

Call to Order/Pledge of Allegiance/Attendance

The July 25, 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)	Chuck Short	Solicitor: Emily T. Supinger
	Daryl Zornes	Cheryl McConnell	Fiscal Officer: Keri Everett (absent)
	Joe Harten	Terry Fairley	Assistant to Mayor: Becky Fairley

Councilman Harten - Award Presentation

Mr. Harten has resigned from Village Council, due to relocating to Charlotte, North Carolina in the next few months. Mr. Harten will serve until July 31st. Mayor Kobasuk presented Council member Joe Harten with a service and recognition award for serving on Village Council and Council thanked 2010-2017. On behalf of the Village, Mayor Kobasuk extended a great thank you to Mr. Harten for his contributions over the years. Mr. Harten first thanked his family for their support while serving as a council member for the past eight years. While it's a sacrifice one makes willingly, it is not easy being away from home 30 plus times per year. Secondly, Mr. Harten thanked the citizens of Newtown for voting for him to serve two terms on Council. Mr. Harten always made a conscience effort to keep the citizens best interest in mind. He thanked the Village staff: Police Department, Maintenance Department and Administration who has always been helpful answering questions and setting him straight when wrong. Mr. Harten also thanked the elected officials for their guidance over the years. Mrs. Fairley said it's been a pleasure working closely with Joe Harten as our Parks Chair to help make Moundview Park the Village jewel that it has become today. Moundview Park is a wonderful venue for weddings, receptions and various other family gatherings where many memories have been realized. On a personal note, she was asked to do a reading for a special friend's wedding, and Joe helped her prepare for the reading, since she had not had a lot of experience and was uncomfortable with public speaking. Due to his efforts, Mrs. Fairley said she now feels adequate to participate in the lector ministry at St. John Fisher Catholic Church.

Approval of Council Minutes

Mr. Short made a motion to approve the 06.27.2017 Council Minutes, Mr. Fairley seconded the motion. All Aye. Motion Carried.

Special Presentations

ATFD ISO Rating

Chief Mark Ober talked about the ISO Rating, (Insurance Service Office), is charged with evaluating fire departments in the United States. Based on this evaluation, a rating between 1 and 10 for each department is assigned – 1 being the best and 10 being the worst. The ATFD's rating is currently a class 3 and the attempt is to be a 1. Improving a department's ISO rating results in a significant cost savings on fire insurance for every property owner within the jurisdiction. The water supply category includes points for sustained flow rate, water system maintenance, type of supply, etc. In an effort to improve the ISO rating, a five-year plan is being implemented to better understand the exact flow of each hydrant in the village. Mr. Ober presented more information, which may be obtained from the Village office.

Citizen Participation (Read by Mayor Kobasuk)

We have reached that point in our meeting where a citizen may express an opinion, make a statement, address a concern, or ask a question on any subject that is not otherwise on the agenda. This will allow the statement to be entered into the official meeting record. This portion of the meeting is not for Council to provide responses to citizen comments. If you have a concern or request information, please be sure to leave your contact information with the staff before you leave the meeting. A member of the staff will contact you regarding your request. Please state your name and where you live when addressing Council. Is there anyone present that would like to bring an item, not otherwise on the agenda, before Council?

Bill Burckard, 6841 School Street

Mr. Burckard thanked the Maintenance team for assisting with the removal of a limb in front of his property. Mr. Burckard also brought to Council's attention a limb that is hanging over the street from a tree in the property located at Mr. Murray's property. Mr. Thamann will assess the limb.

ADMINISTRATOR'S REPORT (Jerry Thamann)

1) **Duke Energy**: Gas Inspections will take place August 15 thru August 26. The inspections involve both residential and commercial establishments with inside gas meters. The Southern Cross Inc. technician will be readily identifiable with picture ID and uniform. This info is also posted on the Village website (newtownohio.gov).

2) Clusters/Oyster Bay Drainage Issue: Mr. Thamann, Mr. Brandstetter and Mr. Morgan met with Anderson Township officials regarding the Dry Run Watershed flooding concerns. Water flowing down from a development is impacting Oyster Bay creek along Little Dry Run. The water is flowing into private creeks. Anderson officials said the Zicka development in Ivy Hills was permitted prior to Hamilton County Storm Water regulations so there was no requirement for any type of detention. Anderson officials said they will study the area and look into other opportunities to help better manage the storm water. There is no immediate fix for the Oyster Bay residents as it stands; their creek is a private creek that is running behind their backyard. Mr. Thamann reached out to Hamilton County Engineer Ted Hubbard who agreed to meet with Village engineers to discuss their ideas. Mr. Hubbard said they could also assist with Municipal Road Fund money if we can come up with a fix to the creek along the edge of Little Dry Run. If the creek continues to erode, it could impact the stability of Little Dry Run. Mr. Hubbard said they are willing to assist but nothing can be done on private property. Mr. Thamann said it has been confirmed that the storm drain is on private property. Mr. Thamann emailed a copy of the letter from Anderson Township to Oyster Bay residents Mr. Moore and Mr. Bley.

3) Purchase Order Policy Update: A change to the purchasing threshold was made. From \$0.00 to \$10,000, a Purchase Requisition form must be completed and submitted to the Fiscal Officer. (A "then" and "now" certificate can be completed for all purchases up to \$100.) \$10,001 to \$49,999, purchases or services in this range will be brought to Council for approval by motion or Resolution. \$50,000 or Greater, must use competitive bidding process unless the purchase is exempt from competitive bidding under state law or the purchase can be obtained through a cooperative purchasing program. Mr. Thamann worked with Solicitor Supinger on these changes. Mrs. Supinger said, typically, under state statute, a Village Administrator has spending authority up to \$50,000. Many like-sized communities with smaller budgets will place restrictions on the spending authority. The Mayor can approve any emergency purchases or services.

4. MVCA Update: No new plans have been submitted for review by Village engineer.

5. Ragland Road Drainage Update: In an effort to make the best decision using Village money to correct this ongoing flooding issue and to ensure the best decision is made for the future, Mr. Thamann asked BCI, Bruce Brandstetter to submit plans for comparison to install a 100 year storm pipe, vs. 50 year. (25 yr storm pipe is quoted at \$401,000, 50 yr at \$442,000 and 100 yr storm pipe which increases size of pipe is \$457,000). Realignment of the creek is also being considered, per Mr. Thamann's request. Mr. Thamann, Mr. Fairley and Mr. Morgan walked the creek and saw a lot of debris. Mr. Thamann said cleaning and clearing any hillside creates more erosion and silt. Residents should leave the vegetation to prevent the hillside from eroding. Trash racks will assist with catching debris but will need to be maintained. Mr. Fairley asked the size of the 50 year pipe and the 100 year pipe. Mr. Thamann said the 50 year pipe is 48" pipe and we are looking at a 60" elliptical. The 100 year storm pipe is 54" oval pipe. Mr. Harten said moving forward, the Village needs to consider the possibility of purchasing homes that may be in the way of a stream of an area troubled with flooding. He made it clear that the Village should not be in the business of purchasing homes, but it certainly could be part of the solution for some cases. Mr. Fairley asked about the timeline – The beginning of the project should be maintained with advertising by end of August, once a decision has been made, stated Ben Brandstetter.

MAYOR & COUNCIL MEMBER REPORTS

Council Member Curt Tiettmeyer: Mr. Tiettmeyer reported on the 2nd Quarter 2017 Finance Report. Half way through the year, our revenue status is at 59.26%, which is in part due to the Municipal Income Tax Collection. Mr. Tiettmeyer pointed out that we continue to be ahead of schedule with payments since the 1st Quarter. Due to several new businesses coming into the Village and success from existing businesses, a continued increase in Municipal Income Tax Collections is projected to be realized. Municipal Income Tax represents a major portion of the Village's budget so we need to be always be prepared to adjust the spending pattern in the event something goes wrong. Expenditures are in order – more details were discussed; the Finance Report may be obtained from the Village office.

Council Member Daryl Zornes: Mr. Zornes talked about the MDC Replacement Project, which involves replacing the computers and docking stations in all police cruisers. RCIC is in the process of finalizing the contract with Hamilton County and the vendor. A RCIC MDC Replacement Planning Form, which indicates our intent on replacing the MDC's in the police cruisers. This form needs to be signed by Chief Synan and returned no later than Tuesday, August 1, 2017. The county will pay for half the cost with an estimated cost to the Village at \$14,500, which was planned for in the budget. The last step in the process will involve a (MOU). The information we provide on the RCIC MDC Replacement Planning Form will be included in a Memorandum of Understanding (MOU), which will be sent to Newtown Police Department once negotiations have concluded and the final price has been determined. The completed MOU will formalize the agreement between the CLEAR Board and Newtown Police Department detailing each party's financial commitment, timeline of payment and identify each party's roles and responsibilities during the MDC replacement process.

Mr. Zornes made a motion to authorize Chief Synan to complete and submit the RCIC MDC Replacement Planning Form. Mr. Short seconded the motion. All Aye. Motion Carried.

Council Member Cheryl McConnell: Planning Commission will meet Thursday, July 27th at 6pm to review the Zoning Code Update. Solicitor Supinger will be present. A Public Hearing will also take place on the Zoning Code. Planning will then make a recommendation to Council for final approval.

VILLAGE SOLICITOR'S REPORT

Solicitor Supinger alerted Mayor and Council to House Bill 267, which proposes to eliminate certain immunities afforded to political subdivisions under Chapter 2744 of the Ohio Revised Code. The Bill was introduced by State Representative Catherine Ingram, District 32. House Bill 267 will eliminate political subdivision immunity for accidents involving emergency vehicles engaged in responding to emergency calls. Basically, the only exception is for the person injured attempting to flee from the emergency vehicle. This Bill is expected to pass – Mrs. Supinger encouraged Mayor and Council to reach out to local State Representatives and Senator since this Bill would greatly impact the Village insurance and ability to defend in these types of situations. Mrs. Supinger believes this is the wrong approach, but many insurance policies will exclude a claim under an uninsured motorist's policy if it's because a political subdivision has been granted immunity for the accident. Therefore, the result is motorists who have no claim against the municipalities or the political subdivision for the damage and no claim under their own insurance for the damage and they are left holding the bag. The proper fix would be to make sure that these are covered through insurance. A Resolution will be presented at the August 8, 2017 Council Meeting.

Mr. Fairley asked Solicitor Supinger for an update on the collection of local income taxes from the state of Ohio versus the Regional Income Tax Agency. Mrs. Supinger said they have found a middle ground giving people the option of using the Ohio Business Gateway to file their income taxes. Mrs. Supinger was not sure of R.I.T.A.'s position or how it will impact people or if they will opt to use it or not.

LEGISLATION

Ordinance, Park Rules and Regulations

Mr. Harten talked about bank fishing where fishing is limited to "catch and release." Lake Barber has grass carp and we don't want grass carp going back into Lake Barber if they are caught. For the future, he suggested working on something prohibiting grass carp from going back into the lake.

Lake Barber also has a lot of geese and we currently have a resident that does a good job of running off the geese. Item C. Pets/Animals (e) states, no person shall molest, disturb, injure, trap, hung, pursue with dog, kill or in any way have contact with or throw anything at animals or birds on park property. Mr. Harten suggested also exploring this section more with a letter of authority from the Village. Solicitor Supinger said this can be clarified.

Item D. Use of Tobacco Products prohibits the use of tobacco products in any Village parks or on Village-owned property. Mr. Short agrees with prohibiting smoking from Village-owned buildings, but is not sure how this can be enforced outdoors in the parks. Due to Newtown's participation in the WeTHRIVE program, Solicitor Supinger added this section to the rules and regulations. Mayor Kobasuk said Solicitor Supinger was modeling the rules and regulations under other communities. He feels it is better to have an objective in the rules that we don't want smoking. Chief Synan feels it would be useful for this section to remain for future use since we have committed to the WeTHRIVE program. The police officers will use discretion as they do with everything else, stated Chief Synan. Mr. Short and Mr. Zornes wanted Item D. removed. Mr. Harten, Mrs. McConnell, Mr. Tiettmeyer and Mr. Fairley were in favor of leaving Item D. in the rules and regulations. After more discussion, the following vote was taken:

Mr. Harten made a motion to leave Item D. (Use of Tobacco Products) in the Par Rules and Regulations without amendment. Mrs. McConnell seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-No, Mr. Zornes-No. Motion Carried.

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

Mr. Harten made a motion to adopt ORDINANCE NO. 20-2017 AN ORDINANCE REPEALING ORDINANCE NO. 13-2015 AND ESTABLISHING RULES AND REGULATIONS FOR ALL VILLAGE PARKS AND DECLARING AN EMERGENCY. Mr. Fairley seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-No, Mr. Zornes-No. Motion Carried.

Resolution, Cincinnati United Soccer Club

The agreement with Cincinnati United Soccer Club is for the fall use of athletic fields located at Short Park. Term of the agreement shall be August 1, 2017 through October 31, 2017.

Mr. Harten made a motion to suspend the rules, seconded by Mr. Fairley. Motion Carried.

Mr. Harten made a motion to adopt RESOLUTION NO. 22-2015 A RESOLUTION APPROVING AN AGREEMENT WITH CINCINNATI UNITED SOCCER CLUB FOR USE OF ATHLETIC FIELDS. Mrs. McConnell seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Ordinance Approving Purchasing Policy

This ordinance will repeal the Purchasing Policy previously approved, Ordinance 11-2017. Changes were previously discussed.

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 21-2017 AN ORDINANCE APPROVING A PURCHASING POLICY FOR THE VILLAGE OF NEWTOWN, REPEALING ORDINANCE 11-2017 AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Grant Agreement w/OPWC

The Ohio Public Works Commission has awarded grant money (\$195,000) to the Village of Newtown for the SR 32 Storm Sewer Replacement Project through its State Capital Improvement Program.

Mr. Fairley made a motion to suspend the rules, seconded by Mr. Harten. Motion Carried.

Mr. Fairley made a motion to adopt RESOLUTION NO. 23-2015 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

OLD BUSINESS

Mr. Ben Brandstetter said no action is required tonight for the ODOT SR 32 ODOT Safety Grant. BCI will work with Mr. Thamann on how to integrate the work associated with the Safety Grant, along with the work in coordination with the SR 32 East Storm Sewer project. Funding from ODOT for the SR 32 Safety Grant is for preliminary engineering. ODOT share is \$42,929. Village share is \$4,770. Mayor Kobasuk said he wouldn't think ODOT would partially fund the project unless it had a good chance of going through - Ben Brandstetter said he concurred with that statement and believes it's a good sign. The preliminary engineering determines the physical impact the project will have in order to meet the goals and objectives. We need to nail down the existing right-of-way and make sure the improvements will fit. Lt. McBreen attended the ODOT meeting in Columbus to represent the Village - Mayor Kobasuk asked Chief Synan to congratulate Lt. McBreen.

Mr. Brandstetter said J.K. Meurer has been notified by phone and email regarding significant warranty work on Oyster Bay and Pine Isle concerning the curb.

MRF grant applications are due September 8th, OPWC due September 15th.

McCullough Run Drainage/Clusters - BCI has obtained pricing to replace the wood lagging that has failed. Pricing will be sent to Mr. Thamann once received.

NEW BUSINESS

Council Checklist

Mr. Tiettmeyer made a motion to approve the 07.25.2017 Council Checklist for an amount of \$261,894.13, seconded by Mr. Harten. All Aye. Motion Carried.

Mr. Fairley made a motion to adjourn at 8:03pm. Meeting adjourned.

Transcribed by Becky Fairley.