

The October 11, 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 Fiscal Officer: Keri Everett
Joe Harten Terry Fairley Assistant to Mayor: Becky Fairley

PUBLIC HEARING

A Public Hearing was held regarding the following:

- Main Street parcel 501-0009- 0354-00 request for a zone change from General Business District to Residential Multi Family.

Witnesses wishing to testify were sworn-in by Mayor Mark Kobasuk.

The applicant Todd Sloan, along with Kurt Zobrist, Architect and Carl Hartman, Engineer explained the zone change request and the proposed Angel's Care memory facility.

Gerry Stoker, Building Commissioner explained the current General Business District zoning and the reason to change the current zoning to the proposed Residential Multi Family zoning.

Some concerns expressed from local homeowners were: construction clean-up of streets during construction and using the public street instead of having a curb cut off of SR32. Building and Zoning Commissioner Gerry Stoker assured the residents that it's the contractor's responsibility to clean-up mud and debris from the streets during construction and if they do not, it is the responsibility of the property owner. If the Village is forced to clean the mud from the streets, the Village will invoice the owner. After questions from the audience, the following motion was made to approve the zone change. Carl Hartman explained that it is much safer to use the existing public street instead of having a curb-cut off of SR32. Councilman Harten served many years as the Planning Commission Chair and said it has been a long-standing policy of the Village Planning and Zoning to not allow curb cuts so close to the existing curb cut off of SR32. It is definitely a wise decision based on safety.

Ordinance Approving Zone Change

On July 28, 2016, the Newtown Planning Commission held a public hearing to consider the application of ACFH Development (the "Applicant") on behalf of Newtown Land Development (the "Owner") for a proposed amendment to the zoning map of the Village of Newtown (the "Application"). The Application includes the real property consisting of 2.2071 acres of vacant land along SR 32 in the Village of Newtown and consists of Hamilton County Auditor's Parcel Number 501-0009-0354-00. The Planning Commission recommended approval of the zone change for the Real Property from the General Business (G-B) District to the Residential – Multiple Family (R-MF) District and approved the application for a conditional use permit after such rezoning for use of the property as an assisted living facility. Thirty days prior to the 10.11.2016 Public Hearing, a copy of this proposed ordinance changing the zoning was on file for public inspection.

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

Mrs. McConnell made a motion to adopt ORDINANCE NO. 14-2016 AN ORDINANCE APPROVING A ZONE CHANGE FOR 2.2071 ACRES ON STATE ROUTE 32 IN THE VILLAGE OF NEWTOWN AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Zornes seconded the motion.

Discussion

Mrs. McConnell believes this is a great addition to our Village and is confident concerns expressed will be addressed by Building and Zoning Commissioner Stoker. This also approves the conditional use, per Planning Commission's recommendation. There is a thirty-day window – November 11th, this will take effect.

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

Mayor Kobasuk opened the Council Meeting, as the Public Hearing has concluded.

LMFRD Settlement Agreement (Reported by Solicitor Miller)

Solicitor Miller will follow-up with the County Prosecutor's office regarding a response on the agreement with LMFRD.

NEWTOWN CIC "COMMUNITY IMPROVEMENT CORPORATION"

A meeting will take place at 6:30pm on Tuesday, October 25th to allow the Board to adopt different resolutions and a code of regulations. Officers will also be named at this meeting. This meeting will be advertised since it is a public meeting. An application for a tax exemption needs to be filed with the IRS. The filing fee is \$850.00, payable to the United States Treasury.

Mrs. McConnell made a motion to approve an \$850 filing fee for a tax exemption status for the "CIC", payable to the United States Treasury. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 10.11.2016 Council Checklist for \$127,177.99, seconded by Mr. Zornes. Motion Carried.

Third Quarter Financial Report (Reported by Curt Tiettmeyer)

The report was discussed and explained by Mr. Tiettmeyer. A copy can be obtained at the Village Municipal Center.

Independent Agreed Upon Procedures Audit for 2014 & 2015 (Reported by Curt Tiettmeyer)

Dave Yost, Auditor of State reviewed the *Independent Accountants' Report on Applying Agreed-Upon Procedures* of the Village of Newtown, prepared by Charles E. Harris & Associates Inc., for the period January 1, 2014 through December 13, 2015. Based upon this review, the Auditor's office accepted this report in lieu of the audit required by Section 117.11, Revised Code.

Police Department – Police Cruiser Purchase (Reported by Daryl Zornes)

Mr. Zornes made a motion to approve the purchase of two Dodge police cruisers, to be invoiced 2017 for \$71,390. Mr. Tiettmeyer seconded the motion.

Discussion

Mr. Tiettmeyer constructed the analysis discussed. The analysis confirms the car purchase program makes financial sense for the Village. The sale of (2) 2014 Dodge Charles rear wheel drive is estimated to yield \$36,000.

All Aye. Motion Carried.

Executive Session

Mr. Zornes called for an Executive Session for the Hiring and Compensation of a Public Official.

Lake Barber Lake Summary (Reported by Joe Harten)

Along with his staff and students, Chris N. Lorentz, Ph.D., Director, Center for Ohio River Research and Education, Thomas More College Biology Field Station, conducted a fish survey of Lake Barber on July 6, 2016. A summary of services provided for the survey of the lake were emailed to Council prior to this meeting. Lake Barber has a healthy lake population. Fish collected during the survey, then released into the water unharmed were primarily Largemouth Bass and Bluegill. Very little Carp and Shad fish were collected. The report has been shared with resident Doug Hall, who remains interested in stocking the lake. No Paddlefish were identified in the survey, which is common since they are deep in the lake and not impacted by the stunning mechanism used to collect the fish.

Council Minutes Approval

Mr. Short made a motion to approve the 9.27.2016 Council Minutes, Mr. Zornes seconded the motion. All Aye. Motion Carried.

Human Resource Meeting (Reported by Chuck Short)

The HR Committee met at 6pm this evening. Employee benefits were discussed.

Mr. Short made a motion to approve the renewal for health insurance with Medical Mutual of Ohio. Mr. Fairley seconded the motion. All Aye. Motion Carried.

Mr. Tiettmeyer stated for the record, Council still needs to resolve the matter of the employer/employee contribution, which has not been decided. Council will discuss at the employee contributions at the next Council Meeting. An ordinance will be presented at the 10.25.2016 Council Meeting.

WeTHRIVE! Community Meeting (Reported by Cheryl McConnell)

The WeTHRIVE! Community Meeting was held at the Municipal Center on October 6, 2016 at 6:30pm. Mayor, Kobasuk, Council members McConnell, Fairley and Zornes were present. Becky Fairley was also present, along with a few local residents. The Community Health Assessment (CHA) was presented by Tom Boeshart, Senior Epidemiologist, Hannah Smith, Health Educator and Karen Schwamberger, Community Outreach Contractor. The CHA is posted at www.newtownohio.gov

Planning Commission (Reported by Cheryl McConnell)

Planning members will meet 10.27.2016 at 6pm. A Public Hearing for a conditional use for 6926-6929 Main Street will take place. Doscher's Candies is the applicant interested in purchasing the property. Retail sales will take place in the front of the building with production taking place in the rear of the building in a new addition to the building. Doscher's Candies was founded in 1871 by Claus Doscher, a German immigrant who arrived in Cincinnati in 1868. The company is known for the famous French chew taffy and their candy canes are still hand-made.

Ordinance, Second Reading of Storm Water Utility Program

Mr. Fairley read the Third Reading of AN ORDINANCE ESTABLISHING THE VILLAGE OF NEWTOWN STORM WATER UTILITY, APPROVING ITS OPERATION AND REGULATIONS, PROVIDING FOR THE COLLECTION OF A STORM WATER MANAGEMENT UTILITY FEE TO PROVIDE FOR THE FUNDING OF THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE STORM WATER SYSTEM WITHIN THE ENTIRE VILLAGE AND DECLARING AN EMERGENCY. Mr. Short seconded the motion.

Discussion

Mr. Short asked if an emergency should be declared since it is the third reading. Solicitor Miller said it depends on the amount of votes. Mr. Tiettmeyer asked for clarification on an email from Solicitor Miller, sent this morning regarding the mayor breaking a tie vote. Solicitor Miller said the email said that it might make sense for a majority of Council to pass the ordinance, rather than to rely on the vote of the mayor. He said it's not that the mayor can't break a tie, but a majority of Council would remove the possibility of it becoming an issue with anyone. Mayor Kobasuk said in the email, Solicitor Miller said the mayor can break a tie but suggested having four votes of Council would remove any challenge. Solicitor Miller said four council members are two-thirds of Council, which is what is needed to pass something as an emergency and it taking effect immediately, as opposed to thirty days from now. Mr. Tiettmeyer said he is concerned since the solicitor said it could be an issue and feels this should be reconsidered from this perspective. Mr. Harten said from his perspective, agreeing with Mr. Tiettmeyer's thoughts and also Solicitor Miller's concern, and even more from an optic standpoint, he would prefer to have a unanimous vote of Council. This is an important issue and most of Council seems to be supportive of the general concept. Mrs. McConnell said she talked with Mr. Tiettmeyer today and they both agreed they would rather this issue be resolved. They discussed other reasonable options since there is a great need to follow through with the Storm Water Utility program. Rather than the option with a \$25 cap, they discussed the option with a \$32.50 cap, which was presented and discussed at the 8.23.2016 Council Meeting. Mayor Kobasuk asked if it was really worth the additional \$7.50 per month and \$4,000 per year by changing the program after having two readings. Mayor Kobasuk said Council could always revise the program at a later date. Solicitor Miller said the program could be amended in the future; typically, the amount goes down after ten years after improvements have been made and money has been collected. It becomes more of a maintenance issue, as opposed to an installation and construction program, stated Solicitor Miller. Mayor Kobasuk said he had hoped to resolve this issue tonight. Mr. Tiettmeyer said he suggested the \$32.50 talking with Mrs. McConnell hoping it would bring four to six Council votes. It is preferred to have a unanimous Council vote since this is a serious issue. Mr. Tiettmeyer said we have already missed the deadline for the November billing date with GCWW. January is the next billing period. Mr. Tiettmeyer said changing the dollar amount from the \$25.00 cap to \$32.50 cap, impacts approximately twenty businesses. This is a reasonable number for people to pay. Mr. Tiettmeyer said the additional \$4,000 per year will remain as long as the program is in place. Mr. Tiettmeyer said Amberly Village's Storm Water Program started out with a full amount then lowered their fee by 40% after ten years. When Council looks at the projects and issues that are facing the Village today, the amount this program will generate is not enough. Mr. Short said sees the need looking at the big picture, but his biggest concern is the residents and businesses are aware of the \$25.00 cap. Mr. Tiettmeyer said this Council did not approve the \$25.00 that was presented to the Newtown Business Association; two members of Council made that proposal two to three months before Council voted. Mr. Fairley said his understanding is the initial money was going to be used on the Ragland Road Drainage issue and SR 32 project. Mr. Fairley said he biggest concern is Council has had residents come to the meetings and letters sent to Mayor and Council and does not want to see these projects jeopardized over this dollar amount. Mr. Fairley said he is willing to consider the \$32.50 cap if it will move the project forward. He agrees with Council member Harten; Council needs to be uniformed and unanimous on this action. Mrs. McConnell said she prefers the \$25.00 cap but is willing to compromise if it will implement a program and project in place. Mr. Tiettmeyer said he is willing also to compromise to get it done.

Mr. Fairley rescinded the motion of the \$25.00 cap.

Mr. Tiettmeyer made a motion to amend the Storm Water Utility Ordinance with the \$32.50 cap, instead of the \$25.00 cap, for the highest level of non-residential property owner. Mr. Harten seconded the motion.

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

Solicitor Miller will bring an amended ordinance to the 10.25.2016 Council Meeting. This will require five votes of Council to waive the three readings; otherwise, three readings would need to take place.

Ordinance, Approving Stormwater Billing Agreement w/City of Cincinnati

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 15-2016 AN ORDINANCE APPROVING A STORMWATER BILLING AGREEMENT BETWEEN THE CITY OF CINCINNATI AND VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Zornes 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.

Executive Session

Mr. Zornes made a motion to adjourn and entered into Executive Session at 8:45pm to discuss the hiring and compensation of a Public Official. Mr. Fairley 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 for Council to reconvene at 9:05am, seconded by Mr. Fairley. All Aye. Motion Carried.
Mayor Kobasuk said nothing was officially determined in Executive Session.

Mr. Short made a motion to adjourn at 9:02pm. Meeting adjourned.

Transcribed by Becky Fairley