

The May 26, 2015 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

Council Members: Joe Harten
Mark Kobasuk
Cheryl McConnell

Chuck Short
Curt Tiettmeyer
Daryl Zornes

Solicitor: Doug Miller

Representative Tom Brinkman, Ohio 27th House District

State Representative Tom Brinkman continues to oppose the Eastern Corridor project. In an effort to halt the project, Mr. Brinkman inserted a provision into the Transportation budget that requires a deadline for action on the Eastern Corridor project by the end of the year. State Senator Bill Seitz is expecting a letter from Jerry Wray, ODOT Director, stating any unused dollars from the Eastern Corridor project would be spent in Hamilton County on other projects. Hamilton County Commissioner Todd Portune presented a resolution to Commissioners Greg Hartmann and Chris Monzel, against the project going through Mariemont, but still going through with the project. Commissioners Greg Hartmann and Chris Monzel are against the Eastern Corridor project and voted against the resolution presented by Mr. Portune. We just need to remain vigilant showing traffic counts are down. The citizens just do not want this highway!

Other issues Mr. Brinkman is working on include: 1) restoring local government funds that have been cut in the past. Forest Hills School District can also expect to receive the same amount of money for the next two years, as in the past. 2) Hotel-Motel tax with the Municipal League. This money would help expand the Convention Center in Cincinnati and refurbish the Sharonville Convention Center. This fund is bringing in more money than anticipated; hopefully, some of the funds could be disbursed to local communities, including Newtown.

Hearing - 6840 School Street Property

Bill Murray, homeowner is present at tonight's meeting. Solicitor Miller notified Hamilton County Auditor and Hamilton County Treasurer; by law, they have an interest in the property. Bank of America was also notified of tonight's hearing. The below ORC 715.26 allows Council to take action:

715.26 Regulating erection, inspection, and numbering of buildings.

Any municipal corporation may:

- (A) Regulate the erection of buildings or other structures and the sanitary condition thereof, the repair of, alteration in, and addition to buildings or other structures;
- (B) Provide for the inspection of buildings or other structures and for the removal and repair of insecure, unsafe, or structurally defective buildings or other structures under this section or section [715.261](#) of the Revised Code.

Tucker Stone, Supervisor with the Hamilton County Board of Health, presented pictures and the below report: Hamilton County Board of Health became involved with this property due to an anonymous complaint made on 3.10.2015. The home was inspected 3.13.2015; at which time, issues were discussed with Mr. Murray. Nature of the complaint included: odor coming from the house, junk vehicles parked in the yard and the presence of raccoons going and coming from the home. Upon the inspection, Mr. Murray admitted he had nineteen cats, one dog, a raccoon infestation and no running water to the home. Pet waste was not being managed in a responsible manner. Mr. Murray indicated he lived in the garage in the rear of the house sleeping on a small mat. The house is used primarily as a storage unit. Faith Christian Fellowship Church allows Mr. Murray to use their facilities for restroom and bathroom needs. Mr. Murray further indicated the home was in foreclosure and he would be moving anyway. This issue was discussed with the Newtown Police and Building and Zoning Commissioner. The Police Department had previous knowledge of a large amount of weapons that were in the home. Ultimately, it was discussed that the Health Department would do an inspection without a search warrant, in conjunction with the Newtown Building and Zoning Commissioner and Assistant Fire Chief Terry Timmers. This inspection took place 4.16.2015; at which time, Mr. Murray was willing to allow the Hamilton County Board of Health walk the property inside, including the basement, outside and the auxiliary structure in the back that Mr. Murray had been sleeping in. It was then confirmed there was no running water to the property. Multiple containers holding water were found to be breeding mosquitoes throughout the property. Mr. Murray said he was using this water for the pets. Excessive amount of waste and flies were evident. It is unclear where the contents of a portable toilet were being emptied. One had to turn their body sideways to walk inside the property, as the pathways inside the home were approximately 12-16 inches wide.

The housing code requires a 36 inch egress throughout the property, which is the width of a life-saving gurney. While there is a bathroom in the house, the bath tub has been used as a kitty litter box for several years. The toilet has not been used in years. As a result of the house not having necessary utilities and there not being adequate egress throughout the property, and the raccoon infestation, the home at 6840 School Street was condemned 4.16.2015. Pictures and a video were taken of the home. A friend of Mr. Murray's said he could sleep at his home until Mr. Murray figured out how he would move forward on the property. Issues directly affecting the neighbors were discussed with Mr. Murray, in regards to the raccoons and the odor, before he started on the inside of the house. Mr. Murray had shown some progress thirty days later on 5.18.2015, when an inspection was conducted. The raccoons remain an issue and the flies and odor are worse due to warmer weather. Mr. Murray claims his dog was stolen and feels the need to stay close to the property; therefore, he is sleeping in his car out front. He is not sleeping at his friend's house as discussed 4.16.2015. Mr. Murray is working on packing his belongings during the day. The house remains condemned and will be inspected every thirty days until the condemnation is lifted or the house is demolished. The Health Department is looking into additional notices of violation since the raccoons remain an issue. However, at this time, no further notices have been written from the Health Department in regards to situations that are affecting neighbors.

The raccoon infestation has been going on for a long period of time. A professional needs to be hired to trap and properly euthanize the raccoons. It would be illegal to trap and move the raccoons down to the river. Mr. Stone said 6840 is an overwhelmingly huge problem with multiple public health issues. It is Mr. Stone's opinion that the house is not salvageable and needs to be razed, including the secondary structure in the rear that Mr. Murray is sleeping in.

Mr. Murray has collected countless military uniforms, hundreds of weapons, swords and cannons over the years. Between the April and May inspection, hundreds of weapons have been removed from the home. However, the swords and cannons have yet to be removed. Just moving will be an overwhelming project for Mr. Murray.

Chief Synan said this situation is not unique, referring to property owned by Mr. Murray on Broadwell Road where quite a few years ago, officers went into the structure and still have health issues from mold and other sources they encountered entering the structure. It's not just a matter of condemning and razing the house located at 6840 School Street. This property is definitely a health issue and Council needs to take some sort of action after almost thirty years of trying to intervene with assistance. The house is not safe structurally, there is potential for disease, odor is evident when driving by the house.

Solicitor Miller told Council they can take whatever action needs to be taken with regard to the property, up to demolishing the building. He suggested adopting an Ordinance prior to taking action. Once Council decides which route to take, the property owner and others that hold an interest in the property will have thirty days notice to remedy the problem. Council can then move forward if it is not done. At this point, it has been six weeks from the 4.16.2015 date. Council may want to consider things aren't moving fast enough with the problems presented to the area. The 6840 School Street property is scheduled for Sheriff's Sale 6.25.2015. Discussion continued on various scenarios of action that may be taken.

Chief Synan said the police department cannot take action based on orders from the Board of Health; therefore, Building and Zoning Commissioner Mike Spry will need to condemn the property based on zoning and building codes or Council can declare the property a nuisance. Chief Synan stressed that compassion has been displayed for Mr. Murray, as the Village has tried to work with him for thirty years. Mr. Murray has been through the process in Newtown Mayor's court, as well as the process in Hamilton County Courts. Chief Synan said it's beyond the point of just putting out effort; the enormous problem is now beyond Mr. Murray's means. Based on orders from the Board of Health and conversations with Solicitor Miller, Chief Synan is recommending Council take some sort of action declaring the property a nuisance and condemning the property based on zoning, building and fire codes. Mr. Murray is currently sleeping in his car and the police department cannot enforce the Board of Health's orders without the property being declared a nuisance by the Village of Newtown.

Solicitor Miller and Council continued to discuss various actions. One of the problems we have because of the foreclosure; typically, whatever action taken can be put on the tax bill of the property to recoup whatever money has been spent. If the property sells at a Sheriff's sale and the work was done prior to the sale, the Village cannot recoup the money. The statute says a lien is not even allowed to be placed on the property then. Solicitor Miller told Council they may want to wait and see what happens at the Sheriff's sale before taking action.

Mr. Kobasuk said he didn't feel well advised. Chief Synan said the problem is we have not been prepared with a process and we are now playing catch-up. A process needs to be in place taking the homeowner's rights into consideration.

Solicitor Miller said the Board of Health is presenting the evidence they found and it's up to Council to make the determination as to what actions will be taken.

Mr. Harten said if we just take this in logical sequence, he can't think of anything that is more perfect of a definition of a nuisance that he has ever seen. He suggested declaring the property a nuisance so we can move to the next phase and give the Chief Synan and Solicitor Miller tools to move forward. Mr. Harten appreciates the great work done by the Board of Health. While the Village would rather not have to take certain actions, for the greater good of the Village, there are certain actions that may need to be taken that will cost money, said Mr. Harten.

Chief Synan said declaring the property a nuisance covers issues noted by the Board of Health. If Building Commissioner Mike Spry condemns the property then the police can make sure the property is not being occupied. Solicitor Miller suggested Mike Spry give his opinion of the property to Council, based on his expertise as the Building Commissioner. This hearing will be kept open and will be continued at the 6.9.2015 Council meeting. Mr. Murray is present; therefore, he is aware the Village is considering condemning his property.

Debbie Howard, 6838 School Street. Mrs. Howard has owned her home since 1994 and said the issues discussed have been ongoing for years. Mrs. Howard said it is evident Council needs to take immediate action, as the neighbors have suffered way too long.

Carrie and Doug Vanderzee, 6836 School Street. Mrs. Vanderzee said she is tired of hearing another thirty-days; how many thirty-days are in thirty years? She asked Council to step up and make a decision and not pass off this issue to the next meeting. Limits and standards of reasonable property maintenance and Mr. Murray is not and has not followed them. What about the rights of the taxpaying neighbors? This issue is negatively, single-handedly decimating the property values and isn't fair to others and this problem has gone on way too long. Mr. Vanderzee said everything the Board of Health said is overwhelming. He said he too has rights and has invested in this community and won't have one person bring down the property values. Mr. Vanderzee urged Council to take action on this property quickly.

Bill Murray, 6840 School Street. Mr. Murray said whatever Council decides to do he just wants to remove his belongings from the property. While Mr. Murray has been setting items out to the garbage, he has a long way to go. He said he can only do so much that there is so much stuff! Mr. Murray said all of the guns are gone, except for the two cannons. He apologized to the neighbors for the shape of the property. Mr. Kobasuk asked Mr. Murray how much time he needed to remove his belongings from the property. Mr. Murray said he couldn't say, as he would doesn't have money to do everything up front such as buying a trailer. He said if he had a place to put his belongings he could have everything off of the property in sixty (60) days.

After more discussion, it was decided Mike Spry will inspect the property, report to Council his findings; Council will then make a decision on the action to be taken. The homeowner, Mr. Murray will then have thirty (30) days to remove his belongings and bring the property up to code. Mr. Murray publicly gave permission for Mr. Spry to inspect the property.

Chief Synan reminded Council that this is what we have heard from Mr. Murray for thirty years. Mr. Murray doesn't have the funds, or anyone to remove the multitude of belongings.

Mr. Harten made a motion to declare 6840 School Street a nuisance, as so declared by The Village of Newtown. Mr. Kobasuk seconded the motion.

Amendment

Mr. Zornes amended the motion to instruct Building Commissioner Mike Spry to inspect the property within 72 hours. Mr. Kobasuk seconded the amendment. All Aye. Motion Carried.

Business to be presented at the 6.9.2015 Council Meeting regarding 6840 School Street

Mr. Harten made a motion for Mike Spry to make a full report to Council at the 6.9.2015 Council meeting; at which time, Council will take further action, as it sees fit with advice from Police Chief Tom Synan and Solicitor Doug Miller. Mr. Tiettmeyer asked that Solicitor Miller present solid recommendations as to Council's options. He asked for costs and Council's rights. He asked what action can be taken to move Bank America along with the foreclosure. Solicitor Miller said it is the Sheriff, not Bank of America. Mayor Cosby asked for estimates to raze the property. Mr. Tiettmeyer said he had already asked Mark Gillespie to get bids, based on a discussion with Solicitor Miller.

Catch Basins

Mark Gillespie asked for a motion to approve money to repair six failed catch basins. The Maintenance department inspected over two hundred catch basins in the beginning of the year. Bids were received from JK Meurer, Rack Seven and Prus Construction. JK Meurer had the best bid with a one-year warranty. Mr. Gillespie made a recommendation to put aside \$10,000 for the remaining catch basins. Mr. Tiettmeyer asked if the bids were in writing. Mr. Gillespie said he emailed them to everyone this afternoon. Mr. Tiettmeyer said he would like to see the information a lot earlier than two hours before the Council meeting. Mr. Gillespie apologized.

Mr. Short made a motion to approve an amount not to exceed \$3,500 to repair five catch basins on SR32/Main Street and one on Riverhills. Mrs. McConnell seconded the motion. All Aye. Motion Carried.

Lake Barber Maintenance Updates (Reported by Mark Gillespie)

Old Bridge: Funds have been set aside to demolish the old bridge. In an effort to save these monies, Mark reached out to quite a few municipalities, but has had no luck with anyone being able to commit at this time. The location of the bridge will make it tough for someone to go in to remove it without tearing up the walking path. Mr. Harten appreciates Mark's efforts and suggested that he look into the cost of demolishing the bridge.

Rip-Rap: The Maintenance department has been working to stabilize the shoreline at Lake Barber and have pushed about 100 tons of riprap into the hole. They are about 50% done with this project.

Water Fountain – SR32 / Round Bottom Road (Reported by Mark Gillespie)

Pentair pumps are on backorder with Don Marcum's Pool Care to replace the current pumps that are eight years old.

Municipal Center – Building Issues (Reported by Mark Gillespie)

It looks like someone put flashing to cover the gutters between the roof and the gutter and the flashing was not nailed down so it is falling out creating an access point for birds. The flashing was to allow air to circulate and get into the attic. Gutter guards have been discussed in the past. Mark recommended placing a screen of some kind on the gutters to keep the animals out. Mayor asked Ms. Everett to look up the company that did the roof to see if there is a warranty.

A dry toilet trap was the source of an odor was coming from the second floor. It was suggested that the sink, shower and toilet be removed and cap the traps.

Tree Removal, Suwannee Court (Reported by Mark Gillespie)

Mark authorized \$450 to remove a tree that is in the right-of-way. The debris will be removed by the Maintenance Department.

Memorial Day Parade

Chuck Short thanked Council and the Police Department for their participation in the annual Memorial Day Parade. He also thanked the Maintenance Department for placing the barricades throughout the route. Mayor Cosby thanked Mr. Short for his involvement in helping bring the parade together each year.

MVCA Agreement (Reported by Joe Harten)

At the 5.10.2015 Council meeting, Council passed a motion for Solicitor Miller to prepare a new version of the MVCA agreement. The new version of the agreement was emailed to Council 5.18.2015. Mr. Harten and Mr. Kobasuk met this morning with Shawn Baker and Nick Rotolo to discuss Council's proposed 60/40 split of the gross revenue. MVCA proposed a 65/35 split of gross revenues with a provision to review the actual receipts on a periodic basis (3 to 5 years). An analysis was presented showing that once the fields are constructed; \$50,000 of revenue from non-MVCA events was projected. This would be about \$33,000 for MVCA and \$17,000 for Newtown each year at the 65/35 split in zones 1 and 2. This would be in addition to the money we currently foresee renting what is now zone 3. MVCA is very interested in completing the negotiations so they can begin their fundraising. Mr. Harten feels the 65/35 split is a good split. Mr. Harten will make three motions:

Mr. Harten made a motion to instruct Solicitor Miller to prepare a final version of the MVCA agreement incorporating a 65/35 split on gross revenue and providing for a periodic review of revenues. Solicitor Miller will then send the agreement to MVCA for their final review and acceptance. Mr. Kobasuk seconded the motion.

Discussion

Solicitor Miller asked about the intention regarding the periodic review. It would be a meeting just to review the receipts, said Mr. Kobasuk. There would be no requirement on the part of the Village to agree to give less. Solicitor Miller will send the final draft of the agreement and the full ground penetrating radar report to ODNR for approval. Mr. Harten will forward the newest site plans to Solicitor Miller to include with the packet to ODNR.

Mr. Short feels Council is being more than generous and he is opposed to the 65/35 split. Council has already removed the legal fees and ground penetrating radar fees. Mr. Kobasuk said the Village will recoup the money for the legal and ground penetrating radar fees. And the people overwhelmingly wanted to get this done. Mr. Tiettmeyer suggested the 65/35 gross revenue split, instead of net, as originally discussed. He said long-term, the Village will be a lot better off with the gross number. Mr. Tiettmeyer did an analysis on the expenses to maintain Short Park and it was well over \$300,000 the Village would save for the term of the lease.

The field technician with MAKSo/ve that performed the ground penetrating radar report said he was willing to review the details of the report with MVCA. Mr. Kobasuk asked Solicitor Miller to have Tim Hoffman, Dinsmore & Shohl contact MVCA to arrange the meeting.

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

Mr. Harten made a motion to have Becky post the final MVCA agreement on the website for public review, after Solicitor Miller sends it onto Miami Valley Christian Academy. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Ordinance, Agreement w/MVCA

Mr. Harten made a motion to have the First Reading of AN ORDINANCE APPROVING AN AGREEMENT WITH MIAMI VALLEY CHRISTIAN ACADEMY TO CONSTRUCT A SPORTS COMPLEX AT SHORT PARK. Mr. Kobasuk seconded the motion.

Discussion

Three readings will take place to give the public a review of the agreement itself and allow Solicitor Miller finalize the work with MVCA, stated Mr. Harten. Solicitor Miller will add emergency language to the second reading.

Mr. Harten made a motion to have the Second Reading of AN ORDINANCE APPROVING AN AGREEMENT WITH MIAMI VALLEY CHRISTIAN ACADEMY TO CONSTRUCT A SPORTS COMPLEX AT SHORT PARK at the 6.9.2015 Council meeting. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Timing of Sports Complex at Short Park (Reported by Joe Harten)

Shawn Baker indicated that once the agreement is finalized and MVCA's board has signed off on the agreement, MVCA fully intends to begin their fundraising with the beginning of football season with hopes of having the fundraising wrapped up in two months. After finalizing the plans for the Sports Complex, construction is expected to begin early 2016 with hopes of their first football season in the complex taking place fall 2016.

Newtown Beautification Update (Reported by Cheryl McConnell)

Phase I of the Newtown Beautification Project has been completed. The project was led by the Newtown Business Association and Shannon Adams, owner of My Flower Service. The planters look very nice – Phase II for 2016 has been discussed with Ms. Adams.

History in Your Own Backyard (Reported by Mrs. McConnell)

Mrs. McConnell will bring this opportunity back to the table if interest is expressed at a later date; Council agreed. Satolli Glassmeyer, owner of History in Your Own Backyard (www.HistoryInYourOwnBackyard.com) presented at the 3.24.2015 Council meeting, information on creating a series of documentary videos of historic sites and buildings in Newtown. Mrs. McConnell took this info to the Newtown Business Association.

Lake Barber Discussion (Reported by Mark Kobasuk)

Mr. Kobasuk feels passionately about Lake Barber, as it belongs to the Village residents, not Village Council. Residents should have access to the lake as soon as possible. The Village has owned the lake since 2010. The lake could not be opened until recently because we didn't have an access point and a parking lot.

It would make the most sense to take a gradual approach and open the lake to Newtown residents, their guests and invitees, and also open to the non-residents who work in Newtown. Phase I and Phase II should replace the discussion of

“Public vs. Private.” Phase I would be the limited subset of residents, their families, guests visiting and invitees, which the residents would be responsible for and the non-residents who work in the Village of Newtown. If things go well with Phase I, Council may consider a Phase II, which could be a public unveiling. The best source of feedback is our residents and during Phase I we get feedback from the residents. It is Council’s duty to open the lake to the residents. People should be able to fish; no swimming will be allowed; non-motorized boats are covered by the Village insurance. Mayor Cosby agreed the lake should be opened now with restrictions. Mr. Kobasuk wants to restrict the lake and give the residents a good experience so they can benefit from much enjoyment at Lake Barber. Mr. Kobasuk likes the primitive and rustic scenery at Lake Barber and doesn’t believe we need to make it into a grandiose park with water activities. The shoreline has been stabilized with riprap; the maintenance department can work on the tree roots and get the erosion under control.

Mr. Harten wants Lake Barber open to everyone as soon as it can safely be done. He is not looking to limit the use of the lake or delay use of the lake. Personally, he doesn’t want a grandiose park development either. If the Village doesn’t tap into some grant money, the lake as we know it today will not be the same in the next few years. This is why he feels we need to allow public participation. The honeysuckle needs to be controlled; the grass will be wiped out by other invasive species. And it is uncertain what is leaching into the lake from nearby landfills and businesses on the north end. After serving on Council for five years, he believes this will not be on the priority list, as the Village has too many needs. Mr. Harten said he will not support Lake Barber being private.

Mrs. McConnell said we would rather not take the negative view that everyone that goes to Lake Barber is planning nefarious activity. She believes the more eyes the better. Most people do the right thing and do fun things that are in concert with the pastoral setting. Mrs. McConnell believes this will be a joint effort with residents, business owners and state money. She believes the only way to be proper stewards of this great gift are to get money so we can take care of the lake. And the only way to do that is for the lake to be public.

Mr. Tiettmeyer said we keep talking about grants, but grants will not bring in operating money. Grants may bring in money to fix a few things, but if we are saying we don’t have the money to operate the lake, than that is another story. Grant money may help with the honeysuckle or erosion issues, but what grant money will not do is help keep the lake clean or pay for day to day operations. He said there is no doubt more people will come to the lake if it is made public. Mr. Tiettmeyer agrees with Mr. Kobasuk to begin with Phase I to see what type of activity will take place on the private sector. He has no problem with the lake being made public, after we make certain it is something the Village can manage with ongoing maintenance expenses. Let’s not kid ourselves; realistically, people will leave garbage behind and we have to keep it clean. And it will happen more often with more people that are allowed at the lake.

Chief Synan suggested that Council not base their decision solely on safety. As with the other parks in the Village, there will be incidents when opened up to the public. Rules need to be displayed and enforced. The police department patrols the parks regularly throughout the Village. The concern as far as safety goes would be lighting, a permit if required and enforcing the time the park will close.

Council is considering a permit fee for parking, which will generate some revenue for maintenance. Those using the lake would submit a form with their information and an emergency contact and possibly sign a waiver. The parking permit/decals will also help make certain the residents will have a parking space. Mr. Harten said he would like to have residents say that they were unable to park at Lake Barber on a Saturday because it was full of other cars. If it happened repeatedly we would deal with it, but it would be great having non-residents coming to the village patronizing our businesses. Mr. Harten envisions Lake Barber brining people into the Village, much like Loveland. Mr. Kobasuk said we can do that, but let’s begin with Phase I and see how receptive the residents are. Discussion continued about having people sign waivers. It is incumbent upon Village Council to protect the Village, said Mr. Kobasuk. Village liability insurance is only 1 million dollars per occurrence. Liability and waviars will be discussed in a meeting tomorrow with the insurance company. Mr. Kobasuk suggested more policy coverage. Everyone agreed swimming should not be allowed.

Mr. Harten will work on rules for the lake and present them to Council at the next meeting.

LMFD Fire Board Update (Reported by Mark Kobasuk)

One of Mr. Kobasuk’s agenda items was “Balance Budget Discussion.” He would like to see the fire district providing fire services living off of the revenue collected yearly, which is 2.85 million dollars. While Chief Ramsey has no great desire to make staffing cuts, he will work on presenting different scenarios. 75% of the budget is manpower.

Mr. Zornes asked how the merger with Golf Manor would benefit the Village of Newtown. Mr. Kobasuk explained that the merger would expand the footprint and bring in more revenue. However, some of the revenue would have to be used to upgrade their fire station and employee compensation. The merger would bring all of Columbia Township into the LMFD district and folks currently served by Golf Manor would have to pay the LMFD 12.05 millage currently assessed on Newtown. Columbia Township currently is divided with more than half paying current LMFD rate of 12.05 mills. Golf Manor is currently at 6.7 mills and they would have to come up to the 12.05 mills. Hopefully the increased revenue would force an increase for the LMFD, which would be used for operations. Hopefully, the extra expense of raising their compensation for the Golf Manor firefighters and improving their equipment would not take all of the revenue, said Mr. Kobasuk.

Mr. Zornes asked if the merger would benefit the Village of Newtown or Fairfax as far as fire protection. Mr. Kobasuk said yes as it would increase the amount of firefighters with a larger footprint and more revenue. Fire Chief Terry Ramsey has projected that the Village of Newtown and Fairfax residents wouldn't see another fire levy for an additional six to seven years if the merger takes place. Mr. Zornes said while Golf Manor would be in the LMFD district, they wouldn't be any benefit to the Village of Newtown since their station is fifteen minutes away. Mr. Zornes said while the other LMFD fire station is in Fairfax, the second fire station that is called into the Village of Newtown is Mariemont fire station, not LMFD station 66 in Fairfax. He knows this because he hears the monitor every day. Mr. Kobasuk said Mariemont fire department is enjoying a lot of benefits by sitting between two fire stations. They don't want to join because they are providing fire protection for their residents with \$800,000 and the LMFD budget collected is 2.85 million and we are spending 3.15 million dollars, which means we have a deficit each year. The logic is expanding the district taking in Golf Manor, the additional revenue from the additional residents in Golf Manor would fund over all operations.

Firefighter Mike Thompson spoke to Mr. Zornes questions. He said the merger with Golf Manor would not put more boots on the ground in Newtown. He said others are called to assist that are closer than Golf Manor, as they are not even on the run card for Newtown. The benefit comes in by holding off a on a tax increase. Mr. Thompson said the only way to responsibly curb increasing costs without reducing the current level of fire service and safety is to expand the footprint and share the costs, like Mr. Kobasuk said. Mr. Thompson said the last operating levy was passed in 2006 or 2007, so we're in the eighth year on a five-year budget plan. The merger is projected to add an additional six to seven years before having to go to the voters for another levy; somewhere around 2021 or 2022, stated Mr. Thompson. Bringing up Golf Manor's employee compensation and improving their fire department and equipment should not impact these projections, stated Mr. Thompson. Golf Manor has been operating on a fixed budget, but being supplemented by their General Fund. Mr. Kobasuk asked Mr. Thompson if it was correct that Golf Manor would need to do something by the end of the year, as this is when their contract will expire. Mr. Thompson said yes that is correct and was discussed in a meeting this morning. Mr. Kobasuk asked if Columbia Township looks to LMFD to provide all fire protection, then LMFD would merge with Golf Manor. Mr. Thompson said Columbia Township would join the existing LMFD district coming up to the 12.05 millage. The Village of Golf Manor and Columbia Township trustees would have to vote on them coming into the LMFD district, said Mr. Thompson. Mr. Thompson told Mayor and Village Council to feel free to email him with additional questions.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 5.26.2015 Council Checklist for \$85,269.25, seconded by Mr. Zornes. All Aye. Motion Carried.

Change Order - Police Department Renovation (Reported by Curt Tiettmeyer)

Renovations are moving forward. With demolition complete, walls are being erected. A change order in the amount of \$9,810 needs to be approved. The change order mostly covers wall, floor and ceiling preparation. The need for this work was discovered during the demolition process.

Mr. Tiettmeyer made a motion to approve a Change Order to John P. Tumlin & Sons Ltd. for an amount of \$9,810, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Water Fountain Utility Expenses– SR32 / Round Bottom Road Reported by Curt Tiettmeyer)

To address previous questions about possibly not opening the fountain, Mr. Tiettmeyer presented water and electric operating expense for the fountain. A two-year annual average for electric and water utilities is \$3,800. Repairs and maintenance expenses are additional.

Council Minutes

Mr. Zornes made a motion to approve the 5.12.2015 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Conversation regarding 5.12.2015 Minutes (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer asked Mayor Cosby if he had reviewed the 5.12.2015 Council Minutes where Mark Gillespie had given a report on the installation of riprap to stabilize the shoreline at Lake Barber. In the below excerpt, Mr. Gillespie reported that the maintenance department was directed to install the riprap to stabilize the shoreline. Mr. Tiettmeyer questioned that since he was confused because Council had agreed to proceed but it was clear Council wanted the project done by a contractor, rather than the staff. Mr. Gillespie stated that the mayor had told him to get it done. Mr. Gillespie said you said for the maintenance department to do the riprap and not use an outside provider. It is clear four council members had received a phone call from the mayor and had agreed at that point based on the mayor's comments that he would go ahead and do this against Council's orders. Solicitor Miller stated that at anytime the Mayor overrules Council, it cannot be done by a phone call that it must be brought back to the table for Council to discuss the issue. Mr. Tiettmeyer said he is bringing this up because according to Solicitor Miller, Mayor Cosby violated a state law by not coming back to Council on something they had voted on.

Mayor Cosby said he did override Council's order for a number of reasons: 1) The only dump truck's used by haulers are considerably larger and Newtown's dump truck is smaller wouldn't have damaged the walking path. 2) We wouldn't have gotten the amount of riprap needed because we would be paying for fees to haul the riprap. Due to these reasons, Mayor Cosby said he instructed Mr. Gillespie to truck in the riprap to save ruining the walking path, save taxpayer's money and increase the amount of riprap needed for the hole vs. a third less or more by paying hauling fees.

Mr. Tiettmeyer said while those may be legitimate reasons, he would question whether or not money was saved when employee labor time is taken into account, and their safety, in terms of moving the heavy rock. Mr. Tiettmeyer said the bigger point is, according to Solicitor Miller, that Mayor Cosby is not permitted to make a change on an action that has been approved by Council on his own, whether he made phone calls to individuals or not. He said Mayor Cosby violated a state law by overriding Council and not bringing the issue back to the table for Council's approval. Mayor Cosby said he got the point. Solicitor Miller said his point is Mayor Cosby cannot call more than three people, otherwise it would be considered an open public meeting. Mayor Cosby said he wasn't asking for a vote; he was simply giving his opinion as to why the project should have been kept in house. Solicitor Miller said whether it is a violation or not, it's a public records issue and it is not a good idea to be calling individual people. Mayor Cosby said he hopes everyone remembers this for all issues. Mr. Tiettmeyer agreed.

Excerpt from 5.12.2015 Council Minutes (Lake Barber (Brush, Riprap and Old Bridge Removal))

The maintenance department will be installing riprap to stabilize the shoreline. Bzak delivered riprap today. Mr. Tiettmeyer said he was confused since Council agreed to proceed and it was clear this project would be done by a contractor, rather than staff. Mr. Gillespie said Mayor Cosby directed him to go ahead and get it done. Mr. Tiettmeyer asked if the mayor instructed him to do the riprap after Council said it should be done by an outside provider. Mr. Gillespie said that is correct. Mr. Kobasuk said Mayor Cosby called him and made a persuasive case; he assumed the mayor called all of Council for consent. Mrs. McConnell said Mayor Cosby called her and was concerned about trucks from an outside company being too heavy for the bridge. Mr. Tiettmeyer said it would be the contractor's liability if anything were to happen. Mr. Tiettmeyer said he is disappointed that Mayor Cosby didn't call the entire Council. Mayor Cosby called everyone except Mr. Tiettmeyer and Mr. Harten. Solicitor Miller said the mayor shouldn't be calling anybody. Mr. Tiettmeyer said Mayor Cosby overruled Council; Solicitor Miller said that is correct. Mr. Harten said the right thing would have been for the issue to be brought back to the table for Council to discuss. Solicitor Miller said issues need to be brought to the table if they are going to change. Mr. Tiettmeyer said this will be discussed at the next meeting.

Overtime vs. Comp Time - Village Employees (Reported by Daryl Zornes)

At the 5.12.2015 Council Meeting, Solicitor Miller was asked to prepare an ordinance so the Maintenance Department could receive comp-time vs. overtime. This is already covered in the current personnel policy for all departments; therefore, an ordinance is not necessary. Solicitor Miller said it is always the employee's choice whether to take comp-time or overtime.

Martin Marietta Mining Issue (Reported by Solicitor Miller)

Oral argument is scheduled for July 22, 2015.

6840 School Street Property - Explanation to Council

Solicitor Miller will send a memo to Council explaining Council's options regarding this property. Mr. Kobasuk said he felt ill-prepared tonight with information presented to Council.

Mr. Kobasuk made a motion to adjourn at 9:50pm, seconded by Mr. Tiettmeyer. Motion Carried.

Transcribed by Becky Fairley