

The October 28, 2014 meeting of the Newtown Village Council Work Session was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

**Councilmembers:** Joe Harten  
Mark Kobasuk  
Cheryl McConnell  
Chuck Short  
Curt Tiettmeyer  
Daryl Zornes  
Solicitor: Doug Miller  
Fiscal Officer: Keri Everett

#### Public Utilities Commission of Ohio

Mr. Lee talked about electric and natural gas aggregation and resources available on the newly launched website. The Public Utilities Commission provides a regularly updated *Apples to Apples* comparison chart of the certified suppliers' offers and information. This information can be found at ([www.energychoice.ohio.gov](http://www.energychoice.ohio.gov)).

#### Veteran's Memorial Agreement

The Veteran's Memorial Memorandum of Understanding was adopted by Village Council 6.10.2014. The purpose of the agreement is to clarify ongoing responsibility for costs associated with the Newtown Veteran's Memorial. The Village of Newtown and Newtown Veteran's Association will share the responsibility with the Village taking the majority. Mr. Lynn Burger was present to answer any questions that were brought to the table by Bill Teater at the 10.14.2014 meeting.

Mrs. McConnell read the below items of shared responsibilities to address Bill Teater's concerns voiced at the 10.14.2014 Council Meeting:

1. The Village of Newtown will cover all reasonable costs of maintaining the Memorial as follows: mowing, weeding, mulching, replacing as needed such items as trees, bushes, lights and fencing.
2. The Newtown Veteran's Association will be responsible for: replacing flags annually as needed, funding additional stone engravings as needed, and adding additional stone monuments as needed, (with Newtown Council approval for onsite placement.)

Mrs. McConnell said she must have made the mistake that Mr. Burger was apprised of this agreement since Councilman Short is Vice Commander of the Veteran's Association. Mr. Burger said he cannot sign the agreement as it is currently written. Below are two items of concern:

1. The Veteran's Memorial, located at Moundview Park, was created by the Newtown Veteran's Association, and has been donated to the Village of Newtown. *(Mr. Burger asked to add "with the approval of Council.)*
2. Any donations to the Veteran's Memorial will be used for the ongoing maintenance and upkeep of the Memorial and will be made available to the Village of Newtown, unless specifically designated for the Newtown Veteran's Association responsibilities.

*(Mr. Burger said the Association is a non-profit and not allowed to hand over the money.) Mrs. McConnell said with the Veteran's taking over the cost of maintaining most items, makes this a moot point. Mr. Burger asked to have the last paragraph on the Memorandum of Understanding dropped and add in what the Association will be responsible for. Mrs. McConnell said she would not have a problem deleting the last paragraph since the Veteran's Association will be absorbing most of the costs.*

Mr. Burger said he believes the memorial is pretty much maintenance-free. Mr. Burger said the Veteran's Association will be responsible for all new monuments, engraving and maintenance of monuments, maintenance of all benches, pavers, sidewalk, lighting, flags and any new upgrades. The Veteran's Association will also be responsible for the bushes, trees and shrubs. The Veteran's Association asks that the Village of Newtown be responsible for mowing, weeding and mulching around the Memorial. Mr. Evans has been kind donating the mulch, stated Mr. Burger.

Mr. Burger said two new monuments have been ordered and hope to have them installed by Memorial Day 2015. He asked if Council or a Committee would approve the placement. Mrs. McConnell said Village Council will need to approve the placement of additional monuments or items added to the Memorial. She explained this would be done at a Council Work Session, which is held the fourth Tuesday of each month. In 2014, Council implemented "Work Sessions" and basically did away with additional committee meetings. Mrs. McConnell will do a draft with revisions and include Mr. Burger before bringing the agreement back to the table for a vote.

Mr. Tiettmeyer thanked Mr. Burger for clarifying the items that would be maintained by the Veteran's Association. Mr. Tiettmeyer explained that Council was trying to set the rules for the agreement in perpetuity since the monument will be there forever. The

current Village Council is obligated to outline the intentions of maintaining the Memorial to the future Veteran's Association and future members of Council. He thanked Mr. Burger for attending.

#### Burger Environmental Landfill (Reported by Lynn Burger)

The landfill is officially closed, as it is currently being capped. However, there are issues with the EPA, as they do not want water from Ivy Hills running onto the landfill. Fifteen acres of water from Ivy Hills subdivision is flooding onto Burger's property. That is almost one-third of the water Burger's can handle. Mr. Burger would need to build his retention basin one-third larger and move 40 feet of debris to do so. The estimated cost is \$50,000. Mr. Burger asked to meet with a committee to discuss where the water could be diverted. If the water could be diverted into Little Dry Run, there is a barrier that would stop it from coming down stream since there is a culvert there. There is a dam that converts it into Ivy Hills Lake – Mr. Burger said this is Ivy Hills water so let's put it over in Ivy Hills Lake where it belongs. The EPA will not allow the water to penetrate through the landfill.

Mr. Harten said this is an evolving issue and should be discussed further at a Planning Commission meeting. Mr. Burger has discussed this issue before the Planning Commission over the years so they are aware of the history. Mr. Burger said plans for a family complex development are currently being drawn up.

#### FIRE OPS 101, Little Miami Fire & Rescue

FIRE OPS 101 took place October 24-25, 2014 at the Newtown Fire house. Bill Teater, owner of Great Day Productions participated in the event and said it was definitely an eye-opening and rewarding experience. Terry Fairley, member of the Fire Board also attended. Mr. Teater encouraged Mayor and Council to participate if the program is offered again. Mr. Teater said Village Council needs to contact Chief Ramsey before making any decisions regarding the Little Miami Fire District. He said the Fire District is definitely an asset to the Village of Newtown.

#### Executive Session

**Mr. Harten made a motion to enter into Executive Session at 7:20pm for the potential employment of a Village employee, seconded by Mr. Kobasuk. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

The Council meeting reconvened at 7:40pm. Mayor Cosby said action will be taken as a result of the executive session.

#### Great Parks of Hamilton County (Reported by Mayor Cosby)

As part of the effort to extend the Little Miami Scenic Trail from Little Miami Golf Center to Beechmont Avenue, Great Parks of Hamilton County purchased several properties located in the Village of Newtown. The Board of Park Commissioners of Great Parks of Hamilton County has determined that Great Parks has no use for the property located at 3607 Crawford. Mayor Cosby received a letter asking if the Village of Newtown would be interested in purchasing the property for \$209,000. Mayor and Council are not interested in moving forward.

#### MVCA Short Park Agreement (Reported by Joe Harten)

There is nothing to report at this time.

#### Planning Commission (Reported by Mr. Harten)

Planning Commission will meet 10.30.2014 at 7pm.

#### Lake Barber Update (Reported by Mr. Harten and Mrs. McConnell)

Mr. Harten and Mrs. McConnell had a site visit to Lake Barber on 10.17.2014. Chris Manning from Human Nature and representatives from the environmental consulting firm and grant writing consulting firm were also present. Lake Barber is a large body of water with various good species, i.e. sycamore on the water's edge, as well as honeysuckle, which is an invasive species. The lake also has an interesting species of the elm tree called the Eurasian elm. The shoreline is in good shape with little erosion. While visiting the lake, it was nice to see Hydro Systems employees taking their break on the path with some employees fishing. Drainage from businesses along Round Bottom Road is an area of concern with the water running into the lake. Human Nature has identified landowners surrounding the lake. Once the landowners and other stakeholders have been contacted, a meeting will be set up to continue the mapping of the lake. The environmental consultant did say to continue efforts to remove the honeysuckle and other invasive species. Ben Brandstetter and Chris Manning are in the process of creating a cope of items to be cleared.

Mrs. McConnell visited Lake Barber today and noticed striping of the parking lot still needs to be done, but the paving seems to be completed. The bridge was delivered today and is expected to be completed in two weeks. To make way for the asphalt to be done, a path from the north side of the lake, from Doug Evans property to where the bridge will be set has been cleared. Mayor Cosby approved the \$1,500 to Evans Landscaping to do the clearing. Ben Brandstetter told Mrs. McConnell Evans Landscaping will be responsible for reseeding and restoring the entire area that will be paved. The asphalt was not compromised in any way when the bridge was delivered since they drove along the side and not over the new asphalt. There is an area along the walking path on the eastside of the lake that has some erosion that will need to be resolved.

Municipal Center Odor (Reported by Mrs. McConnell)

Mrs. McConnell witnessed a foul odor in the building, specifically in the copy room Friday, October 24<sup>th</sup>. The odor smelled like a sewer issue. Mayor Cosby said he smelled the odor November 2013 and the winter months. DER had a plumber come back and check and found no source. He agreed the odor is a pungent smell when it is present. Mr. Tiettmeyer has requested that DER open up the ceiling tiles in the copy room to check the area where the colony of bats nested. This area was the fire department hose tower.

Municipal Center Additional Parking (Reported by Mrs. McConnell)

While attending a Newtown Business Association meeting, someone asked about additional parking at the Municipal Center. Mayor Cosby suggested displaying the location of additional parking on the digital message board.

LMFR Fire Board Update (Reported by Mark Kobasuk)

Mr. Kobasuk said it's been alleged that he has been negative when giving the fire board reports to Council. Mr. Kobasuk tries to give the facts and hopes people don't think he has not been an honest broker of information. The information in following fact sheet was taken from documents handed out at the LMFR Fire Board meetings:

1. Property Values in the Fire District \$217,644,380

|          |              |         |
|----------|--------------|---------|
| Newtown  | \$88,503,990 | (40.7%) |
| Columbia | \$68,782,330 | (31.6%) |
| Fairfax  | \$60,358,060 | (27.7%) |

2. Current Levies and Gross Levy Proceeds (From County Auditor)

|              |                           |                   |                |
|--------------|---------------------------|-------------------|----------------|
| Nov. 6, 2001 | Continuing                | 2.50 Mills        | \$ 441,761     |
| May 2, 2006  | Continuing (Operating)    | 7.25 Mills        | 1,528,681      |
| Nov. 3, 2009 | Continuing (Construction) | <u>2.30 Mills</u> | <u>484,961</u> |

**12.05 Mills**    **\$1,985,048** (Auditor Estimated to Collect from Fire District Properties)

Mr. Tiettmeyer said there should be a cut off time to the levies, but the three levies are "continuing" operating levies. He said the fire chief at the time thought it was easier to do a continuing levy. Mr. Kobasuk said Chief Ramsey thought the construction levy was for twenty plus years, but Mr. Tiettmeyer has looked into it.

3. Current Newtown Tax Revenue 40.7% x \$1,985,048 = **\$807,915** (Newtown's share)

4. Proposed new 2.7 Mill levy expected to generate **\$575,886** annually (from Chief Ramsey's analysis)

5. Proposed Newtown Tax Revenue w/new levy **\$1,042,301**  
\$807,915 + \$234,386 (40.7% of \$575,886)

6. 2003-2010: 3 Firefighters in Newtown and 4 Firefighters in Fairfax

7. Tax bills in Newtown and Columbia Township do not show "LMFR" (Please see Resolution No. 2014-28 Below)

8. Mariemont reportedly runs its fire department for \$600,000 per former council member

9. LMFR carryover going into 2015 is projected to be \$788,136 and probably more

Mr. Kobasuk said the Fire Board is expected to vote on a possible levy at their December meeting.

Mayor's Court Firewall Software (Reported by Mr. Kobasuk)

The fire wall needs to be renewed – the amount will come from the Mayor's Court computer fund.

**Mr. Kobasuk made a motion to approve \$1,289 for the computer fire wall. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

Maintenance Department

**Mr. Short made a motion to approve \$1,254.56 for the repair of the maintenance truck brakes and rotors. This amount has been added to the checklist. Mr. Harten seconded the motion. All Aye. Motion Carried.**

Checklist

**Mr. Tiettmeyer made a motion to approve the 10.28.2014 Checklist for \$85,172.84, seconded by Mr. Short.**

Discussion

Mr. Tiettmeyer said the expenditure for the repair of brakes and rotors for the maintenance truck is included in the Fifth Third Bank column, as it was put on the credit card.

**All Aye. Motion Carried.**

Cleaning Village-owned Buildings (Reported by Curt Tiettmeyer)

Three different companies have walked through the buildings thus far. RFP responses are due November 7<sup>th</sup>. Recommendations will be brought to Council once proposals have been reviewed.

Third Quarter Financial Report (Reported by Curt Tiettmeyer)

A Third Quarter 2014 Revenue Status report was presented to Council. Revenues are expected to pass the budget over \$120,000. 2015 Projects are listed below:

|                                                       | <u>Village Share</u> |
|-------------------------------------------------------|----------------------|
| 1) Edith, Jefferson, Pine and Ragland Improvements    | \$ 468,800.00        |
| 2) SR 32 East Storm Drain Improvements                | 73,300.00            |
| 3) Police Department Renovations                      |                      |
| 4) Round Bottom Road Collapsed Storm Pipe Replacement | 18,000.00            |
| 5) Little Dry Run Retaining Wall Repairs              |                      |
| 6) Lake Barber Improvements                           |                      |

Mr. Tiettmeyer asked that all requests be turned in by 12.31.2014 with dollar estimates for consideration in the 2015 Budget. A lot of improvements have been made in 2014: 1) \$150,000 for maintenance department improvements, 2) \$35,000 for Moundview improvements renovating the second floor at the Moundview House and replacing the exterior stairs going to the field. Mr. Tiettmeyer said we continue to plan for improvements; we just need to pace ourselves and plan ahead.

Round Bottom Road Storm Pipe Failure (Reported by Chuck Short)

Mayor Cosby asked the status of this project. Mr. Tiettmeyer said, at the 9.23.2014 Council Meeting, Police Chief Synan said this pipe failure is a safety hazard and a detriment to the people. He said the road floods regularly, four times in the past year. The police department will close the road when needed and work with the maintenance department to pump the water and control traffic. Mr. Tiettmeyer said there is no money for 2014. Solicitor Miller said he had no success in reaching Gail Roma with Liberty Station's Ready Line (formerly One Shot). Mr. Short said Ben Brandstetter has also tried to reach Gail Roma with no success. Solicitor Miller will contact Ben to discuss a plan.

Resolution, Requesting Hamilton County Treasurer Designate Proper Taxing Authorities

The Village of Newtown Council is requesting that the Hamilton County Treasurer provide more clarity to Village taxpayers if the designation on real property tax bills in the Village were to indicate the amount of taxes on an individual real property tax bill disclose the amount of taxes being paid for the Little Miami Joint Fire & Rescue District.

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

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 2014-28 A RESOLUTION REQUESTING THE HAMILTON COUNTY TREASURER DESIGNATE THE PROPER TAXING AUTHORITIES ON VILLAGE OF NEWTOWN REAL ESTATE TAX BILLS AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Zornes seconded the motion.**

Discussion

At Mr. Tiettmeyer's request, about six months ago, Solicitor Miller looked into having this changed with the Hamilton County Treasurer's office. Since Solicitor Miller ran into a brick wall, Mr. Tiettmeyer contacted the County Auditor who said this was the Treasurer's responsibility. Auditor Dusty Rhodes told Mr. Tiettmeyer they were in the process of updating their computer system. The auditor and treasurer work hand-in-hand through their systems so now is the time to request this change. This also impacts other communities that have a special tax and in those cases it is never labeled for the entity it is taxing. Mr. Kobasuk said there is no transparency and people don't know what they are paying for on their tax bill. In Newtown's case it is labeled as a "Township" tax. A letter will be constructed for Mayor Cosby to notify the Treasurer's office Newtown Council has passed this resolution. Other ways to motivate Mr. Goering to make the change are also being considered.

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

Village Employee Health Insurance Renewal (Reported by Joe Harten)

A spreadsheet of different options was discussed. Mr. Harten said he and Keri talked several times today by email about the insurance renewal and he believes the spreadsheet presented offers several good options. At the 10.21.2014 Human Resource Committee meeting, Kristen Fields, Cornerstone Broker Insurance Agency, talked to Council about the health insurance

increase and ways to potentially mitigate all or part of the increase. The spreadsheet shows the financial impact of increasing the spousal surcharge and making some changes to the employee premiums on different levels and reducing the Village's contribution to employee HSA's. Mr. Tiettmeyer said the premiums are going up almost 19% and that is why Council is looking at ways to make it fair and equitable to the employees and at the same time, fair to the Village, in terms of the taxpayers. Council will make a decision at the 11.11.2014 Council meeting.

Ordinance Establishing Salaries for Newly Hired Personnel

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

**Mr. Zornes made a motion to adopt ORDINANCE NO. 16-2014 AN ORDINANCE ESTABLISHING SALARIES FOR NEWLY HIRED VILLAGE PERSONNEL, WAIVING THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Motion Hiring Maintenance Supervisor/Street Commissioner/Cemetery Sexton

**Mr. Zornes made a motion to hire Mark Gillespie as the Maintenance Supervisor/Street Commissioner/Cemetery Sexton, pending physical and background check. The residency requirement for the Maintenance Supervisor/Street Commissioner/Cemetery Sexton is hereby waived. Start date will be two weeks after Mr. Gillespie gives his two week notice to current employer. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

Ivy Hills Blvd. Curb Repair (Reported by Chuck Short)

Rack Seven completed curb repair at 3291 Ivy Hills Blvd as previously approved.

Ordinance, One-Time Bonus Compensation

**Mr. Short made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.**

Discussion

Mr. Short said if the ordinance passes, he would like to receive the check so he can hand it personally to Tony Baxter.

**Mr. Short made a motion to adopt ORDINANCE NO. 17-2014 AN ORDINANCE PROVIDING FOR A ONE TIME BONUS COMPENSATION AMOUNT, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution Honoring Tony Baxter

**Mr. Short made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.**

**Mr. Short made a motion to adopt RESOLUTION 2014-29 A RESOLUTION HONORING TONY BAXTER. Mr. Harten seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Maintenance Department

Mr. Short took dump truck No. 1 to Village Auto to check a hydraulic leak and other issues to make sure the truck is ready to go. He will update Council once he hears back from Village Auto.

Maintenance Department – New Employees (Reported by Mr. Short)

Charles Morgan and Joshua Schroer will start 11.3.2014 as maintenance technicians. Tony has offered to spend a few hours with them in the morning.

Council had previously approved 100 hours for Schneider Landscaping to mow and help in the Village. They are now picking up leaves and are at 92 hours. Mr. Tiettmeyer asked Council to approve additional hours for them to continue to assist until the Maintenance Supervisor comes on board.

Maintenance Department - Schneider Landscaping

**Mr. Tiettmeyer made a motion to approve up to an additional 100 hours of labor for Schneider Landscaping to continue to assist with maintenance details. Mr. Short seconded the motion. All Aye. Motion Carried.**

Martin Marietta Mining Issue

Solicitor Miller said the decision is due Oct. 30<sup>th</sup>.

Meeting adjourned at 8:35pm. | Transcribed by Becky Fairley