsenic.

We followed up on both matters and after concluding neither of these issues was in fact a safety issue the environmental company we used concluded the ground was likely safe for the intended use and recommended no further testing.

The next key requirement was to get the permission of the Ohio EPA to build on the site. Ohio EPA takes a look at many projects, particularly project sites that were once landfills. Based on the objective facts the Ohio EPA has granted permission to move forward with this project.

Today we are at the point of submitting for zoning and building permits. We have had several good meetings with the city's planning officials and we are working through these permitting details.

At the same time we are working closely with the Village on finalizing a BID package so we can advertise for bids. I anticipate we are about four weeks away from advertising the bidding process. Once we have bids in hand we will be able to know our specific cost vs. our estimated cost and we can get much more specific about what can be initially built.

The agreement was written to allow phases and we intend to build in phases. That said, since the last meeting, the Village and MVCA have agreed, or code has dictated, some modifications to the proposed phases we shared last time. Folks – it is all a process, a process that has ups and downs and unexpected turns; both negative and positive. But the school is committed to reaching the initial goal set months ago when we canvassed the Village asking for residents to support the project. We do not intend to let the village down and we certainly expect and plan to complete the entire project. Any suggestion that this is not so is simply untrue.

As many of us know Mr. Hicks has sent two letters to many, maybe all of Newtown's residents. I could go through Mr. Hick's letters item by item and for the most part dispel the fear and accusations in his letters. That would only serve to make this a fight. We desire facilities, not a fight. We want to be positive, not negative. And we appeal to Mr. Hicks to stop his witch hunt, to stop trying to road block the project, and let the will of the people take place.

That said I do want to acknowledge where Mr. Hicks has caused some change that is legitimate. The agreement does require transparency that we have not done a good job in following. Why is that – poor communication and misinterpretations!

We have not been as transparent as the agreement requires. Now, Mr. Hicks will say "How could you be that stupid" or "how could you sign an agreement you do not understand". Well -I will tell you how. We misinterpreted the answers to our questions.

The agreement as written had a mistake from the start. It cited the wrong Ohio code about 'public meetings'. It was never the intent that as the planning work proceeded that the work had to be done in public meetings. Knowing of this mistake we asked to be certain "do we have to have open meetings" the answer was no. But here is where we messed up. We interpreted this to mean that our planning and our documents did not have to be public. This is not so.

Mr. Hicks has correctly pointed this out and as of today we have turned over more than 500 pages of documents, notes, drawings, e-mail and such that we have created in the last 18 months of planning. Going forward we understand that we need to be transparent with documents we create. Mr. Hicks is correct that the agreement does require this transparency – we now understand this and we agree.

Just one last point I wish to bring up. The agreement specifies forming a five member committee. You may have heard how reckless MVCA has been in not naming our committee members 'upon entering the agreement'. It has been incorrectly stated that this committee is to make decisions about the project. This is not true. The committee is ONLY to decide how to USE the amenities in zone 1 & 2 for non-MVCA events. Its function is managing activities once we have amenities to use. The committee has no work until we have amenities to use and thus has never met. And for the record we did formally name our two members last August. My hope is I have given a clearer picture of the project, the progress and the goals.

I want to thank you for your time and allowing me to share. I apologize for reading much of this but I think the words are important and I wanted the record to be clear. At this point would anyone like to ask any questions?

End of Tom Rhodenbaugh's reading.

Mayor Kobasuk asked Mr. Rhodenbaugh to elaborate on the fundraising. As he understands it, MVCA has 1.5 million dollars in hard callable funds, cash in the bank, a loan and commitments they can call upon. Mr. Rhodenbaugh said that is correct. The numbers will not be perfect for the record, but MVCA has some \$330,000 in cash, a .5 million dollar unsecured loan commitment from a donor and the balances commitments that are callable this year; money that is readily available. Mayor Kobasuk said, as Council will agree in the upcoming addendum, MVCA will give the Village reasonable assurance that they have financial resources to satisfy the obligations. The addendum lays out Phase I of the project. Mayor Kobasuk reiterated that the Village of Newtown and MVCA are committed to transparency.

Mr. Tiettmeyer asked Mr. Harten to comment on Zone 3 since this zone is the Village's responsibility. Mr. Harten said Zone 3 was delineated as a separate zone, not to tie it necessarily to the MVCA agreement because it's the remainder of the park, not part of zones 1 and 2. A contract to engage with Gilb Landscaping to do a conceptual plan for Zone 3 to relocate the baseball field, the swing set area and layout various options has been approved by Council. Mr. Harten will report back to Council options for Zone 3 once Gilb has completed the plan.

#### Ordinance for Obligation Bonds (Reported by Curt Tiettmeyer)

An Ordinance for issuing general obligation bonds will be presented at the 3.28.2017 Council Meeting.

#### Council Checklist

**Mr. Tiettmeyer made a motion to approve the 3.14.2017 Council Checklist for \$206,161.64, seconded by Mr. Fairley. All Aye. Motion Carried.**

#### Bid Process Draft (Reported by Curt Tiettmeyer)

A draft of a Bid Process, including a Purchasing Policy and Procurement Guidelines was presented to Council. Mr. Tiettmeyer asked Council to review and be prepared to implement the process at the 3.28.2017 Council Meeting. Mr. Fairley noticed on the Purchasing Policy, under the Purchasing Threshold of \$501 to \$1000, it states at least two to three written quotes must be attached, then on the Procurement Guidelines under Any Class 3, it says at least three qualified suppliers. He asked if this was a conflict or if it was intended. Mr. Tiettmeyer said Class 3 should have been modified to 2-3 quotes. Mr. Tiettmeyer said the intent was to have two quotes, as there have been circumstances where we have not been able to obtain a third quote. It also depends on the type of service; in the past, there has been an instance where there was only one provider.

Ordinance, 2017 Appropriations

**Mr. Tiettmeyer made a motion to have the Third and Final Reading of ORDINANCE NO. 07-2017 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. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Hamilton County Tax Incentive Review Council (Reported by Curt Tiettmeyer)

HCDC is charged with convening the Hamilton County Tax Incentive Review Council (TIRC) to monitor the compliance of active enterprise zone agreements and community reinvestment area agreements. Cheryl McConnell and Keri Everett were appointed to serve on the 2015 and 2016 TIRC Board; members must be reappointed annually. Representatives must be a Newtown resident and appointed by local legislative authority. Mr. Tiettmeyer recommended that Fiscal Officer Keri Everett remain as one of the representatives. Becky Fairley administers the annual process for Gerry Stoker, CRA Housing Authority, to submit the annual report to the Ohio Development Services Agency. Two members will be formally appointed at the 3.28.2017 Meeting.

Resolution, Amendment CRA Agreement w/OSI Enterprises

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. 11-2017 A RESOLUTION APPROVING AN AMENDMENT TO THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF NEWTOWN AND OSI ENTERPRISES, LTD. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution, Second and Final Reading, Participate in Hamilton County WeTHRIVE! Initiative

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

**Mr. Zornes made a motion to have the Second and Final Reading of RESOLUTION NO. 12-2017 A RESOLUTION AUTHORIZING THE VILLAGE OF NEWTOWN TO PARTICIPATE IN THE HAMILTON COUNTY PUBLIC HEALTH WeTHRIVE! INITIATIVE RELATED TO EMERGENCY PREPAREDNESS. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Division of Assets w/ LMJFRD (Reported by Daryl Zornes)

Mayor Kobasuk received a letter from Auditor Dusty Rhodes approving the Division of Assets and Apportionment of Indebtedness of the Little Miami Joint Fire and Rescue District. Hamilton County Auditor's office reviewed the Agreement and consulted with the Hamilton County Prosecutor's Office. The Agreement confirms the allocation percentage of 39.956% based on the taxable duplicate of each district at the time of withdrawal. The Agreement identifies the assets, both real and personal, and the liabilities and establishes the value of each. The Agreement recognizes the Village of Newtown's obligation to make payments toward the general long term debt issued by the LMJFRD. Per the letter, the Hamilton County Auditor's office believes that the statutory obligations have been outlined and met in the Agreement as required by O.R.C. Section 505.371.

Emergency Operations Training (Reported by Daryl Zornes)

The Anderson Township Fire Department will be having training sessions March 20 thru March 22 at the Emergency Operations Center on Five Mile. Information was distributed to Council. Mr. Zornes encouraged Council, Police and Maintenance to attend.

Paddlefish Harvest (Reported by Joe Harten)

Big Fish Farms has been working on harvesting this year's crop of paddlefish – they are expected to finish up in the fall of this year. The Village of Newtown will receive compensation based on the harvest yielded. Mrs. Rene Koerner will report to Council in the fall and present a proposal to host a new crop of young paddlefish at Lake Barber.

Ordinance, Addendum to Agreement w/MVCA (Reported by Joe Harten)

In June 2015, the Council of the Village of Newtown passed Ordinance No. 12-2015 which authorized the execution of a Joint Venture Agreement with Miami Valley Christian Academy to govern the construction and operation of a new sports complex at Short Park in the Village of Newtown.

Solicitor Supinger stated some of the changes in the addendum, which address some of the issues recently raised about the Agreement. 1) Confirms the effective date as being Sept. 22, 2015. 2) Section 2.4 of the Agreement was amended. In the original Agreement there was a reference to ORC Section 121.22, which deals with open meetings. Ms. Supinger had learned this was an open error on Solicitor Miller's part and an incorrect reference to the ORC. The code section that should have been referenced is ORC Section 149.43, which is the obligation to maintain public records. 3) Section 4.8 has two changes to the original Agreement: a) the Agreement anticipated only using competitive bidding to do all of the construction and infrastructure improvements on the site. Ohio municipalities actually have more options than simply competitive bidding. One of those options is the ability to participate in a joint purchasing program, in which the services are competitively bid, but they are bid on a national level and secured and the contracts are held for a series of years and it allows villages, municipalities, schools, a

501(c)3 and those type of entities to do a direct purchase, rather than bidding out the project. This change was added to provide some additional flexibility in securing some of the contracts for the project, b) second change in the paragraph is once the costs come in and before MVCA enters into any contracts, they will have to demonstrate to the Village they have the financial resources to meet its obligations under those contracts. The last change deals with improvements anticipated to be completed in the First Phase of the project. (1) all earthwork necessary for Zone 1, Zone 2, and Zone 3, which shall be completed under the oversight of an engineer experienced in earthwork projects involving a capped landfill; (2) installation of the all-purpose field; (3) installation of the track; (4) construction and installation of permanent restroom facilities; (5) construction and installation of stands/bleachers; (6) field lighting; (7) construction of the pedestrian bridge. If, upon receipt of bids or cost estimates for the project, MVCA determines that any of these items must be completed in a subsequent phase, it shall advise Newtown and reach an agreement with Newtown regarding which items must be completed in the First Phase.

**Mr. Harten made a motion to suspend the rules; Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

**Mr. Harten made a motion to adopt ORDINANCE NO. 08-2017 AN ORDINANCE APPROVING AN ADDENDUM TO THE AGREEMENT WITH MIAMI VALLEY CHRISTIAN ACADEMY TO CONSTRUCT A SPORTS COMPLEX AT SHORT PARK AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

It's very important for a small village to retain its businesses and major taxpayers and we are trying to retain a very good resident of Newtown, stated Mayor Kobasuk. MVCA is one of our significant tax-income generators. We go out of our way to attract businesses. Recently, Urban Grill on Main, Chica Sports, Doscher's Candies and Angel's Care Retirement Home chose to locate their businesses to Newtown. Mr. Tiettmeyer said our budget depends heavily on wage taxes, probably 80% if not more, which aids in Newtown keeping property taxes at such a low rate. Wage taxes are provided by people who either work or live in the village and pay our income tax. Mayor Kobasuk said Council did their due diligence on the MVCA Joint Venture. June 2014, the Village paid for an appraisal report with White Appraisal. The report concluded that a full sports complex would not diminish property values.

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

#### Council Minutes

**Mr. Short made a motion to approve the 02.28.2017 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

#### Ordinance Establishing Village Administrator Part-Time Position

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

**Mr. Short made a motion to adopt ORDINANCE NO. 09-2017 AN ORDINANCE ESTABLISHING THE POSITION OF VILLAGE ADMINISTRATOR FOR THE VILLAGE OF NEWTOWN, APPROVING A JOB DESCRIPTION; THEREFORE, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

#### Discussion

Solicitor Supinger explained that this position is created statutorily; therefore, the job description mirrors what is required by Section 731.141 of the ORC and other applicable statutory provisions. Council can impose additional duties as long as it doesn't conflict with other sections of the ORC. This is a part-time position (less than 28 hrs/wk). The Village Administrator will be designated as the purchasing agent for all Village offices, departments, divisions, boards and commissions. Mayor Kobasuk said this is about the broadest job description we could approve for this position.

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

#### Ordinance, Second and Third Readings, Amending Personnel Policies

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

**Mr. Short made a motion to have the second and third readings adopting ORDINANCE NO. 10-2017 AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL IN ORDER TO ADD A SICK LEAVE DONATION POLICY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

#### Planning Commission (Reported by Cheryl McConnell)

Planning Commission will have a Public Hearing at their March 23<sup>rd</sup> meeting at 6:00pm. The proposed zoning code changes will be reviewed. Planning will decide on the changes and make their recommendation to Village Council. Council will then have a separate Public Hearing. An applicant is requesting approval to use the first floor for a Comey and Shepherd office, while maintaining the two second floor apartments at 6809 Main Street.

Resolution, Agreement w/Brandstetter Carroll, Inc.

This agreement is for professional engineering services related to the 2017 Street Improvement Program.

**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. 13-2017 A RESOLUTION APPROVING AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. FOR ENGINEERING SERVICES RELATED TO THE 2017 STREET IMPROVEMENT PROGRAM. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution, Agreement w/Brandstetter Carroll, Inc.

This agreement is for professional engineering services related to the Ragland Road Storm Water Improvement Project.

**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. 14-2017 A RESOLUTION APPROVING AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. FOR ENGINEERING SERVICES RELATED TO THE RAGLAND ROAD STORM WATER IMPROVEMENT PROJECT. Mrs. McConnell seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Storm Water Utility Appeals Board (Reported by Terry Fairley)

The Storm Water Utility Appeals Board shall hear and determine any disputes or complaints filed by property owners or their designee concerning the Storm Water Utility Program. The Board shall consist of three voting members: (1) Village Council Member, (1) Village Citizen and (1) Village Business Owner or Designee.

**Mr. Fairley made a motion to appoint Councilman Curt Tiettmeyer, resident Myra Mitchell and business owner designee Adam Hater, General Manager of Jones Fish Hatcheries to the Storm Water Utility Appeals Board. Mr. Harten seconded the motion. All Aye. Motion Carried.**

Salt Purchase for 2017-2018 Fall/Winter Season (Reported by Terry Fairley)

Due to this year's mild winter, our salt reserves were maintained; therefore, we only need to order 102.88 tons at \$51.51 per ton.

**Mr. Fairley made a motion to approve \$5,299.35 to Morton Salt for 102.88 tons of bulk Safe-T-Salt for the 2017-2018 Fall/Winter season. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

Closing on Fire Station w/LMFRD

Mayor Kobasuk said Solicitor Supinger brought to his attention that at the closing on the fire station we should acquire title insurance. Estimated amount is \$11,500. Mrs. Supinger received an email from attorney Doug Miller last week advising that we needed to set the closing on the fire station property, but also advised there had been no title commitment or discussion of title insurance. Mr. Miller recommended purchasing the title insurance, since the building is valued at 3.4 million dollars. Mrs. Supinger said, from a commercial standpoint, it would be a requirement to have title insurance on a building worth that much money. Mr. Tiettmeyer said the \$11,500 would be taken from the fire fund.

**Mr. Tiettmeyer made a motion to approve purchasing title insurance for the fire house; amount not to exceed \$11,500. Mr. Short seconded the motion. All Aye. Motion Carried.**

Executive Session

**Mr. Short made a motion to enter into Executive Session at 8:07pm; pursuant to O.R.C. 121.22 G1. Mr. Fairley seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Mr. Fairley wished Mrs. Fairley a very Happy Anniversary!

Mr. Short made a motion to reconvene the Council Meeting at 8:35pm; no action to be taken. Council adjourned.

Transcribed by Becky Fairley