

The May 10, 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.

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| Council Members: | Curt Tiettmeyer (Vice Mayor) | Chuck Short | Solicitor: Doug Miller |
| | Daryl Zornes | Cheryl McConnell | |
| | Joe Harten | Terry Fairley | |

Cub Scout Pack 550

Cub Scout Pack 550 is sponsored by MVCA. Scott Ruotolo, Pack leader of Cub Scout Pack 550, presented Mayor Kobasuk and Village Council with an Ohio state flag. Scout Pack 550 proudly had their picture taken with Mayor and Village Council.

Fire Safety Update (Reported by ATFD Fire Chief Mark Ober)

An update with response data was presented by Chief Ober. It's been four months since ATFD began serving the Village of Newtown and everything is going well; service is being maintained in both communities. On April 28th within a 24-minute period, ATFD responded to three EMS incidents in the Village of Newtown. Chief Ober attended the recent Newtown Business Association meeting and offered assistance with any issues that may arise. Inspections were also discussed.

Lake Barber, Village Insurance

The Village's property and liability insurance coverage is through The Ohio Plan. Karie Novesl with Hylant is the agent. Ms. Novesl talked about insurance coverage pertaining to Lake Barber. The policy covers anything the Village would be negligent in. The Village owns Lake Barber and can decide how to utilize the lake. The Village of Newtown is a public entity with certain immunities pertaining to ownership or use of properties. As long as the Village is not negligent and has not done anything to create the issue, there is recreational user immunity as well. This applies to anyone in the state, whether a public entity or a property owner. If one allows someone to come on their land and use it recreationally without charging a fee there is immunity. A local company is interested in using Lake Barber for competitive swimming and triathlons. The Ohio Plan decided it's easier to allow swimming at an "at your own risk" level versus trying to limit allowing various groups to do it. Ms. Novesl offered Hylant's assistance with designing proper signage. The Village's insurance will not cover the negligence of a company's employees. Newtown would be covered under an entity's insurance if a user agreement was implemented, stated Mayor Kobasuk. Ms. Novesl said that is correct and Newtown would want to ask to be an additional insured and provide the Village with proof of liability. Newtown could also require a limit to what is believed to be adequate. Ms. Novesl believes Newtown is adequately covered with the current limits of \$4 million per occurrence with a \$6 million aggregate. Newtown could require one to carry a minimum of a \$1 million with a \$2 million aggregate or more.

Ms. Novesl suggested meeting with the risk managers and underwriters so everyone understands the expectations and what is all covered. The only issue The Ohio Plan ever had with Lake Barber is not its existence or the Village's ownership of the lake; it's the fact that Evans and the Eureka Ranch utilize it for their purposes. Ms. Novesl said the agreement with Mr. Evans needs to be reviewed and amended with the Village of Newtown. The biggest thing is the waiver of subrogation within the Village's agreement. Ms. Novesl said Ohio public entities aren't permitted to waive their right of subrogation and are not allowed to hold anyone harmless. Mayor Kobasuk thanked Ms. Novesl and said Becky will be in touch to set up a meeting.

Storm Water Study (Reported by Mayor Kobasuk)

Mr. Brandstetter indicated the measurements of the non-residential impervious properties should be completed in four weeks.

Memorial Day Parade

The Memorial Day Parade will take place on Memorial Day, Monday, May 30th at 10am. The annual parade is sponsored by the Newtown Veterans Association. A float will be provided for Village officials, past and present. All are welcome to participate in the parade – line-up begins at 9am at MVCA. Mayor Kobasuk reminded everyone to provide the candy they wish to throw from the float.

Zoning Code (Reported by Mayor Kobasuk)

Gerry Stoker was asked to provide a proposal to review the Zoning Code. Once the proposal is received, Mrs. McConnell will bring it to Council for consideration.

Lake Barber – Enforcement (Reported by Mayor Kobasuk)

Mayor Kobasuk, Chief Synan and Lt. McBreen met with Solicitor Miller prior to the Council meeting to discuss enforcement at the lake. Good ideas were presented, definitions need to be revised, and gated access to the lake was also discussed. Lt. McBreen spent a lot of time looking at how different communities operate their lakes. Mayor Kobasuk suggested having a Work Session at the 5.24 Council Meeting to discuss various options. While Lake Barber is not contiguous to the Great Parks, Jack Sutton, Executive Director of Hamilton County Great Parks offered to walk the lake with their risk manager. Mayor Kobasuk will inform Mr. Harten of when Mr. Sutton is available. Discussion will continue at the 5.24.2016 Work Session.

National Police Week (May 15 thru 21, 2016)

Mayor Kobasuk read the following Proclamation and thanked the Police Department for their service to the Village. Flags will be flown at half-staff on Police Memorial Day, May 15th.

Proclamation

WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

WHEREAS, the members of the Newtown Police Department play an essential role in safeguarding the rights and freedoms of the Village of Newtown; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Newtown Police Department unceasingly provide a vital public service;

NOW, THEREFORE, I, Mayor Mark Kobasuk of the Village of Newtown, Ohio, call upon all citizens of Newtown and upon all patriotic, civic and educational organizations to observe the week of May 15 through May 21, 2016, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of Newtown to observe Sunday, May 15, 2016 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Village of Newtown, Ohio to be affixed.

Mark Kobasuk, Mayor
Village of Newtown, Newtown, Ohio

6840 School Street Property Update (Reported by Mayor Kobasuk and Solicitor Miller)

Pinnacle Environmental Services performed the environmental testing; we should receive the results next week. Solicitor Miller sent a contract for the purchase of the lot. He said doing so will allow for the demolition in the meantime. Personal items are being removed from the property. The Rosemary Clooney House in Augusta, Kentucky has offered to remove the valuable artifacts and military relics from Mr. Murray's garage. They have offered to provide an apartment above the museum for Mr. Murray to live in.

Division of LMFR Assets Update (Reported by Solicitor Miller)

After meeting with the Bond Counsel, it looks like we will not want to refinance since they are Build America bonds, which means a portion of the interest is refunded to the district. It would also be hard to beat the interest rate. Assets are still being reviewed and an agreement is being worked on. The plan is to take care of the buildings – the County Auditor would be pleased if we can arrive at an agreement with the Fire District to divide the remaining assets.

Lake Barber – Revolution Fitness

Solicitor Miller said he became concerned and talked to Mayor Kobasuk about the liability issue when the Village's insurance carrier, Hylant Administrative Services came back and said the Village has no coverage for any activities Revolution Fitness may be conducting on the property. Solicitor Miller is also concerned that the Village may not be named as an additional insured on their policy. Solicitor Miller sent a letter on May 6, 2016 informing Ms. Mary Beth Knight, Revolution Fitness that the Village has not granted her nor Revolution Fitness permission to use the Lake Barber property for any activities. The letter also stated that the lake and surrounding property is not available for commercial activities at this time. The letter also said to terminate any activities that are being conducted on the property and remove all references to Lake Barber from their website and other advertising materials immediately. Use of the Lake Barber property by Revolution Fitness' customers would require approval by Village Council, a written Agreement, and proper insurance being established. Mayor Kobasuk said we need to protect the Village from liability. If we have no coverage with the current situation we have to tell Ms. Knight to stop. Solicitor Miller said there is too much risk and he wasn't comfortable not being listed on their policy. Mr. Harten said he agreed the letter needed to be sent, but from a business relationship standpoint, a phone call to the business owner would have been appropriate. Mayor Kobasuk told Mr. Harten that he had received the letter and he didn't think of making a phone call with it being the weekend. Mayor Kobasuk had requested that Ms. Knight send her insurance policy for review if some type of motion is to be pursued. As of this evening, Mayor Kobasuk has not received anything regarding Revolution's insurance.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 5.10.2016 Council Checklist of \$88,510.45, amended to include \$47,916.67 to ATFD for Fire/EMS services, total Checklist \$136,427.12. Mr. Harten seconded the motion. All Aye. Motion Carried.

Board of Zoning Appeals (Reported by Daryl Zornes)

The BZA met Wednesday, April 27th at 6pm. The BZA granted a variance to MVCA for the placement of a sign at the corner of Church Street and School Street.

Police Department Annual Luncheon

Mr. Zornes made a motion to approve \$200 for the annual luncheon, Mr. Short seconded the motion. All Aye. Motion Carried.

Police Department

Mr. Zornes made a motion to approve \$2,940 for the annual purchase of ammunition. Mr. Short seconded the motion. All Aye. Motion Carried.

Lake Barber (Reported by Joe Harten)

C.N. Lorentz, Ph.D., Professor-Department of Biology of Thomas More College submitted a proposal to conduct an electrofishing and water quality survey of Lake Barber. This surveys the biological diversity of the lake as measured by the types, sizes, and conditions of fish and other aquatic species. The survey will give a good baseline and disclose the overall health of the lake. It is recommended to repeat the survey every four to five years. After discussion, the following motion was made:

Mr. Harten made a motion to engage Professor Chris Lorentz and the Thomas More College Biology Department to investigate the fish populations in Lake Barber for a cost not to exceed \$2,625. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Lake Barber (Reported by Joe Harten)

Mr. Harten presented a proposal outlining current access rules and proposed access rules. We can build on the current procedure we have in place for rentals and activities in regards to our other parks. Mr. Tiettmeyer said the revenue collected from park rentals is used to offset expenses and we would do the same here. Mrs. McConnell said Council can find a way to use the lake that benefits everyone. Discussion will take place at the 5.24.2016 Council Work Session at 7pm.

Drone Use in Village Parks (Reported by Joe Harten)

Council is considering regulating drone use in Village parks. Mr. Fairley said the FAA has restrictions on unmanned small aircraft. Mayor Kobasuk will research the topic and report back to Council.

Council Minutes

Mr. Short made a motion to approve 4.26.2016 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.

Salary Ordinance

Newtown Council wishes to change the rate of pay for Charles Morgan to reflect his new position of Maintenance Supervisor and Street Commissioner.

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

Mr. Short made a motion to approve ORDINANCE NO. 11-2016 AN ORDINANCE INCREASING THE RATE OF PAY FOR CHARLES MORGAN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes. Motion Carried.

Planning Commission (Reported by Cheryl McConnell)

Planning Commission met Wednesday, April 27th at 7pm. following the BZA meeting. Fencing near the Little Miami trail at 3609 and 3619 Debolt was approved for Great Parks of Hamilton County. Several members of the Planning Commission have met regularly with Gerry Stoker for pre-planning consultations with those interested in various properties in the Village. These meetings have streamlined the entire process for the Planning Commission where one's interest goes to the next level where formal applications are then made. Mrs. McConnell wanted to thank Mr. Stoker publicly and said this is a new way of doing business in Newtown.

Village Beautification (Reported by Cheryl McConnell)

Shannon Adams, My Flower Service plans to plant the Village pots in time for the Memorial Day Parade.

Maintenance Department

Mr. Tiettmeyer recently visited the Maintenance shop on Debolt and was impressed at the progress that has been made in cleaning up the shop, inside and out. Mayor Kobasuk said promoting Chuck Morgan was the right thing, as he has taken a passion for his work in the Village.

Mr. Fairley made a motion to adjourn at 8:12pm. Mr. Short seconded the motion. Motion Carried.

Transcribed by Becky Fairley