

Call to Order/Pledge of Allegiance/Attendance

The May 22, 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.

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

Special Presentations

Swearing-in Part-time Police Officer

Mr. Short made a motion to hire Tanner D. Luck as a part-time police officer. Mr. Zornes seconded the motion.

Mayor Mark Kobasuk delivered the Oath of Office to Tanner Luck. Mr. Luck will serve the Village of Newtown as a part-time police officer. Everyone applauded and welcomed Tanner to Newtown.

Approval of the Minutes

Mr. Short made a motion to approve the 5.8.2018 Council Minutes; motion seconded by Mr. Zornes. All Aye. Motion Carried.

Anderson Township Fire & Rescue Department Update

Fire Chief Mark Ober gave a report on the first trimester (January thru April) 2018. Year-to-date, 1,738 total responses have taken place. These responses represent various incidents: fire, explosion, rescue/EMS, hazardous conditions, service calls, good intent, false alarms, severe weather and other.

In a recent training exercise, the fire hydrant could not be shut off. Greater Cincinnati Water Works had to be called to shut the hydrant off, in the middle of SR32. The shutoffs have been located (on the western part of the property) and marked. The shutoffs have been there since the building was the old E-Check building. FYI: There is about 230 psi (pounds per square inch) in the Village.

Chief Ober said Station 22 has been a huge asset for ATFD and now use it for a lot of their training sessions. Since the fire hydrant is back to the north of the building and not to the front of the complex, Chief Ober asked Council to consider installing an additional fire hydrant out front. This fire hydrant would not only be used for training purposes, it would also be used for fire protection in the area so SR32 would not have to be blocked for the businesses. A bid of \$12,742 was received from the Ford Development Company. Mayor Kobasuk asked if ATFD would split the cost with Newtown. Chief Ober agreed.

Mr. Zornes made a motion to split the cost of \$12,742 with Anderson Township Fire & Rescue, for Ford Development to install an additional fire hydrant along the existing fire line. Mr. Short seconded the motion. All Aye. Motion Carried.

Engineering Services – Project Status (Presented by Bruce Brandstetter)

1. Ragland Road Culvert: Efforts continue to obtain remaining easements
2. 2017 Street Paving Program: Punch list items to be complete in spring. BCI will drive project w/JR Jurgenson
3. 2018 Street Program
 - Includes Leonard, Crull, West, Plum and Crawford
 - Per field visit w/TFairley 4/28/18, Leonard Street from Plum Street to Main Street is not included
 - Bids will be advertised on 5.18 and 5.25, opened on June 11 and presented to Council on 6/28
 - Duke is replacing the mainline gas this summer. Services were recently replaced. Paving take place September
 - BCI will meet w/GStoker regarding Duke permits
4. Lake Barber Pathway Repairs
 - BCI and Councilman Fairley visited site on 4/28.2018
 - Bids to be advertised May 18 and 25, opened on June 11 and presented to Council on 6/28
 - Village and Hydro Systems Co. are coordinating on site access. Contractor to provide gravel drive from parking lot to trail
5. SR32 East Storm
 - Storm design will be dependent upon if curb or roadside ditches. Speed study will guide that

6. ODOT SR32 Safety Grant

- Right turn lane on Little Dry Run, eastbound and widening SR32 east corporation from LDRun Road
- A speed study will be done this week and could influence the design on the widening on SR32
- ODOT is paying 90% of project. BCI is requesting lump sum \$47,699; ODOT's share of Stage 1 is \$42,929.10 and Village of Newtown's share is \$4,769.90. BCI's agreement shall be directly w/ODOT, not the Village of Newtown.
- Draft proposal to Village on 5/18/2018 for Council discussion on 5/22
- With federal funding, ODOT will provide the consultant agreement

7. 2016 Paving Program

- Site meeting held 5/10 – J.K. Muerer is replacing curbs in the Clusters this week

8. Miscellaneous

- Legislation for ODOT funded signal equipment was adopted at the 5.08 Council Meeting
- BCI is obtaining quotes for the wood lagging replacement and masonry wall repairs on Little Dry Run

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.

MAYOR / COUNCIL REPORTS

Signage – Fire Department and Police Department (Reported by Mayor Kobasuk)

Becky is working with several sign companies sourcing new signs for the Police Department and Fire Department (Station 22). Once completed, renderings of the proposed signs will be brought to Council.

Ivy Hills Country Club – Maintenance Agreement w/Village of Newtown

Mr. Carroll brought before Council a Maintenance agreement between the Village of Newtown and Ivy Hills Country Club (IHCC) to provide services to maintain the Little Dry Run ditch that runs under Ivy Hills Blvd. IHCC will clean the ditch as needed when silt builds up for a charge of \$650. The agreement states that prior approval from Village Council needs to be obtained before moving forward with cleaning the ditch. This agreement has been discussed in the past, but never approved by Council.

Mr. Carroll made a motion to approve the maintenance agreement to enter into ditch cleaning services with Ivy Hills Country Club for a charge to the Village of Newtown of \$650. Mr. Fairley seconded the motion.

Discussion

Mr. Short asked if this was on Ivy Hills Country Club's property or the Village of Newtown's property. Mr. Carroll said it is the sewer pipe that runs underneath Ivy Hills Blvd. Mr. Fairley said this is the 36" pipe in the Village right-of-way that the Village spent \$30,000 on not too long ago. Mr. Fairley said we had agreed that we would pay \$650 to keep the silt cleaned out so we wouldn't have to face another \$30,000 expenditure. Mayor Kobasuk recalled that the \$650 is much less than if the Village would pay if we did it ourselves.

All Aye. Motion Carried.

Mr. Carroll explained that he had an email from Kyle Williams, IHCC and Norb Mayrhofer also asked Chuck Morgan to take a look at the silt buildup to the overflow. IHCC would like to make a request to proceed with the clean-out, pursuant to the above maintenance agreement.

Mr. Carroll made a motion to allow Ivy Hills Country Club to begin the process of cleaning out the silt in the ditch/pipe pursuant to the terms of the maintenance agreement. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Eastern Corridor Segments II and III

Council Member Don Carroll (Alternate: Mayor Mark Kobasuk) and Village Engineer Tim Brandstetter serve on the ANCOR/SR 32 Hill Focus Area Advisory Committee. This area is east of Burger Farms, as well as the Newtown Focus Area. The project continues with the ANCOR project to be focused on primarily two things: 1) intersection of Eight Mile Road and SR32 and 2) a redesign of that intersection. Mr. Carroll has schematics of the drawings for those interested. In addition to the new signaling, the committee is focused on the main intersections in the Village at Valley/Church Street, Valley/Round Bottom Road, Main/Church, Main/Round Bottom Road and Little Dry Run/SR32. Potential redesigns include an extra turn lane at LDR and the practicality and feasibility of roundabouts at all intersections.

Ohio Municipal League Update – Local Governments Budget Cuts

At the 4.10.2018 Council Meeting, Mr. Tiettmeyer talked about the reduction in local funding and its impact on communities. He encouraged everyone to talk to those running for public office for state senate and state representative about their position on Local Government Funding.

Below is the 05.18.2018 Update from the OML:

“According to Governing magazine, Ohio's local governments have experienced budget cuts at three times the national average. Arizona is the only state whose local governments have experienced larger budget cuts than Ohio.”

VILLAGE SOLICITOR'S REPORT

Small Cell Towers – HB 478 (Reported by Solicitor Supinger)

In December 2016, the state legislature passed HB 331, which stripped municipalities of the ability to control the location of small cell towers within their right-of-way's. A coalition of municipalities sued the state, challenged the state and successfully challenged the statute; in that case, it was because it had violated the single subject rule that had been slipped into legislation during the lame duck session of the general assembly. As a result, there has been a compromise reached between the Ohio Municipal League and the communities it represents in the state legislature. A new Bill was passed last month (HB 478), which still streamlines the process for the permitting of small cell facilities within the right-of-way but does give municipalities the ability to impose design standards and guidelines on how those facilities are installed. The Bill goes into effect on July 29th; at which time, Newtown would be governed by whatever is in place at that time, should we receive an application for a permit. If Newtown doesn't have anything in place, we cannot control what is being installed. Therefore, we can either have designed guidelines to govern the location, what it has to look like, what it has to be made out of, distance they have to be from one another, etc. Solicitor Supinger will construct a model of guidelines and present to Council at the next meeting.

R.I.T.A. (Reported by Solicitor Supinger)

Attorneys representing the cities and villages had been granted a twenty-day extension on their brief. I don't believe it has been set for oral argument, thus far.

PENDING / NEW LEGISLATION

Ordinance, Final Reading of Personnel Policies and Procedures

Mr. Short made a motion to adopt ORDINANCE NO. 13-2018 AN ORDINANCE AMENDING THE VILLAGE OF NEWTOWN PERSONNEL POLICES AND PROCEDURES HANDBOOK. Roll Call: Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes. Motion Carried.

Resolution, Agreement w/Hamilton County, Housing

Mr. Short made a motion to adopt RESOLUTION NO. 14-2018 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION WITH HAMILTON COUNTY, OHIO PURSUANT TO PROVISIONS OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED. Mr. Carroll seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes. Motion Carried.

Resolution, Agreement w/BCI, Master Plan for Short Park Improvements

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

Mrs. Williams made a motion to adopt RESOLUTION NO. 15-2018 A RESOLUTION APPROVING AN AGREEMENT WITH BRANDSTETTER CARROLL, INC. TO PREPARE A MASTER PLAN FOR THE IMPROVEMENT OF SHORT PARK. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes. Motion Carried.

OLD BUSINESS

Hydro Days: Council is considering Hydro's request of using Lake Barber for their annual Hydro Days held in August.

NEW BUSINESS

Checklist

Mr. Tiettmeyer made a motion to approve the 05.22.2018 Checklist for \$71,970.70. Mr. Fairley seconded the motion. All Aye. Motion Approved.

Executive Session

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

Mr. Zornes made a motion to reconvene at 8:10pm, seconded by Mr. Short. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes. Motion Carried.

Ordinance, Amending Ordinance No. 9-2018 (Salaries Personnel)

Ordinance No. 9-2018 established the rates of pay and salaries for Village personnel commencing March 29, 2018. Council desires to amend Ordinance No. 9-2018 as it pertains to the salaries of certain police department personnel commencing July 5, 2018.

Mr. Short made a motion to suspend the rules, seconded by Mr. Zornes. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-No, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes. Motion Carried.

Mr. Short made a motion to adopt ORDINANCE NO. 14-2018 AN ORDINANCE AMENDING ORDINANCE NO. 9-2018 PERTAINING TO THE SALARIES FOR VILLAGE PERSONNEL. Mr. Zornes seconded the motion.

Discussion

Council Member Terry Fairley

Mr. Fairley stated for the record that he did offer up a compromise since Council was at an impasse regarding the amount for salary increase. May 15th was Peace Officers' Memorial Day. On the evening news, Mr. Fairley witnessed a widow who was in tears because she would never see her husband and their children would never see their father again. And just yesterday in Baltimore, another officer was killed in the line of duty. Therefore, it gave him pause to research numbers from the U. S. Bureau of Labor Statistics. Police Officers are 75% more likely to suffer a fatal injury compared to all other occupations. And police officers are almost 80% more likely to suffer injuries compared to all occupations. As of today, in 2018, 57 officers have been killed in the line of duty, two of which were killed in Ohio. And these are some of the reasons I am voting the way I am tonight.

Council Member Curt Tiettmeyer

Mr. Tiettmeyer said he would like to go on record saying he will not supporting this increase. It is not because I do not support the police department; I appreciate everything they do. Mr. Tiettmeyer said he feels the proposal on the table is irresponsible from the finances of the Village.

Council Member Don Carroll

Mr. Carroll said when he and several council members ran for office in November, they ran on a six-point platform. One of which was to support the Village of Newtown police, which we all do. We also committed to achieve a balanced budget each year without raising taxes. I believe this proposal puts us at a fiscal risk; therefore, I will not be able to support the proposal.

Council Member Sarah Williams

Mrs. Williams said she also will not be able to support the proposal, much like Mr. Carroll. It is not a statement against the police. I respect and greatly appreciate the department. Mr. Carroll pointed out some of the platforms for running and along those lines, I will be representing the people that supported us by voting for us in November.

Mayor Mark Kobasuk

Mayor Kobasuk said he does not believe it is fiscally irresponsible. We are in a different world now with police officers being very hard to obtain. The cost of recruiting, training and equipping a police officer is \$7,000. The demand and the compensation of police officers has gone up. I would tell the voters that Mariemont pays patrol officers \$77,842, Fairfax pays \$72,358, Terrace Park is paying \$76,100 and Newtown is at \$62,004. We are making an adjustment to bring Newtown police officers up to \$67,000 and some change, which is the average of 38 jurisdictions in Hamilton County. The money is completely encompassed in the budget. It is covered by the Village Administrator's position. To me, this is very prudent to retain highly trained, highly useful police officers. Police Chief Synan made a recommendation and many of us are following his recommendation. The compensation remains dramatically below neighboring communities. I would remind the voters, twenty years ago, an initiative petition was passed where the voters of Newtown told Newtown officials to pay the police officers the average of Mariemont, Terrace Park and Fairfax. That is an indication that the residents want the police officers to be fairly compensated. This is not busting the budget and it is not even bringing up the Newtown patrol officers any where near the surrounding communities. We are trying to retain police officers and not have the added expense of \$7,000 plus to train and equip them. And the money is fully in the budget for this increase.

Council Member Chuck Short

Mr. Short said there has been comments about raising taxes. At no point in time, have we ever talked about the suggestion of raising taxes, at this point.

Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-No, Mrs. Williams-No, Mr. Fairley-Yes, Mr. Carroll-No.

Tie Vote: 3-3 Mayor Kobasuk breaks the tie by voting Yes.

Mr. Short made a motion to adjourn at 8:17pm. Mr. Zornes seconded the motion. Meeting Adjourned!

Transcribed by Becky Fairley