

The June 14, 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.

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

6840 School Street Property Update (Reported by Mayor Kobasuk)

Demolition has been completed – property will be seeded.

Memorial Day Parade (Reported by Mayor Kobasuk)

The Memorial Day Parade was better than ever – Mayor Kobasuk thanked Councilman Short for all of his efforts organizing the parade. It was an incredible event with a special fly over that was enjoyed by all. This annual parade shows such community spirit and makes Newtown proud!

The Ohio Checkbook (Reported by Mayor Kobasuk)

The Treasurer of the State of Ohio has launched OhioCheckbook.com – Newtown.OhioCheckbook.com a new website that allows Ohioans to search and share more than \$400 billion in checkbook-level state spending spanning the past seven years. In an effort to promote transparency, the Village of Newtown's data has been submitted. This information is posted by the State of Ohio at no charge to the Village.

Board of County Commissioner Todd Portune

The Honorable Hamilton County Commissioner Todd Portune thanked Mayor Kobasuk and Council for inviting him to talk about passenger rail service. This service from the Regional Rail System Plan in Hamilton County would serve the eastern half of the county. The OKI's Regional Council of Governments has had the Regional Rail Plan on its books and is a part of the 2040 Transportation Plan for years. This service would use existing track and right-of-way that has previously served a freight purpose.

Commissioner Portune attended a meeting at Anderson Township prior to coming to Council tonight. He said people were applauding and lauding Police Chief Tom Synan for his efforts with respect to the heroin epidemic. Chief Synan is the director of the Hamilton County Heroin Coalition Task Force. Mr. Portune said he was happy to see that the general public recognizes the leadership role Chief Synan has played in this effort.

The Eastern Corridor Oasis Rail Transit offers a new transportation alternative to the Greater Cincinnati region. Oasis Rail Transit is a commuter rail line that will transport residents, workers and visitors between downtown Cincinnati and the communities extending east through Hamilton County and into western Clermont County. Clermont County Board of County Commissioners is dedicating a minimum of 3 million dollars annually to its transportation improvement district for new transit investment, roadway improvements and otherwise. Clermont County is a full partner in the Oasis Passenger Rail proposal. Our region does not have a fully integrated multi-modal transportation system or jobs that are accessible by public transportation as other regions. Funding partners of the rail transit are Hamilton County, Clermont County, OKI, ODOT, SORTA and the City of Cincinnati. Additional studies need to be completed so these partners can make a decision as to whether take this project to the project development phase or not. Earlier in the year, ODOT decided it was not going to fund any more of the work since they have funded the better part of the study the past six years. ODOT feels it's time for the locals to step up to the plate and spend a little money and have skin in the game to complete the study. Since ODOT decided it was not going to move forward with any of the SR32 alternative roadway construction proposals, which most agree was a good decision, it has helped to hone in on the cost of the Oasis Corridor. It would take less than 1 million dollars for Hamilton County, Clermont County, OKI, SORTA and the City of Cincinnati to complete the study.

Mayor Kobasuk asked Commissioner Portune to state on the record his continued opposition to Martin Marietta mining under Broadwell Road. Mr. Portune was kind enough to sponsor a motion in 2010 opposing mining under the county-owned road. Mayor Kobasuk talked to Hamilton County Commissioner Chris Monzel and he supports Mr. Portune's position and the continued opposition to the tunneling. As the author of the motion and supporter of the resolution that was adopted July 28, 2010, Commissioner Todd Portune said his position stands and he remains opposed to the mining under Broadwell Road. Mr. Portune said he is still fully in support of all of the factual elements in resolved sections of the resolution previously adopted. Mr. Portune has asked the Board of County Commissioners to reaffirm that position in the form of a new resolution since the majority of the Board was not present for the adoption of the 2010 resolution. Mr. Portune has encouraged Commissioner Dennis Deters and Commissioner Chris Monzel to support the introduction and the passage of a resolution so that the Village of Newtown has a comfort of knowing an actual vote was taken by this new Board. Mayor Kobasuk thanked Commissioner Portune.

Mr. Portune serves as Vice-Chairman on the Board of Hamilton County Emergency Management and Homeland Security Agency. State of the art emergency warning notification system is in place for Hamilton County and has the ability to communicate through text and audible messages. Landlines are automatically enrolled to receive messages from EMA and through this service, but cell phone users need to register. In light of the June 12, 2016 shooting in Orlando, Florida, the Board realized the need to get the word out about this service. To receive alerts via cell phone, text the message "HCONOTIFY" to (888777). Mayor Kobasuk thanked Commissioner Portune for taking time out of his busy schedule to attend tonight's meeting. Commissioner Portune thanked Mayor Kobasuk and Council for the opportunity to speak.

Ohio's 2nd Congressional District - Congressman Brad Wenstrup

Field Representative/ Special Projects Coordinator Annie Wilkerson Cummins stopped by to remind Council that their office is there to help with various constituent services. They will try to assist if one is having trouble working with the Social Security Administration, the Department of Veterans Affairs, the IRS, Medicare, Disability or any other federal agency. They can also assist with expediting the process for passports. Mr. Harten and his son experienced first-hand the earthquake in Nepal, April 2015. He expressed his personal thanks to Mrs. Cummins and her colleagues for helping his wife get in touch with the U.S. Embassy and Consulate.

Ragland Road Drainage Issue

Mayor Kobasuk presented an updated sheet showing available funds for this project. Total available funds are \$440,000; however, this project was not appropriated for in 2016. The 2016 Appropriations would need to be amended through the Auditor's office, should Council desire to do this project this year. In an effort to not deplete the Street Fund, Council is considering a loan for this project. If the Storm Water Program is implemented, revenue from this program will be used to make the loan payments, explained Ms. Everett. Mayor Kobasuk said he is pleasantly pleased to see we have the money to do this project. No action was taken tonight. Mr. Tiettmeyer agreed spending all of these funds (\$440,000) would create a significant problem moving forward.

Letter to Board of County Commissioners

Solicitor Miller will revise the letter to the Hamilton County Commissioners asking them to support a new resolution opposing Martin Marietta mining under Broadwell Road. Mayor Kobasuk and Vice Mayor Tiettmeyer will meet with Commissioner Dennis Deters to see where he stands on the issue.

Board of Tax Appeals (Reported by Solicitor Miller)

The state legislature required that our Income Tax Ordinance be redesigned at the end of 2015. We are required to have a Board of Tax Appeals, which consists of three members: one of which is appointed by the Mayor and two appointed by Council. Ms. Everett said Mr. Tom Busse remains on the Board but the other two have moved out of the Village. Names for the Board will be submitted to Solicitor Miller, stated Mayor Kobasuk.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 6.14.2016 Council Checklist for \$183,227.20; Mr. Zornes seconded the motion. All Aye. Motion Carried

2017 Tax Budget

Mr. Tiettmeyer made a motion to have a First Reading of a RESOLUTION ADOPTING THE 2017 TAX BUDGET FOR THE VILLAGE OF NEWTOWN. Mr. Harten seconded the motion. All Aye. Motion Carried.

Mr. Tiettmeyer made a motion to have the Second Reading at the next Council Meeting. Mr. Harten seconded the motion. All Aye. Motion Carried.

Police Department Renovation Update (Reported by Curt Tiettmeyer)

Tumlin & Sons has been slow completing the punch-list. We are holding back over \$40,000, which will be paid when the job is 100% complete.

Fire Department Assets and Liabilities

Mr. Tiettmeyer first met with Acting Chief Terry Timmers in April. He and Solicitor Miller recently met with LMFR's attorney and the Acting Fire Chief. There is no progress to report but there is a good understanding of the remaining issues. There is a cash separation, a real estate separation and heavy equipment, furniture and other assets such as the bronze statue at the Fairfax station which was not part of the real estate appraisal. Hopefully, the Chief will have a report within the next two weeks. Mayor Kobasuk thanked Mr. Tiettmeyer. Mr. Tiettmeyer will update Council once he receives more information.

Anderson Township Fire Chief Ober

Mayor Kobasuk will talk to Chief Ober about attending Council meetings quarterly, as he and Council feel it isn't necessary to attend monthly.

Fire Station No. 22 Open House

Mr. Zornes attended the Open House this past Saturday and said it was a very nice event. He commended Chief Ober for everything his department has done and for the quality service they are providing. Mayor Kobasuk said it's been a great change. The Fire Department plans on having another Open House in the Fall.

Lake Barber – Ordinance Establishing Rules and Regulations

Mr. Harten said he doesn't agree with the ordinance approving and establishing rules and regulations. Once the report related to various lake liabilities is received from the insurance carrier, this ordinance will be presented. Solicitor Miller said the only change to this ordinance comes from Chief Synan's request that a guest must be accompanied by their host person. Mayor Kobasuk asked that everyone gather all questions for the insurance company. Mayor and Council may consider obtaining outside Counsel to review the Recreational Use Immunity statute and other legal issues.

Lake Barber - Request for Three Month Permit

Revolution Fitness emailed Council asking for a three-month permit to use Lake Barber. Mr. Harten made the following motion:

Mr. Harten made a motion allow Revolution Fitness use Lake Barber in the manner specified for a three-month period of time. Mrs. McConnell seconded the motion.

Discussion

Mayor Kobasuk said a motion to pass by Council at the 5.24.2016 Council Meeting to prohibit all Village businesses from using Lake Barber for any commercial venture whatsoever. Mayor Kobasuk stated three concerns: 1) there is no benefit to the Village since the Recreational Immunity would be waived if fees are collected, 2) increased risk to the Village, when you start charging people to enter premises you have higher duties, the business invitees and 3). Concerned we would be going down a slippery slope making exceptions. What about the hot dog vendor or other kayak rental service. Mayor Kobasuk said the following quote from Ms. Knight's email dated June 7th gave him reason for concern, "I am afraid that if I am not given this permission that I will have to find another way to recoup my losses and my attorneys will take over for me." Mayor Kobasuk said when someone threatens their attorney; it doesn't make him want to grant an exception. He said the insurance would need to be for twelve months and not just pick a three-month window for insurance.

Mr. Harten said it's unfortunate, as we've tried to be supportive of businesses in the Village. We have a valuable business in our Village that is trying to bring new visitors and business to our Village. Mayor Kobasuk said he totally wants to support businesses, as they are the lifeblood of Newtown and the tax revenue. But here we would be making an exception for a business with liability concerns and the whole issue of possible litigation gives pause with the threat of one consulting their counsel before we even do anything, stated Mayor Kobasuk.

Mrs. McConnell said this could be a three-month experiment. She believes there was use of the lake last year when we were influx like we are now regarding the public vs. private issue. The private issue for Lake Barber was not brought up until discussions had taken place for about eighteen months. Mrs. McConnell said Council had always gone on the assumption it would be a public lake. Stakeholder meetings took place December 2014 through 2015 when we had a soft opening Spring 2015. To not penalize anybody and by not charging Revolution Fitness, we would not lose our recreational immunity stated Mrs. McConnell. Mrs. McConnell said if we approve Revolution Fitness to use the lake then we would have to give fair consideration to other businesses asking for permission to use the lake. Mrs. McConnell feels Council must make Lake Barber a public lake; the private status creates so many problems. After more discussion, the following motion was amended:

Mr. Harten made a motion to allow Revolution Fitness a three-month use of Lake Barber for the activities as laid out in the June 7th email request, subject to proof of insurance, and proof of safety and usage rules satisfactory to the Village. Mrs. McConnell seconded the motion.

Discussion

Mayor Kobasuk said he doesn't see the benefit to the Village and will not support the motion. He feels granting this request would be making an exception to one business and commercializes the lake. Mr. Harten said no, that Council would be approving a request by a business to use the lake. Mayor Kobasuk said paying a fee to get in commercializes the lake. Mr. Harten said this would be approving a permit for the use of the lake, as we would review other permits from other businesses that may come in the future.

Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-No, Mr. Short-No, Mr. Zornes-No, Mr. Tiettmeyer-Yes. Mayor Kobasuk-No. Motion Failed.

Ms. Mary Beth Knight thanked Joe Harten and Cheryl McConnell. Ms. Knight told Mayor Kobasuk they had many meetings prior to beginning any activities on the lake and she was never told they couldn't. Ms. Knight said, in good faith and because of the lake having a soft opening, she spent nearly \$40,000 on equipment to enhance her business and participate in lake activities. Ms. Knight said she understands there is an entire Village to think about and believes every business is important. Revolution Fitness chose Newtown to bring her business to grow because of its offerings, parks and green space. She said her business would have two types of insurance as laid out in her previous presentation to Council. Ms. Knight said she understands safety concerns as her friends and family have been on the lake. First responders and rescuers are on the lake with every group, stated Ms. Knight. Ms. Knight said she respects everyone's input and asked Mayor and Council to respect the fact she spent the money in good faith and have had no incidents. Ms. Knight said she was threatened last year by a Village employee and she has a business to protect. She said her email was not a threat to Council but she has to find a way to do something with the \$40,000 that was apparently thrown out the window. Mayor Kobasuk asked Ms. Knight who gave her permission to use the lake, as Council can only act through this body of public meetings. Ms. Knight said she was in meetings in this building with council members in charge of the parks. Ms. Knight said she was told by Mr. Harten and Mrs. McConnell that no rules were in place that would not allow her not use the lake. Ms. Knight said her intentions were made clear and discussed in the meetings and was told nothing of the sort until she received a cease and desist. Mayor Kobasuk said we have set rules and doesn't understand why Ms. Knight would think she had permission to use the lake. As mayor, he can't give permission to use the lake; it has to be the active Council. Mr. Harten said interpretation of the meetings could be different depending on who looks at it. Quite a few meetings took place at the Municipal Center and at Revolution Fitness stated Mr. Harten.

Zoning Code (Reported by Cheryl McConnell)

Mrs. McConnell made a motion to approve the Proposal from Building and Zoning Commissioner Gerry Stoker to review the Zoning Code at an amount not to exceed \$3,600. Duration to complete the review is a three-month period. Estimated number of hours to complete are 65 to 80 hours @ \$45.00 per hour. Mr. Harten seconded the motion. All Aye. Motion Carried.

Lake Barber Boat Ramp

Hydro Systems has had issues with boat trailers at the ramp so the ramp has been temporarily secured to prevent boats from launching on the lake. Motorized boats are **not** allowed. Administration, Police and Fire have keys to unlock the chain for those that need to get around the ramp with a kayak or a canoe.

Resolution Approving 2016 Paving Program

Mr. Fairley made a motion to adopt RESOLUTION NO. 21-2016 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH J.K. MEURER CORPORATION FOR THE 2016 PAVING PROGRAM PROJECT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes. Motion Carried.

Mr. Short made a motion to adjourn at 8:47pm. Mr. Fairley seconded the motion. Motion Carried.

Transcribed by Becky Fairley