

Call to Order/Pledge of Allegiance/Attendance

The September 26, 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 (excused absence)
	Daryl Zornes	Terry Fairley	Fiscal Officer: Keri Everett
	Chuck Short	Don Carroll	Assistant to Mayor: Becky Fairley

Approval of Council Minutes

Mr. Short made a motion to approve the 9.12.2017 Council Minutes, Mr. Zornes seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Tim Brandstetter, BCI Inc.

BCI, Village Engineer gave an update on the following projects:

1) Ragland Road Culvert Project

Design and easement process continues – the alignment of the storm pipe is being reviewed. G. J. Berding Surveying Inc. will do field work next week in preparation of the easements. Once easements are obtained from residents, the project should go out to bid with construction taking place Winter 2017/Spring 2018.

2) 2017 Street Paving

Curb work has been completed. Milling/leveling begins next week with the surface course following towards the end of Oct. BCI communicated to the contractor to post “NO PARKING” signs two full days prior to the work that is to be done.

3) ODOT SR32 Safety Grant

With pending ODOT Safety Grant, reviewing options to construct storm sewer per OPWC schedule but accommodate future widening w/ODOT Safety Grant. Discussions continue.

4) Burger Environmental/Farm Runoff

There has been an ongoing drainage issue on SR32 at Burger Environmental. Chuck Morgan reached out to Hamilton County Engineers Eastern Garage and they assisted with the re-grading along the south side of SR32. Their efforts were a huge help and greatly appreciated. In an effort to promote safety, Burger Farm plans to re-grade their property to drain to the shoulder into the newly created swall.

Municipal Judge Candidate

Darlene Rogers, 1260 Rambling Hills Drive, 45230. Ms. Rogers is on the November 7th ballot for Hamilton County Municipal Judge. Ms. Rogers said she is running for Judge because it is time for change. We need fair impartial sentencing for all people. We need collaborative solutions for the heroin epidemic and for our country’s disabled veterans, stated Ms. Rogers. Ms. Rogers’ opponent is honorable Curt Kissinger, District 4 judge on the Hamilton County Municipal Court.

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?

Chris Hicks, 444 Woodwick Court, Cincinnati, OH and Kelly Carlier, resident at 3625 Church Street read the attached. Mayor Kobasuk asked Mr. Hicks and Ms. Carlier to keep their presentation brief since Council is aware of their opposition to the MVCA/Short Park Joint Venture. Remarks by Mr. Hicks and Ms. Carlier were read at 7:09 – discussion ended 7:20pm. Mayor Kobasuk reiterated that the project is in the early stages since the plans have been delayed by MVCA. All information will be presented to the public at a scheduled Public Meeting that will take place once all information has been obtained. Mayor Kobasuk told Mr. Hicks he doesn’t like being criticized by him and said Mr. Hicks is in contempt because he violated the mediation rules – there was a confidential mediation and Mr. Hicks shared that information and was not supposed to do that.

Mayor Kobasuk said the Village is going to be transparent and have a Public Meeting after proper steps have been taken. MVCA needs to present plans to the Village; at which time, BCI Inc. will assess the plans, as they always do! Council will then decide if we want to put the project out to bid. After bid packages come back, we then see if the money is there. Mayor Kobasuk reiterated that he and Council are being transparent and sharing information with the public.

The following remarks by Mr. Hicks and Ms. Carlier were provided in Word. (The presentation and discussion took 10 minutes)

Bold read by Kelly. Non-Bold read by Chris.

We are Kelly Carlier of 3625 Church Street Newtown, Ohio and Chris Hicks of 444 Woodwick Ct. Cincinnati, Ohio

What can we say about Short Park now 1,057 days since we voted on November 4, 2014?

Let's talk about the finances. In 2014, MVCA promised \$2.3-2.5m. We know now that, due to the complex environmental engineering, those numbers were not realistic and that MVCA now has no intent of ever doing what they fully promised in 2014. They say that they have \$1.45 million. That is only 63% of the woefully underestimated \$2.3 million. But we know within that, from Chuck Short's comments at last council, \$500k is a home equity loan. Take that out and we have only 41% of the woefully underestimated \$2.3 million. But let's go back to the minutes of March 14, 2017 Council meeting and we learned MVCA has only \$330,000 in hand. A whopping 14% of \$2.3 million.

We know there are more secrets about the finances. It is why there is court case 2017-00612-PQ in which you, the Village of Newtown, fight to keep all financial records of the venture secret from the public. Even more, some in your government seek contempt charges against me because, apparently, some in your own government keep secrets from each other about project finances while you are voting on legislation. I am looking forward to the continuation of the action and have provided you, the Council, copies of new pleadings and a response to your motion for contempt.

Let's talk about your disregard of the citizens. Recorded in the Council minutes of 5/9/2017, I said:

"A couple of months ago we discussed having an open meeting for the public specifically because there has been such a lack of transparency, there has been so much misinformation, like Andi just pointed out, what people thought was going to be happening back there is not what in fact is going to happen so we talked about having a public meeting for the Village of Newtown, nothing has happened. So, when is the meeting, who is going to work with me on this?"

Mayor, you then personally committed to a public meeting. Then, when a month later nothing happened, you fought me trying to have my own meeting and you refused even to show up and take questions. Now the project is a mess. Money, environmental, timeframes and costs have skyrocketed to the Village, now over \$50,000. And still, you refuse a public meeting and open questions. You simply refuse to face the truth.

I present to you tonight almost 100 signatures of residents wanting that meeting before there are any more addendums. Any more ordinances. In the areas around the park, 90% of people I asked, signed. Will you ignore and marginalize them like you have ignored me? Will Council sit there talking about public involvement while you do everything in your power to evade public questions?

I had 90% of people I asked, sign. In fact, only about 10 declined to sign. 1 for fear of retribution, 2 supported the project, and 7 who had no idea there was a project.

The biggest concerns expressed to me were:

- **One, TRAFFIC.** People are concerned there is no plan and there has been no study.
- **Two, OPEN USE.** People are concerned that the facility will not be completely open to the public as promised.
- **Three, WILL WE GET WHAT WAS PROMISED?** People are concerned we are not going to get what was promised.
- **Four, THE LANDFILL CAP.** People are concerned that the landfill was not properly closed and is a health and environmental hazard.
- **Five, MONEY.** If MVCA cannot raise the money and if there is an environmental issue, who will be stuck paying? How is it insured? How will it be maintained?
- **Six, PLAYGROUNDS.** There aren't any and no one seems to care. Some refer to a 2007 state grant that was supposed to replace the playgrounds.

At the last meeting, Solicitor Supinger was asked a question about the new ordinance being an Emergency. Councilmember Short wanted to know why it needed to be an Emergency when it would be read three times. She gave a half-true answer. She said it was so it could go into effect immediately vs. waiting 30 days from when it is passed. It references a fake Emergency of an "event of default." We are already past the 2-year point so it is bogus. The real, unmentioned reason for the fake Emergency is that it prevents a citizen referendum. You see, normal legislation can be petitioned and put to a citizen vote. That, my friends, is called America. By declaring an Emergency, it blocks the public from doing petitions and calling for a vote. It is cowardly and corrupt and it was not even mentioned by your Solicitor in response to a direct question about why it needed to be an Emergency. There is a pattern here of challenging the Constitutional rights of people. Whether it is having park rules designed not to be enforced but to find "probable cause" when needed. Or preventing public access to their records so the public cannot have the information they need to petition government under the 1st Amendment. Or even not posting

ordinances online, as you did until 2008, so the people can see the rules. It loses sight of the very foundations of our nation and the fundamental rights of its people.

So, last meeting Barry Franz spoke and never mentioned the truth clearly. There is no landfill cap over Short Park as we, the public, were repeatedly told. You insisted there was a 4'-5' cap and no settling and even presented a report from a company called MAK SOLVE in 2015. It seems to have been a complete lie. Of course, you hid the actual environmental report from the public in your last meeting. That prevented me from being able to ask effective questions of you or Barry. After the meeting, you tried to charge us to see the report which was electronic, again trying to prevent my exercise of 1st Amendment rights. When we got the report, it became clear. Another deceptive cover-up of the truth. You have a sinking former landfill in a floodplain that has no engineered landfill cap. Now we know why there are sinkholes all over the park. We know only fools would do anything on it other than address a major environmental and safety risk. It was not closed properly.

So, it goes on. The blind leading the blind. There are so many issues that literally hundreds of things need to go perfectly for this to ever work. Only one of them needs to go wrong and the Village will be bankrupted in an environmental clean-up and perhaps Council Members will be searching for defense attorneys like those in Flint, Michigan.

And, don't forget, if all the hundreds of things do go right, all it takes is one flood like 1997 and you are back to square one. This is going to make one heck of a documentary. THANK YOU.

MAYOR & COUNCIL MEMBER REPORTS

Purchasing Policy – Potential Revision

The current purchasing policy was given to Council for review. Mayor Kobasuk said the two department heads have recently expressed some frustration with the \$100 limit. Chuck Morgan recently needed to purchase a \$130 piece of equipment which was over the limit and said purchasing the item was hung up in being reviewed. Mayor Kobasuk said the two department heads are the highest paid in the Village and should be given more authority. \$750 limit was mentioned. Mayor Kobasuk feels the department heads should be given more authority, if the money for an item has been verified by the Fiscal Officer and is in the department's budget line. Mayor Kobasuk will ask Solicitor Supinger to draft up something - discussion will continue at the 10/10/2017 Council Meeting.

NBA "WinterFest in the Village"

Mayor Kobasuk attended the 9/19 NBA Meeting and confirmed that the NBA is not dissolving. Mayor Kobasuk also recently met with the NBA Executive Committee to discuss the 11th annual WinterFest in the Village," which will not be taking place this year. Joe Motz and many of his employees at The Motz Group have put a lot of effort into the planning each year for the annual event. Joe Motz has stepped aside and decided it was best to not be involved this year. The NBA Executive Committee considered the possibility of organizing a smaller WinterFest, but decided it would be best to not move forward due to lack of time for planning. Moving forward, the Village of Newtown will need to assist the NBA with a contribution if WinterFest resumes in December 2018.

Planning Commission

Planning Commission will meet on September 28th at 6:00pm. There will be a continuance of the Public Hearing at the next Planning Commission meeting on September 28th at 6:00pm regarding the soccer fields at 3237 Church Street, next to St. John Fisher church. There is a conditional use request for active recreation on the six acres. A conditional use for a bakery "Fork and Pie Bakery" at 6836 and 6838 Main Street will also be proposed. A Public Hearing will also be held on Tuesday, October 10th at 6:30pm for the third and final reading to address the proposed changes to the Zoning Code.

LEGISLATION

ORDINANCE, SECOND READING APPROVING ADDENDUM TO MVCA AGREEMENT

In June 2015, the Council of the Village of Newtown passed Ordinance No. 12-2015, which authorized the execution of a Joint Venture Agreement with Miami Valley Christian Academy to govern the construction and operation of a new sports complex at Short Park in the Village of Newtown. On March 14, 2017, Council passed Ordinance No. 08-2017, which authorized the execution of an Addendum to the Joint Venture Agreement with Miami Valley Christian Academy in order to clarify certain provisions of the Agreement.

Mayor Kobasuk read the Second Reading of an ORDINANCE APPROVING A SECOND ADDENDUM TO THE AGREEMENT WITH MIAMI VALLEY CHRISTIAN ACADEMY TO CONSTRUCT A SPORTS COMPLEX AT SHORT PARK, AND DECLARING AN EMERGENCY.

The final and third reading will take place at the 10/10/2017 Council Meeting.

ORDINANCE, SECOND READING AMENDING STORM WATER UTILITY PROGRAM

On October 25, 2016, the Village of Newtown, by Ordinance 16-2016, adopted a Storm Water Utility Ordinance in order to finance the operation and maintenance of the Village's Storm Water Utility, as well as to provide funding for necessary repairs, replacements, improvements, and extensions to the users of the system. Changes were discussed.

Mayor Kobasuk read the Second Reading of AN ORDINANCE AMENDING THE VILLAGE OF NEWTOWN STORM WATER UTILITY ORDINANCE AND DECLARING AN EMERGENCY.

ORDINANCE, SECOND READING AMENDING THE ZONING CODE

Mayor Kobasuk read the Second Reading of AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF NEWTOWN.

RESOLUTION ACCEPTING AMOUNTS AND RATES, BUDGET COMMISSION

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 27-2017 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Mr. Carroll seconded the motion. ROLL CALL: Mr. Carroll-Yes, Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

NEW BUSINESS

Council Checklist

Mr. Tiettmeyer made a motion to approve the 09.26.2017 Council Checklist for an amount of \$91,107.75, seconded by Mr. Fairley. All Aye. Motion Carried.

Halloween Costume Party: In the place of the annual Trunk or Treat, sponsored by the Newtown Civic League, there will be a Halloween costume party for kids 12 and under. This will take place at the Newtown Firehouse, Station No. 22, on Sunday, October 22nd from 6:00pm to 8:00pm. Parents are welcome. Food, games, activities and candy bags for everyone will be provided. Mr. Short will be tending the grill.

Mr. Fairley made a motion to adjourn at 7:34 pm, seconded by Mr. Zornes. Meeting adjourned.

Transcribed by Becky Fairley.