

The February 23, 2016 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: Doug Miller
Daryl Zornes Cheryl McConnell
Joe Harten Terry Fairley

New Council Member (Reported by Mayor Kobasuk)

Mayor Kobasuk said the first order of business is to welcome a new council member. Mr. Terry Fairley is attending his first formal meeting and it's an honor to have him. Mayor Kobasuk said Mr. Fairley has done more to earn a seat than anybody else in memory. He worked very hard on the Fire Levy Issue 10 and served as the Treasurer of the Citizen's Committee. Mr. Fairley also served seven years on the LMFR Fire Board. Mayor Kobasuk said he has earned the seat and he is proud Mr. Fairley is sitting next to him. Everyone applauded. Mr. Fairley thanked Mayor Kobasuk and Council for the opportunity to continue serving the people of Newtown.

Council Chairs (Reported by Mayor Kobasuk)

Mr. Fairley was going to be designated the Chair for the Human Resources and Communication committee, but because Mrs. Fairley is an employee, it would not be best practice to have Mr. Fairley be the HR Chair. Therefore, Mayor Kobasuk appointed Mr. Fairley to Chair the Public Service (Streets) Committee. Mayor Kobasuk moved Mr. Short to Chair the HR Committee since he is an expert in insurance. Mayor Kobasuk asked for a motion from Council.

Mr. Tiettmeyer made a motion to support Mayor Kobasuk's appointments. Mr. Fairley will serve as the Public Service (Streets) Chair and Mr. Short will serve as the HR Chair. Mrs. McConnell seconded the motion. All Aye. Motion Carried.

State Representative Tom Brinkman (Reported by Mayor Kobasuk)

Newtown has no better friend in the State House than Tom Brinkman. Mr. Brinkman was instrumental in securing a \$300,000 grant for the American Indian Artifacts Museum, located in the Municipal Center at 3537 Church Street. Mr. Brinkman has always been a staunch friend and supporter of Newtown. When Newtown officials stated their opposition against the Eastern Corridor, Mr. Brinkman stood with us and tried to put legislation into a Bill to have ODOT make a decision on it. Mr. Brinkman is running in a contested primary March 15, 2016. A fundraiser will be held 2.24.2016 at Hyde Park Country Club. Mayor Kobasuk said he feels obligated to support Mr. Brinkman's efforts because we have no better friend in Columbus than Mr. Brinkman. Mr. Brinkman could use the support of Newtown residents. Mayor Kobasuk urged people to support the re-election of State Representative Tom Brinkman.

Community Investment Corporation ("CIC") (Reported by Mayor Kobasuk)

Mayor Kobasuk directed Solicitor Miller to set up a "CIC." The "CIC" is a 501(c)3, which is a charitable entity that will be used for advancing, encouraging and promoting the industrial economic, commercial and civic development of the Village of Newtown. The "CIC" allows the Village to accept charitable donations and purchase property for development. The cost is estimated at \$3,500, which includes filing fees.

Hamilton County Public Health (Reported by Mayor Kobasuk)

Health Educators will attend the 3.22.2016 Council meeting to discuss the WeTHRIVE! COMMUNITY initiative. WeTHRIVE! is designed to make healthy living easier for communities, with topics ranging from chronic disease to environmental health. WeTHRIVE! is tailored to the community and can focus on whatever they see as a priority. The goal is to create sustainable change for generations to come. By creating a team, conducting an assessment and creating an action plan, the community's visions become a reality.

Fire Safety Update (Reported by Fire Chief Mark Ober)

A report summarizing January events was presented to Council. The transition continues to go well. The staff has rekeyed 30 Knox Box locations; addressed hose thread issues with sprinkler connections and have used GPS to locate all 193 hydrants for mapping needs. A graph outlining Geographic "Districts" of Responses for January was discussed. Mayor Kobasuk thanked Chief Ober for the report and said everyone is doing a great job.

Building and Zoning (Reported by Mayor Kobasuk)

Mr. Gerry Stoker began serving the Village 1.4.2016 as the new Building and Zoning Commissioner and Property Maintenance Inspector. He has over twenty years of experience as a Building Inspector. Mr. Stoker has worked for the cities Loveland, Hamilton, Sharonville and Fairfield. Current customers include the City of Norwood, City of Deer Park, Village of Silverton. Mr. Stoker brings incredible experience to the Village of Newtown and has been a great asset. Mr. Stoker thanked Mayor Kobasuk and Council and said he is excited to be working for the Village of Newtown and looks forward to making a

difference for the community. Mr. Stoker's office hours are Mondays and Wednesdays from 8:30am to 12:30pm at the Municipal Center.

6840 School Street Property (Reported by Gerry Stoker)

On February 8, 2016, a joint inspection of the property was performed by the Village of Newtown Building Inspector, Electrical Inspector, Fire Inspector and Hamilton County Health Department. The joint inspection revealed that the main structure and accessory structures are unsafe and unfit for human habitation, as described in individual agency reports. A description of the main structure and accessory structures was read. Mayor Kobasuk asked Mr. Stoker if in his professional opinion that the building is unsafe and unfit for human habitation. Mr. Stoker said, that is correct in his opinion. Solicitor Miller asked Mr. Stoker if he considered the building to be structurally unsafe and unsound from what he had observed. Mr. Stoker said yes, due to the way the house had been allowed to sit and the elements entering into the structure and the lack of maintenance. Mr. Stoker said in his opinion, due to the combination of these issues, this building is not worth saving.

Tucker Stone, Hamilton County Public Health (HCPH). Mr. Stone is a Supervisor in the Environmental Health Division, primarily the housing department. This property was condemned by the HCHD on 4.17.2015. Mr. Stone confirmed that his office did a re-inspection with Mr. Stoker on 2.8.2016 and confirmed items described by Mr. Stoker. Mr. Stone and Mr. Shawn Moore, Plumbing Supervisor with HCPH were present at the 2.8.2016 joint inspection. Mr. Stone observed that the home was without running water. Due to clutter, the plumbing fixtures were inaccessible within the one bathroom in the home. The basement and second story had excessive clutter and blocked egress as a result. The basement was infested with mice that were living off of several bags of old cat food. Mr. Stone observed mold present in areas where water was coming into the house. All plumbing fixtures would need to be replaced if the home were to be reoccupied, per Mr. Moore's assessment. A permit would need to be obtained through HCPC to replace the plumbing fixtures. The home is not connected to City water and the well for water is no longer functioning.

Mayor Kobasuk asked Mr. Stone if in his opinion was the house habitable or fit for human habitation. Mr. Stone said the home is still not fit for habitation, as stated in the 4.17.2015 Notice of Condemnation.

Rick Martin, ATFD Battalion Chief Life Safety Division was also present 2.8.2016 during the joint inspection of 6840 School Street. Mr. Martin concurred with Mr. Stoker's and Mr. Stone's assessment of the property. The interior of the house has an extreme fire load due to clutter. After the inspection, Mr. Martin sent out a memorandum to all ATFD's firefighters instructing them **not** to enter the structure should there be a fire incident at this property. A defensive approach would be taken should there be a fire incident. A defensive approach means the fire would be attacked from the outside. A defensive approach does increase the potential for fire damage to adjacent structures. The structure in the rear of the property would assist in the spreading of a potential fire past boundaries of this property and endangering adjacent properties.

Mayor Kobasuk said to Mr. Martin, so you're saying because of the condition of the home and the back building, it poses a fire hazard to adjacent homes. Mr. Martin said yes he believes it does.

John H. Flessa, Attorney representing Mr. Bill Murray, owner of 6840 School Street. Mr. Flessa said he has walked the property but has not gone inside. Mr. Flessa has discussed the history of the property with Solicitor Miller and Police Chief Synan. Mr. Flessa said while "not worth saving" is a matter of perspective; it is worth saving to Mr. Murray, as he has lived at 6840 his entire life. Mr. Flessa is having the property assessed by several contractors to see if there is anything that can be done to save the property. Title issues are also being researched.

Mayor Kobasuk told Mr. Flessa the only reason he was standing at the podium is because of the efforts of the Village of Newtown and the neighbors who have made such an issue of the property. The bank walked away because they determined the property wasn't worth saving. Mayor Kobasuk said it's like Mr. Murray won the lottery with the bank walking away from a \$70,000 to \$80,000 mortgage – it changes the whole nature of the property. Before, Mr. Murray is prepared to walk away but now with the lien abandoned by the bank it becomes a win for Mr. Murray. Mayor Kobasuk said the neighbors have put up with a lot. Mayor Kobasuk said he doesn't believe Mr. Flessa would want to live next to that property and he himself certainly would not. He told Mr. Flessa Newtown would not grant additional time, as he will have sufficient time by the nature of the notice period. Mayor Kobasuk repeated that no additional time will be given to this matter and said it is quite disturbing hearing tonight that this property poses a fire hazard to nearby homes. Mayor Kobasuk said if someone told him that regarding his house he would be here demanding action. Since this is a fire hazard, Council will be moving forward with this issue. Mayor Kobasuk told Mr. Flessa he would have six weeks of a notice period, followed by thirty days.

Carrie Van Der Zee and Deborah Howard, residents on School Street, voiced their concern regarding their homes being in jeopardy should a fire incident occur. The 6840 School Street property is impacting other's property value. Mrs. Van Der Zee said the victims in this matter are the neighbors, not Mr. Murray and it must end. Mrs. Howard thanked Mayor and Council for acknowledging the issue and moving forward with the process.

Mayor Kobasuk apologized on behalf of the Village for the process taking so long. There are legal parameters that must be followed.

Ordinance – 6840 School Street

Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Harten. All Aye.

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 05-2016 AN ORDINANCE DECLARING THE REAL PROPERTY LOCATED AT 6840 SCHOOL STREET IN THE VILLAGE OF NEWTOWN AS A NUISANCE, INSECURE AND UNSAFE AND THE BUILDINGS AND OTHER STRUCTURES THEREON STRUCTURALLY DEFECTIVE, PROVIDING FOR THE REMOVAL OF BUILDINGS FROM THE PROPERTY, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes. Motion Carried.

Mayor Kobasuk asked Solicitor Miller to explain to the residents the process. Solicitor Miller said notice must be given to the property owners and they have thirty days to take the action the Village is looking for. After that time, the Village can go in and take that action, which is removing the buildings on the property. Normally, notice would be given by certified mail; however, due to the title uncertainty, we don't know who might have a beneficial interest in the property. The Recorder's office states Mr. Murray as the owner and the Auditor's office has Mr. Murray's deceased mother listed as the owner. Therefore, notice needs to be given by publication – under the civil rules, it's once a week for six consecutive weeks. Service is then complete after the six publications. Therefore, there are six weeks of publication and thirty days after that; at which point, the Village can go in and take action as directed by Village Council. Solicitor Miller will start the notice promptly tomorrow.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 2.23.2016 Council Checklist for an amount of \$101,376.65. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Hamilton County Tax Incentive Review Council

HCDC is charged with convening the Hamilton County Tax Incentive Review Council (TIRC) to monitor the compliance of active enterprise zone agreements and community reinvestment area agreements. Cheryl McConnell and Keri Everett were appointed to serve on the 2015 TIRC Board; members must be reappointed annually. Representatives must be a Newtown resident and appointed by local legislative authority. Becky Fairley administers the annual process for Gerry Stoker, CRA Housing Authority, to submit the annual report to the Ohio Development Services Agency.

Mr. Tiettmeyer made a motion to appoint Cheryl McConnell and Keri Everett to serve on the 2016 TIRC Board. Mr. Fairley seconded the motion. All Aye. Motion Carried.

Ordinance, First Reading of 2016 Appropriations

Mr. Tiettmeyer made a motion to have a First Reading of AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS FOR 2016. Mr. Zornes seconded the motion.

Discussion

Council received the 2016 Appropriations via email for review. While we would prefer to carry forward a greater surplus, there are several items we must resolve. Renovations to the Police department are ongoing. Mr. Tiettmeyer discussed specifics in the budget.

Mr. Tiettmeyer made a motion to have the Second and Final Reading at the 3.08.2016 Council Meeting. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Alternatives 2016 Paving Program (Reported by Curt Tiettmeyer)

The following streets are in need of Mill and Pave / Curb Repairs: Bent Tree Drive, East Plum, Oyster Bay Lane, Pine Isle Court and Ivy Hills Blvd. (Pine Isle and Oyster Bay Lane are the only two streets the Village is responsible for in the Clusters.)

Mr. Tiettmeyer said once the Storm Water Utility Fund is established, a portion of future paving costs can and will be charged to the Storm Water Fund. Mr. Brandstetter said the Storm Water Fund can also support repairs to catch basins and curbs, as well as new catch basins and new curbs. Shifting a portion of the costs will give us the ability to perform more paving projects, stated Mr. Tiettmeyer.

Storm Water Utility Study/Fee Update (Reported by Mr. Tiettmeyer)

The process for the Storm Water Utility Program was discussed. The director that administers the program is a non-voting member and must be a staff member. An Appeals Board will be formed. Non-residential could use the Appeals Board to ask for relief due to possibly have a retention pond, etc. An Advisory Committee will be members of Council.

A timeline of implementing the program was presented. Details of the program will be mailed to the community. A draft of the mailer will be reviewed by Council at the 2.9.2016 Council Meeting.

A Storm Water Utility Fee is a small fee that would be charged to every property occupant/owner in the Village. The Storm Water Utility Fund would be used exclusively for storm water projects.

- A summary of Municipal Storm Utility Fees was presented (Option 2 = \$3.25/\$5.50 added to resident's water bill was selected by Village Council)
- An estimated annual revenue of \$160,000 is projected
- Residential fees are estimated from \$3.25 for less than a ¼ acre lot and \$5.50 for a ¼ acre or greater lot per month
- Non-Residential Properties would pay \$3.75 minimum to \$500 maximum per month based on the size of their property
- Cincinnati Water Works charges 5% and they will handle the billing and collections

A **Public Meeting** will be held Tuesday, March 22nd at 7pm at the Municipal Center. Mr. Tiettmeyer will attend the 3.7 Newtown Business Association meeting to discuss the program.

Mayor Kobasuk suggested adding a picture to the draft mailer of the backyard flooding going on due to the Ragland Road Drainage issue.

Police Department Renovation Update (Reported by Curt Tiettmeyer)

The project is progressing – the patrol office is up and running. The rear of the building, which was the original patrol office, will become a conference room and the police chief's new office. During the recent demolition of the old patrol office area, it was discovered that another change order will be coming due to the quality of electric work done in the past. A check has already been written to pay for the corrections that were made on the outside of the patrol office and now another check will need to be written to pay for the work that was done on the inside. We don't know how much that will be but we do know the change order is coming because what was done there did not meet code. Mr. Tiettmeyer said he hoped the change order would not cost more than \$5,000.

Originally, \$380,000 was moved into the Building Fund and looking to move another \$40,000 to \$50,000 for the project. Mrs. McConnell asked if this amount included completing the rear of the building. Mr. Tiettmeyer said yes it includes everything.

Council Minutes

Mr. Zornes made a motion to approve the 1.26.2016 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

Ordinance, Adopting the Ohio Basic Code of Ordinances

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

Mr. Zornes made a motion to adopt ORDINANCE. NO. 06-2016 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2016 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes. Motion Carried.

Ohio Division of Liquor Control

Mr. Zornes made a motion to *not* request a hearing on the transfer of a liquor license for AndyDandy Center LLC, 3804 Church Street. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Lake Barber (Reported by Joe Harten)

Mayor Kobasuk and Mr. Harten recently met with two Sierra Club representatives at Lake Barber. Their volunteer program is interested in potentially helping remove honeysuckle and other invasive species at the park.

The walking path at Lake Barber has been determined to be 1.4 miles. A sign stating the mileage will be posted.

2016 Compensation Process (Reported by Joe Harten)

Mr. Harten will be sending out the compensation data for Council's review.

Ordinance, Declaring Personal Property as Surplus

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

Mr. Short made a motion to adopt ORDINANCE NO. 7-2016 AN ORDINANCE DECLARING PERSONAL PROPERTY AS SURPLUS, AUTHORIZING IT'S DISPOSITION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

The following items of personal property are hereby declared to be surplus property, which is not needed by the Village and have a value less than \$1,000.00: (1) One Ex Mark Mower model #TR23KC Serial #566753 and (1) One Ex Mark Mower model #TR23KC Serial #441232.

The following items of personal property are hereby declared to be surplus property, which is not needed by the Village and have a value greater than \$1,000.00: (1) One 2006 Ford F450 Dump Truck

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

Lenten "Friday" Fish Fry

Mr. Short thanked Chief Ober and his staff for all of their help during the Friday Fish Fry's.

Planning Commission (Reported by Cheryl McConnell)

The Planning Commission met Feb. 4th. MVCA applied to have an illuminated sign placed on the corner of Church and School Street. This application would need to go before the Board of Zoning Appeals should MVCA pursue the sign since it was referred to an illuminated sign. Illuminated signs are currently prohibited by our current Zoning Code.

Executive Session

Mayor Kobasuk spoke to Mr. John Knuf on Monday and it was his impression that Mr. Knuf is going to resign the position as Street Commissioner/Maintenance Supervisor and Cemetery Sexton. Mr. Short said he also talked to Mr. Knuf today and he was going to email a letter of resignation. Mr. Knuf returned his uniforms and Village keys this morning. Mrs. Fairley said she called Mr. Knuf and asked him to email his letter of resignation, resigning from both positions and he said he would email them. As of tonight, the letter has not been received. Solicitor Miller suggested Council make a motion accepting the resignation.

Mr. Short made a motion to accept the resignation from Mr. John Knuf as Street Commissioner/Maintenance Supervisor and Cemetery Sexton for the Village of Newtown. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes. Motion Carried.

Mayor Kobasuk said he would like to have a motion to enter into Executive Session to discuss potential hiring for this position.

Mr. Harten made a motion to dismiss at 8:37pm and enter into Executive Session for the purpose to discuss personnel hiring issues. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes. Motion Carried.

Mayor Kobasuk called the meeting back to order at 8:48pm; no action will be taken as a result of the Executive Session.

Mr. Short made a motion to adjourn at 8:48PM, seconded by Mr. Zornes. Motion Carried.

Transcribed by Becky Fairley