

Call to Order/Pledge of Allegiance/Attendance

The December 12, 2017 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)	Cheryl McConnell	Solicitor: Emily T. Supinger
	Daryl Zornes	Terry Fairley	Administrator: Jerry Thamann
	Chuck Short	Don Carroll (absent)	Fiscal Officer: Keri Everett
			Assistant to Mayor: Becky Fairley

After Mayor Kobasuk called the last meeting of the year to order, he presented Council Member Cheryl McConnell with a crystal merit award noting her years of serving Newtown residents, Nov. 2013 – December 2017. Mayor Kobasuk thanked Mrs. McConnell for her hard work and outstanding efforts over the past four years. Council Member McConnell always had the Village's best interest in mind when making council-related decisions. Mrs. McConnell was instrumental in searching out Building and Zoning Commissioner Gerry Stoker, who began as a part-time contracted employee, January 2016. She worked closely with Mr. Stoker on the recent update of the Newtown Zoning Code. Mrs. McConnell has left a positive imprint on her duties as a council member and will be greatly missed.

Mrs. McConnell thanked the Newtown residents for the opportunity to serve the Village for the past four years. She said the Village staff was incredible and she enjoyed working with everyone. Mrs. McConnell is looking forward to remaining involved in some capacity.

Approval of Council Minutes

Mr. Short made a motion to approve the 11.14.2017 Council Minutes; Mr. Zornes seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineer Bruce Brandstetter, BCI Inc. gave the following project status report:

1. Ragland Road Culvert

- Several easements from property owners have not been received. BCI will continue to work to obtain these temporary easements

2. 2017 Street Paving Program

- Work is complete other than double yellow lines on River Hills
- Project came in significantly under budget, about \$170,000 under contracted amount, \$70,000 will be needed for the Harriet/Ragland paving as part of the storm water project

Mr. Short thanked Mr. Brandstetter, as it appears the paving contractor cleaned up some of the areas of concern mentioned at the 11.11.17 Council Meeting. The seams have been smoothed out on Center Street, West Jefferson at Church Street and School Street look much better.

3. SR 32 East Storm Sewer

- This is a \$400,000 project with the Village funding \$200,000 and \$200,000 funded by OPWC
- From field meeting on 11.02.17, ODOT's inclination is to proceed with the storm as the Village believes is best. ODOT would design it, but they said it would be confirmed – BCI will follow-up and report back to Council

4. ODOT SR 32 Safety Grant

- Follow-up meeting w/ODOT held on 11.2.17 to determine scope of services
- ODOT reviewing storm alignment – they will pay 90% of the preliminary engineering to widen SR 32
- Discussion of speed limit on SR 32 took place
- Village share is \$5,000 for stage one plans

5. 2016 Paving Program

- J.K. Meurer will contract w/Adleta to have curb work completed Spring 2018, as requested by Village
- They were asked a year ago to hold off due to winter coming
- Jurgensen was going to repair during the 2017 paving project, the Clusters asked that project be held off until Spring 2018, per Don Carroll

6. Miscellaneous

- Grants

- Recreational Trail update of 2017 application, not awarded
- OPWC/MRF 2019 grant requests

7. Sidewalk Inspection Program

Mr. Thamann asked BCI for a proposal to perform an inspection, not the marking of all of the sidewalks, but an inspection with an idea of how many blocks need to be replaced. The Village will need to anticipate a percentage that would not be completed by the homeowner, but being the Village's responsibility then assessing the homeowner's taxes to recover the money. An amount will need to be put in the budget for the construction work as well, not just BCI's fees, which range from \$3,500 to \$5,000. Mr. Thamann suggested moving forward with the program with BCI.

ADMINISTRATOR'S REPORT

The following contains a summary of recent Village activities for the last two weeks and was emailed to Council prior to the meeting by Mr. Thamann. Mr. Thamann will report to Council every two weeks. The below summary is not inclusive, but only a short list of Village activities.

1. Leaf Collection. The approximate end date of leaf collection is December 15th. The leaf machine has been out of service for a muffler replacement since last Thursday. Therefore, the leaf collection schedule will be extended for another week or so, weather permitting.
2. Miami Valley Christian Academy (MVCA) conducted a field study on November 30th. Approximately 15 sample holes were dug to determine the thickness of the cap. This work was approved by the Ohio EPA and Hamilton County Public Health. As of this date, no results of the field study have been finalized and submitted to the Village.
3. A meeting was held with Brandstetter Carroll Inc. (BCI) to review current construction projects and proposed projects for 2018 and beyond. BCI was instructed to provide the Village with estimated engineering costs and construction costs for any 2018 projects. In addition, they are to provide an update on the Ragland Road Sewer Improvement project. Easements have been sent to six (6) property owners, with three (3) more easements still in the process. One property owner has executed the easement agreements and submitted them to the Village.
4. Doscher's Candy Company held their Grand Opening and ribbon cutting ceremony on November 30th. A warm welcome to Doscher's and we wish nothing but great success (and expansion).
5. The application process with the Red's Community Fund has been reviewed for improvements to the baseball field at Short Park. This field is in need of a total revitalization. I have contacted Anderson Township Little League to determine the need for fields and their support of an application to the Red's Community Fund. Applications are due mid-January, 2018.

Through the Ohio Municipal League, the Village is participating in a program called Grantfinder. In short, Grantfinder is a search engine to search for various community grant opportunities.

6. A review and investigation in the storm water drainage system along SR 32 near Little Dry Run. Burger Environmental has capped the western edge of the former landfill and will have to submit plans in controlling the storm water runoff from the property. The review included the storm drainage system of the Circle K gas station.
7. Hamilton County Commissioners approved the \$5.00 increase in the license plate fee for repairing/restoring/replacing the Western Hills viaduct, amongst other bridges in Hamilton County.

Mayor Kobasuk said Ms. Everett will be helping Mr. Thamann with grant applications as we want to get as much money as we can from grants.

MAYOR & COUNCIL MEMBER REPORTS

Doscher's Candy Company Ribbon Cutting/Grand Opening: Mayor Kobasuk, Council Members Curt Tiettmeyer and Terry Fairley attended the event. Mayor Kobasuk said it was a very nice event and encouraged others to stop by to check out the inside where a lot of work has been done to the building. Doscher's Candies is a great addition to the Village of Newtown. Mayor Kobasuk thanked Becky for writing a Proclamation, declaring November 30 and hereafter as Doscher's Candy Day in the Village of Newtown. Mayor Kobasuk presented the Proclamation to Chip Nielsen at the Ribbon Cutting ceremony on November 30, 2017.

Planning Commission (Reported by Cheryl McConnell)

The December Planning Commission has been cancelled due to lack of agenda.

Council Meeting – Time Change (Reported by Terry Fairley)

Mr. Fairley took an informal poll from a few council members after the last council meeting to see what others thought about changing the start time of the council meetings from 7:00pm to 6:30pm. Those that were part of the discussion were in favor of the time change. The third and final reading and a public hearing of an ordinance adopting a zone change will be held at the 1.09.2018 Council Meeting at 7pm. Therefore, the first meeting in January 2018, January 9th will still take place at 7:00pm. Solicitor Supinger said the time change can be approved when the ordinance setting date, time and place of Village Council Meetings is presented and adopted at the 1.09.2018 Council Meeting. Council Meetings beginning January 23rd and thereafter will begin at 6:30pm.

Village Solicitor's Report (Reported by Solicitor Emily Supinger)

1) Spending Authority: When the position of Village Administrator was created, the legislation also designated the VA as the Purchasing Agent for the Village, which is pursuant to O.R.C. Section 731.141. Subsequently, Council also passed the Purchasing Policy which gave Mr. Thamann purchasing authority to spend up to \$10,000; Council would need to approve anything over the \$10,000. The Police Chief and Public Works Director have also asked that they be granted spending authority that would allow them to make small purchases on a regular basis. Pursuant to the Village Administrator's purchasing authority, Mr. Thamann delegated in a memo dated 12/11/2017, purchasing authority to Police Chief Tom Synan and Public Works Director Chuck Morgan, for appropriate Village purchases that do not exceed \$1,000 for their departments. It is my understanding that Keri also advised them they would need a purchase order before they purchased anything. I believe there was a sense that was perceived as having to ask for permission. It appeared once this was brought to my attention there was a bit of a misunderstanding how purchases how to be made for a political subdivision. To clear up any confusion as far as purchasing process, under Ohio law, there must be a purchase order or a certificate from the fiscal officer for every single expenditure of the Village. Currently, the Village does not have blanket purchase orders or other mechanisms in place that expedite this process. Meaning that in order to make a purchase, a purchase order has to be signed by Keri before the purchase is made, in which she certifies that the funds have been appropriated or are available or in the process for collection for that expenditure. The memo from Mr. Thamann outlines the process and was prepared by Solicitor Supinger. In the past, purchases were made before a purchase order had been entered. In order to remedy this, what Keri has to do is to execute a Then and Now certificate, meaning she had to certify the funds were available then and are available now. This is perfectly legal, but is not how the process should normally go. The process normally should be purchase orders executed first, purchases made and then the receipt should be turned in for accounting purposes. There are types of purchase orders that can be opened that encompass things not just on a case by case basis. There is a purchase order called a blanket purchase order, which would Keri to open a P.O. at the beginning of the year that is attached to a line item in the budget. Before Keri can open a blanket purchase order, the amount of the blanket purchase order would need to be approved by Council. Utilizing these tools should streamline some of the purchasing issues and alleviate issues where purchases have been made without a having a purchase order in place prior to the purchase. Mayor Kobasuk said Keri is in the process of compiling these blanket purchase orders in January, and the money will be certified in the line items, such as uniforms, etc. The department heads have \$1,000 of spending authority. Keri can prepare a Then and Now certificate for emergencies up to \$3,000. If the emergency is over \$3,000, Council would need to approve the Then and Now certificate. The Fiscal Officer is the only person who can certify the availability of funds. It's a different issue than having the authority to make a purchase. Mr. Thamann has the authority to make a purchase up to \$10,000, but first must have a purchase order opened. The goal in January is to identify the groups of purchases that are attached to a line item, then we can open a blanket purchase order to cover these items without requiring Keri to first sign off on in advance.

Chief Synan said the confusion was not about permission, but with the certification and appropriation. It is confusing knowing the money is already there since Council adopts a budget and the line has already been certified by the Auditor's office. Chief Synan said he will discuss with Jerry a couple things that are in the policy that are confusing. Solicitor Supinger said it's just one of those steps that is just black letter law in the O.R.C. Even though the money has been appropriated for a line item, before the purchase can be made, Keri has to certify that the funds are available – that this was an expense that was properly appropriated and the funds are either available or in the process of collecting and are directed towards paying for the purchase. Mr. Tiettmeyer said the key to the success of the purchasing process is making sure that the blanket purchase orders are done correctly right up front in January. This should cover everything needed to operate and it should be no problem at all, stated Mr. Tiettmeyer. He said it is incumbent upon Keri and Jerry and said he is also happy to help on the process being the chair of the finance committee.

2) Personnel Manual Updated 2018: Solicitor Supinger said Mayor Kobasuk has asked her to make working on the personnel manual a priority going into 2018. Mrs. Supinger plans to bring items for review to Council to the Jan. 23rd, 2018 Council Meeting, which will be a working session and hopes to be able to adopt the changes in February. Mayor Kobasuk said to be sure to reach out to the employees after having Council's input. Mrs. Supinger said she will be happy to go over everything with the employees after she has Council's input. Mr. Thamann said he has received a couple suggestions from the employees; the suggestions will be either considered or kindly rejected. Mayor Kobasuk said it is best to have a draft to show people to solicit their comments.

PENDING LEGISLATION

Ordinance - Flag Spring Cemetery Rules

Mr. Fairley read the Second Reading of an ORDINANCE AMENDING SECTION 7 OF THE FLAG SPRING CEMETERY RULES PERTAINING TO THE REQUIREMENTS FOR FOUNDATIONS. The third and final reading will take place at the 01.09.2018 Council Meeting.

Ordinance – Zone Change

Mrs. McConnell read the Second Reading of an ORDINANCE APPROVING A ZONE CHANGE FOR PROPERTIES LOCATED AT 3669 AND 3679 ROUND BOTTOM ROAD IN THE VILLAGE OF NEWTOWN. The third and final reading will take place at the 01.09.2018 Council Meeting.

NEW LEGISLATION

Ordinance – Temporary Appropriations for Fiscal Year 2018

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 25-2017 AN ORDINANCE APPROVING TEMPORARY APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN FOR FISCAL YEAR 2018. Mr. Zornes seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes. Motion Carried.

Resolution – Purchase Police Cruiser

Purchasing 2018 Dodge Charger AWD Police Cruiser; amount not to exceed \$27,195.

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 29-2017 A RESOLUTION AUTHORIZING A CONTRACT WITH GREVE CHRYSLER JEEP DODGE FOR THE PURCHASE OF A POLICE CRUISER. Mr. Short seconded the motion.

Discussion

Mr. Fairley asked what vehicle this purchase replaces. Mr. Thamann said the purchase of this cruiser replace Chief Synan's vehicle. Mr. Fairley asked if we had an agreement with someone to purchase the old cruiser. Chief Synan said yes, once Council approves this purchase, they will notify the interested party and move forward with the agreement to sell the older cruiser at \$17,500.

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

Resolution – Public Funds Agreement w/Fifth Third Bank

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 30-2017 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR DEPOSIT OF PUBLIC FUNDS WITH FIFTH THIRD BANK TO PARTICIPATE IN THE OHIO POOLED COLLATERAL SYSTEM. Mr. Fairley seconded the motion.

Discussion

Mr. Tiettmeyer explained that the Ohio Pooled Collateral System (OPCS), established by the Ohio legislature, went into effect July 2017 and allows for an eligible Ohio public depository to pool collateral to secure Ohio's public deposits. Up to this point all funds from public entities had to be fully secured or fully collateralized by treasuries and such. This authorizes, based on the state's evaluation of your financial institution, their ability to accept less than 100% collateral. By doing this, we would expect a higher return on our money.

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

Resolution – Memorandum of Understand w/MVCA

Solicitor Supinger said, generally speaking the Village was approached by MVCA with two requests that are issues that are not addressed in the agreement between the Village and MVCA. The first issue not addressed is 1) part of their capital campaign to raise funds for the project and desires to offer certain incentives to prospective donors related to naming rights and to offer advertising and sponsorship opportunities in Zone 1 and Zone 2 of the park. The Village is not opposed to MVCA using such methods to raise funds for the project subject to certain conditions that specify the funds generated from the naming rights would be used for the capital campaign for the capital improvements. Naming opportunities: a) MVCA may

provide, as an incentive to prospective donors, naming opportunities for following improvements or amenities: 1) all weather turf field, baseball complex, the track, press box/stands and the convenience center (restrooms/concessions/storage). Mayor Kobasuk said the naming rights would not go into effect if there is never construction so this is to help them raise funds and is all contingent upon the construction plans being approved by BCI and coming before Council. Mrs. McConnell said the Governing Board would need to be active. The second issue not addressed in original agreement is to raise funds for ongoing maintenance of the field. MVCA would have the ability to sell more temporary advertising space, such as banners attached to the fence and such, which would need to apply with Village Zoning Code. Again, the MOU states the Village doesn't object to this concept. Basically, a conceptual idea that doesn't go into effect unless Council approves the construction plan and the Governing Board would also have to approve the naming rights, stated Mayor Kobasuk. The name of the park will remain as Short Park. Mrs. McConnell said as far as signs in a public park, the Zoning Code only addresses if so many feet from the right-of-way. Other than that, she feels it's a matter of cosmetics and does not have a problem with funds being raised in this manner. Mrs. McConnell said controls need to be in place so visually people do not become bombarded with advertising signs. Mr. Rhodenbaugh will review Zoning Code with Mr. Stoker and discuss a conceptual sign.

Mr. Tiettmeyer read the First Reading of a RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH MIAMI VALLEY CHRISTIAN ACADEMY.

Checklist

Mr. Tiettmeyer made a motion to approve the 12.12.2017 Council Checklist, in the amount of \$579,013.65. Mr. Zornes seconded the motion. All Aye. Motion Approved.

Executive Session – Pending Litigation

Mr. Tiettmeyer made a motion to enter into Executive Session (Pursuant to Section 121.22(G)(3) of the Ohio Revised Code to discuss pending litigation at 8:12pm. Mr. Fairley seconded the motion.

Solicitor Supinger stated that no action is expected.

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

Council reconvened at 8:25; no action to be taken as a result of the executive session.

Mr. Zornes made a motion to adjourn at 8:25pm, seconded by Mr. Fairley. Motion Carried.

Transcribed by Becky Fairley.