

The July 26, 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	

Sierra Club Event (Reported by Mayor Kobasuk)

The Sierra Club held an event at the Municipal Center on Tuesday, July 19, 2016. Mayor Kobasuk was present at this event where he thanked the Sierra Club for their help and support in opposing the Eastern Corridor road project, as well as the Martin Marietta Mining project. Denise Driehaus, candidate for County Commissioner also attended this event and pledged her opposition to Martin Marietta tunneling under the county-owned Broadwell Road. Current Board of County Commissioners is: Mr. Portune, Mr. Monzel and Mr. Deters have all assured us that they oppose Martin Marietta tunneling under Broadwell Road as well. At this meeting, we learned that Martin Marietta continues to purchase property along Broadwell Road so it would appear they are continuing with the mining project.

Church Street Properties (Reported by Mayor Kobasuk)

The property behind the house to the right of St. John Fisher Catholic church has been purchased by someone other than Zicka Homes.

As Mrs. McConnell discussed at the last meeting, the Planning Commission will meet to discuss the property across from St. John Fisher Catholic church. Walnut Homes will be the builder of the new homes called "The Villages of Newtown."

Board of Tax Review (Reported by Mayor Kobasuk)

Resident Tom Busse is a retired accountant and a valued member on the Board of Tax Review. Mr. Busse wishes to remain on this board. Don Carroll is an attorney and former Fifth Third executive. Lloyd Johnson is a small business owner. Both gentleman are residents and applied for the recent open council seat. These appointments are two years terms. Council appoints two members to this board and the Mayor appoints one member. Mayor Kobasuk is trying to get those involved that have expressed prior interest in Village business. Mr. Short made the following motion,

Mr. Short made a motion to appoint Don Carroll and Lloyd Johnson as members to serve a two-year term on the Board of Tax Review, as appointed by Village Council. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mayor Kobasuk made a motion to appoint Tom Busse to serve a two-year term on the Board of Tax Review.

Solicitor Miller suggested that these three members be reappointed in December 2017 so we get this on an annual basis.

BCI – Village Project Status Report

Engineer Bruce Brandstetter presented the below report:

1. 2016 Paving Program

- Pre-construction meeting was held on 7/19/2016
- Construction scheduled for mid-to-late August
- Contract is \$95,000 to do the below work:
 - Oyster Bay / Pine Isle Ct. – Mill and pave
 - Bent Tree Court – Miscellaneous repairs
 - Plum Street – Mill and pave
 - Ivy Hills Boulevard – Pavement repairs of two locations
- BCI will get a price to Council to pave Lake and Bend street due to their present condition – it would require a change order for the contract
- Mr. Harten asked by notifying residents. BCI will send a notification to the Village.

2. Storm Water Utility

- Non-residential pervious/impervious calculations and average residential ERU calculations

3. MRF / OPWC Grants

- MRF's due 8/31/2016 No resolution is needed – Bruce can sign
- OPWC due 9/16/2016
- Consider East SR 32 Storm Sewer Replacement, \$410,000, submitted with 40% match last year \$114,000 Village, \$50,000 MRF in 2015. Scored well last time – 50% from Village would be \$205,000 Decision to increase the % to 50%, should be made by the August 23rd Council meeting

4. Miscellaneous

- BCI had follow-up meeting on 7/07/2016 with Burger Farms concerning storm drainage discharge for future development. OEPA turned down storm water recharge basin
- BCI is working with Street Committee to prepare a Five-Year Paving Program. Alternatives to include mill and pave and micro-surfacing
- Mr. Fairley will bring a long-term study to Council, once completed by BCI

Round Bottom Road Sewer Pipe Replacement

Mr. Tiettmeyer believes we had evidence showing where MSD had damaged this pipe. It is believed that MSD's working in the area at the time compromised and damaged this pipe. The Village paid Adletta Construction \$91,219.80 in 2015 to replace the damaged sewer pipe. Mr. Brandstetter will reach out to Pat Arnett once again before asking Mayor Kobasuk to contact Mr. Arnett.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 7.26.2016 Council Checklist in the amount of \$66,220.85. Mr. Zornes seconded the motion. All Aye. Motion Carried

Municipal Center Phone System

Mr. Tiettmeyer will discuss a new phone system that will connect the Municipal Center and the Police Department at the next Council meeting. The current lease with Cincinnati Bell expires September 2016. A fiber optic line will need to be run from across the street to this building. The Village will benefit from a significant savings, long-term purchasing this new phone system.

Police Department Renovation Update (Reported by Curt Tiettmeyer)

The final closeout with Tumlin & Sons will take place once two issues are resolved.

Fire Department Assets and Liabilities

Mr. Tiettmeyer will report to Council the status of the LMFRD settlement at the next Council meeting.

Ordinance, Personal Property Surplus

Council wishes to dispose of various obsolete Police Department items of equipment that are of no value and no longer needed for Village purposes. (mobile vision vhs video, radar antennas, radar units, intoxilyzers)

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

Mr. Zornes made a motion to adopt ORDINANCE NO. 11-2016 AN ORDINANCE DECLARING PERSONAL PROPERTY AS SURPLUS, AUTHORIZING ITS DISPOSITION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short 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.

Police Department

Mr. Zornes commended the police department on the arrests made July 24th at a residence on Church Street.

Resolution, Cincinnati United Soccer Club (Reported by Joe Harten)

Council wishes to enter into an agreement with the Cincinnati United Soccer Club for the use of athletic fields. Cincinnati United previously entered into an agreement with the Village for the use of the lower field at Short Park only for the spring term, due to the uncertainty of MVCA's construction schedule for the athletic campus. This agreement is for the use of the lower field at Short Park for the 2016 fall season, August 1, 2016 through October 31, 2016. As with past rentals with Cincinnati United Soccer Club, the fee for this field rental is \$500. Cincinnati United shares the lower field space at Short Park with MVCA.

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

Mr. Harten made a motion to adopt RESOLUTION NO. 23-2016 A RESOLUTION APPROVING AN AGREEMENT WITH CINCINNATI UNITED SOCCER CLUB FOR USE OF ATHLETIC FIELDS, AND DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes. Motion Carried.

Council Minutes

Mr. Short made a motion to approve the 07.12.2016 Council Minutes, seconded by Mr. Harten. All Aye. Motion Carried.

Planning Commission (Reported by Cheryl McConnell)

The Planning Commission will meet July 28th at 6pm. This meeting includes a hearing on 6820 E. Plum Street, a request for conditional use to repair and store personal vehicles. The two lots on Main Street to the left of Ivy Dental will also be heard for a zone change request from General Business to Multi-Family Residential.

Storm Water Utility Program (Reported by Terry Fairley)

Mayor Kobasuk requested that Mr. Fairley present various low impact options for the Storm Water Utility Program. Option 1 shows a minimum amount of \$5.50 per month with the maximum amount at \$32.50 per month, not to exceed ten times the ERU rate, which yields annual revenue of \$78,184.84. Mr. Fairley explained other options with the highest annual amount of revenue for the program being \$104,618.04. Mr. Fairley recommended Council going with Option 9, referred to as the Cheryl Option on the spreadsheet, which was recommended by Councilwoman Cheryl McConnell. Option 9 is based on tiered-rates that are based upon the impervious surface square footage area and is capped at \$37.50 per month. This option is equally distributed amongst all of the businesses and generates total annual revenue of \$85,791.00.

Mayor Kobasuk thanked Mr. Fairley for his work on the presentation of the Storm Water Utility Program. Mayor Kobasuk talked about Option 7, which is Brandstetter Carroll's Inc. analysis where BCI measured all of the impervious area that came up with various rates and total revenue of \$104,618.04. We've had this option but felt Council needed other options for comparison. Mayor Kobasuk pointed out that Council has two Storm Water studies that we commissioned: one study looked at the infrastructure, measuring of the piping and the aging of the piping and the second study was the measurements. Between those two studies, the Village has spent around \$35,000.00. Mayor Kobasuk said he is concerned about the Storm Water Program with high fees causing dissension or animosity in the village.

Mr. Tiettmeyer pointed out for clarification; rates calculated with credits, is where credits would apply to any landholder that is participating in some form of water retention, i.e. Ivy Hills Golf Course that has a retention pond. The impervious method is by far the largest method used and calculated throughout the United States, as well as the state of Ohio. This is the fairest way because you're looking at what people have on their property, in terms of impervious surface and basing their fee based on just that.

Kobasuk said his concern about the original program is that it was based on acreage. In the ordinance we had readings on, residential rates were 3.25, 5.50 was then extrapolated with 3.75 per quarter acre from all of the businesses, which was problematic because it looked like a disguised property tax. Mayor Kobasuk said the rates were high but he was more concerned about the methodology. Mayor Kobasuk took issue with the magnitude of the rates that w putting them on the business community. This is an unusual program; usually money is raised by a levy where everybody pays according to their property. Mayor Kobasuk said having onerous storm water program is not a way to attract businesses to Newtown. The businesses are the backbone of our community. Some of the larger landowners had to put a retention pond in when they developed or expanded their property. St. John Fisher and the Fire Station have retention ponds.

Ken Burger, Burger Farm and Garden told Council they are the number one landowner on the list. They expressed their concern when the first impervious rates came out, which would have them paying \$354 per month. Ken Burger said they thought that Burger Farms might even be in the negative since they keep a large amount of water on site, as well as the additional water their property absorbs from Ivy Hills. Ken Burger said he applauds Council for looking into the program and hopefully coming up with options that would bring balance between residents and non-residents. Ken Burger said Burger Farm and Garden could support the options with fees of \$32.50 or \$37.50 a month, as these would be more doable type fees over the course of the year.

This process as an assumed capital need to spend money for various things, i.e. Ragland Road Improvements, Edith, Jefferson and Pine project and storm water related projects, stated Mr. Harten. This revenue stream would produce an annual fund of \$150,000 so we would not have to supplement out of the General Fund. Mr. Tiettmeyer said that is correct and it was from the BCI analysis where they were trying to project on future projects. Unfortunately, we can't see the condition of the underground pipes. Mr. Tiettmeyer said while looking at the different numbers as to what each of us pay individually and what other businesses pay – he is also looking at what the program would generate in revenue.

Mr. Kobasuk said he doesn't put a lot of stock in studies. 1) BCI did a study with a number of 1.4 million, which may be less if someone else did the study. We shouldn't plan our future on a study with 1.4 million dollar expenditure over ten years. We've never spent \$140,000 per year on storm water, stated Mayor Kobasuk. He feels \$140,000 is excessive. 2) It's how Council manages its money. We started the police renovations at \$330,000, which turned out to be half a million dollars. Things happen, but we need to manage our money, stated Mayor Kobasuk. If we had spent less, we could have spent more on Ragland Road Drainage. It's up to Council to manage the expenditure and not always get more money, but manage what we do take in, which is about 2 million dollars. 3) Solicitor Miller explained to Mayor Kobasuk that as long as you cap it, that's permissible. Nobody beneath the cap is paying more because we're capping it; we're just capping it because we don't want to put an undue burden on businesses. Solicitor Miller said he talked to an attorney in Columbus that works on storm water utilities through assessments or taxes. He said you can cap it as long as it's equitable that you're not causing someone else's rate to go up because someone who should be paying more or under the formula is capped. Solicitor Miller said somehow we need to figure this on a per parcel basis with all the caps because for instance, Burger's could sell off part of their property splitting up the lots. An acre could be turned into three lots if someone subdivides the lot, which would create three new parcels.

Mayor Kobasuk said he wanted to make two more points: 1) we're not going to attract businesses to Newtown with an onerous storm water levy and 2) we can always take baby steps – we can start small and always come back and raise it. We could begin with the \$25.00 a month option or Cheryl's suggestion tiered option beginning at \$37.50 per month.

Mrs. McConnell said several options clearly put this program entirely on the backs of businesses to support. She said she doesn't like the inequity that's happening to our businesses in those scenarios versus what the residents contribute. Mrs. McConnell said she had hoped tweaking the numbers would give something more reasonable and balance out what the residents and businesses contribute without making it a burden to our businesses. Option 9 is still using tiers and some of the work done by BCI, as far as pervious to impervious. Mrs. McConnell said she doesn't want to see businesses pay more than \$500 per year for this program. Mrs. McConnell said if she had a business here in Newtown, she would not mind paying the \$37.50 per month and feels it is doable for the businesses. We are here because of the revenue we receive from our businesses and we must respect our business owners, as that is why we are here! Mrs. McConnell agrees we need to start small with this program. We didn't know about this program until Mr. Tiettmeyer researched it and we have to start somewhere.

Mr. Tiettmeyer said the unfortunate thing is that we didn't know about the program and would not be here if we had started this program five years ago. I am not anti-business, stated Mr. Tiettmeyer. The systems throughout the country use the impervious surface calculation for non-residential, which the majority is business.

After more discussion, Mayor Kobasuk asked Council if they are committed to moving forward with the Storm Water Utility Program. Mr. Fairley and Mr. Tiettmeyer said they are totally committed – it's just a matter of choosing the right program. Mr. Tiettmeyer and Mr. Fairley will look at Cheryl's Option and do their best to keep the cap at \$500/year. Mr. Harten suggested using a method that would use the impervious with credits with some sort of top end maximum cap that addresses Cheryl's idea.

Fire House – Air Conditioner

This past Friday, Mr. Fairley was notified of the air conditioner not working properly at the Fire House. Mr. Morgan called Nelson Heating and Air. Nelson could not ascertain the problem since they didn't have access to the system, which is controlled by a sophisticated computerized system. We later found out through ASA Control who is the proprietor of the control system that one of the two compressors is bad. Chuck Morgan will follow-up on the warranty – the unit was installed September 2011.

Mr. Short made a motion to adjourn at 8:17pm. Mr. Fairley seconded the motion. Motion Carried.

Transcribed by Becky Fairley