

### Call to Order/Pledge of Allegiance/Attendance

The October 22, 2019 meeting of the Newtown Village Council was called to order at 6:30 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

**Council Members:** Curt Tiettmeyer (Vice Mayor)      Solicitor: Emily Supinger  
Daryl Zornes      Fiscal Officer: Keri Everett  
Chuck Short      Assistant to Mayor: Becky Fairley  
Terry Fairley  
Don Carroll  
Sarah Williams

### APPROVAL OF COUNCIL MINUTES:

**Mr. Short made a motion to approve the 10.08.2019 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

### SPECIAL PRESENTATIONS:

#### Police Department – Part-time Appointment and Swearing-in Ceremony

Mayor Kobasuk read the motion to appoint Zachary D. Lindsey as a part-time police officer in the Village of Newtown. Mr. Zornes moved the motion, seconded by Mr. Short. All Aye. Motion Carried.

Mayor Kobasuk performed the official installation of the oath of office for Zachary D. Lindsey as part-time police officer. Mr. Lindsey was congratulated by everyone and photos were taken.

#### Engineer Bruce Brandstetter, BCI Update

Mr. Brandstetter reported on the following:

**October 18, 2019**

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#### **1. Ragland Road Culvert (17053)**

- Contractor onsite this week starting on 10/16/19 for final restoration.
- BCI met with Mr. Yeager on 10/10/18 and 10/12/18. Conference Memo and Field Report attached.
- Final Change Order will be prepared to reflect as-built quantities.

#### **2. 2018 Street Program (18081)**

- JK Meurer is aware of the Village's position from the 10/8/19 Council Meeting.

Mr. Meurer has agreed to do some level of work – talked about a thin overlay sometime in spring 2020. A retainage amount is being held, BCI forwarded that info and a bond to Solicitor Supinger. Mayor Kobasuk asked if JK Meurer would mill and pave Crull Street. BCI said yes, there is not a whole lot of choice – it will be a thin mill and paved, per last conversation between Mr. Brandstetter and JK Meurer.

#### **3. Sidewalk Inspection, River Hills Subdivision (18085)**

- Work is complete. BCI to prepare punch list. The assessment amounts for individual resident is not ready yet.

#### **4. 2019 Paving Program (19032)**

- Paving complete. BCI processing pay request.
- A Change Order reflecting final quantities has been forwarded to the Contractor. Please see the attached.

#### **5. Little Dry Run Wall Lagging (19033)**

- Construction schedule to start the week of 11/11/19.
- Contractor to provide maintenance of traffic plan for Village approval.
- Traffic Plan has been requested prior to Council Meeting on 10/22/19.

#### **6. Crack Sealing (19007)**

- Council agreed on 9/24 to crack seal River Hills Subdivision only with Rack Seven – should begin next week.

#### **7. Duke Gas Permits, Round Bottom Road (19086)**

- Cost estimate to repair/crack seal/seal coat and alternate to mill and pave forwarded to Village on 9/20.
- Cost estimate for the Duke cost savings by not going thru Round Bottom Rd forwarded to the Village on 9/24/19.
- BCI to review, a proposed specification for crack sealant so as to not be “tacky” for users.

## 8. Plan Reviews/Meetings

- Urban Grill site plan returned for more information on 9/16/19. No response to date.
- MVCA haul route for their athletic facilities. Discussion will continue once Solicitor Supinger receives additional info then plan is for BCI to review prior to bringing issue to Council.
- BCI meet with MVCA to discuss proposed widening of School Street intersection. A follow up sketch was provided.

## 9. McCullough's Run

- Five phase projects:
  - Turpin Lane to Church St, apply for OPWC funds to clean channel and replace sheet pile wall along Jones Fish property. BCI to review wall options to sheet piles.
  - Clean from Church St. to River Hills. Review wooded area after leaves fall.
  - Clean channel from River Hills to east side of Ivy hills place. Obtain quotes for work in late 2019/early 2020. Rack and Ballauer estimated \$65,000 as reported at 9/24 Council Meeting for Fall construction.
  - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leave fall.
  - Clean from Ivy Hills Blvd. to Corporate Line on Little Dry Run Rd.
- Village personnel to grade/fill outfall of public storm from Oyster Bay Lane and Court.
- Village personnel to also address drainage flume off of Little Dry Run.

## 10. Thorndale Storm

- Adleta completed the work the week of 10/7/19 – Adleta did a nice and quick job!

## 11. OPWC/MRF Applications

- Church Street grant application submitted on 9/20/19.
- Legislation for OPWC Grant Application for Church Street due 11/15/19.

## 12. Miscellaneous

- a. Per update meeting with Terry Fairley on 10/10/19, BCI to have preliminary budget information for the 2020 Street Committee on 10/22/19.

### Citizen Participation (Two-minute limit for each speaker) (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?

## PUBLIC COMMENTS/PARTICIPATION

### 2019 Mayoral Election

Peg Quallen, 6928 Jefferson Street, a Village resident since 1993. Sara Knefle "Aunt Bee" was Peg's mother who always told her to pay attention to what is going on in the Village, as it will have an impact on property values and the reputation of Newtown.

Mrs. Quallen talked about a recent FaceBook post by Councilman Daryl Zornes. Mrs. Quallen said she was horrified when a neighbor on Church Street made her aware of the content of Mr. Zornes' post. After reading the FB post, Mrs. Quallen stated it was her opinion that someone would slander and post lies about our Mayor. She said this Village has come a long way and worked hard to overcome a reputation of the drama of the past. This type of adult-bullying is not sending a good message to our children and could potentially harm our Village and property values, said Mrs. Quallen. "We need to conduct ourselves honestly and do things upright and with respect for one another." Mrs. Quallen said if someone isn't happy with being on Village Council, then don't be on Council, but don't throw those kind of comments around when they are not true! Mrs. Quallen told Mayor Kobasuk she was sorry he and his family had to suffer from this post. Mrs. Quallen said she emailed Solicitor Supinger asking if there were laws and rules about this type of slander and discussing council business from executive session. Solicitor Supinger said there are campaign laws under the jurisdiction of the Ohio Elections Commission. Mrs. Quallen asked Solicitor Supinger if she was going to take care with this - Solicitor Supinger said it is up the individual to file a complaint to the Ohio Elections Commission.

Robert Bruyer, Edith Street. Mr. Bruyer moved to Newtown from Madeira in June 2018. Mr. Bruyer said this is one of the best communities he has ever lived in and appreciates the services provided. Mr. Bruyer has lived in Mt. Lookout, Madeira and Mariemont and wouldn't trade Newtown for the world. He appreciates the services provided by the employees. Mr. Bruyer said everything is perfect, then recently, he heard from his mother-in-law, the same person that told him everything was just perfect in Newtown - that social media was an outlet for negative politicking. After learning of this conduct, especially when he witnessed his neighbor in Madeira commit suicide from similar public bashing, Mr. Bruyer realized he needed to come to Council to let everyone know that he loves Newtown but let's do it and treat everyone like family and serve. No matter what the votes are and how it finishes out – let's do it right! Mayor Kobasuk thanked everyone for speaking.

## MAYOR AND COUNCIL MEMBER REPORTS:

### Duke 2019 Grant Recipients & Ceremony (Reported by Mayor Kobasuk)

Becky and I attended the Duke Grant Foundation ceremony this morning. Jokingly, Mayor Kobasuk explained that he volunteered to drive and we ended up at the Sharonville Convention Center, not the Sharon Centre (Sharon Woods). We almost crashed a P&G event, but I did race and get her to the Sharon Centre where she made a nice presentation. Newtown was one of sixteen of the 2019 Nature Grant recipients. We were in some pretty good company with Great Parks Forever, Boy Scouts of America and Becky was responsible for getting the \$10,000 grant to help beautify Lake Barber. Becky learned of the grant opportunity less than a week from when it was due to be submitted. She gave a nice presentation in front of the group today and we appreciate her efforts.

### Mojave East – Ribbon Cutting (Reported by Mayor Kobasuk)

The Ribbon Cutting for Mojave East took place on 10/8/2019 – many were in attendance. Initially, we had a meeting with the owners of Mojave East, Building Commissioner Gerry Stoker, John Russell, Chair of Planning and myself when they told us we were going to have a wedding reception center in the old prop shop area. No one could believe it but the owners did have a vision that John Russell, Gerry Stoker and I did not see – it's a very nice place! Mayor Kobasuk asked other council members that attended if they had anything to say.

### Maintenance Report

The Police Department has been without a fire/smoke alarm system since the renovation. Mr. Tiettmeyer asked when this will be completed. He said Council was told this would be done summer 2019. Mayor Kobasuk will check with Mr. Morgan.

### Public Workshop – Newtown Comprehensive Plan “Plan Newtown” (Mayor Kobasuk)

A Public Workshop will be held on Wednesday, Oct. 23<sup>rd</sup> at 6:30-8:00pm in the Connections Café at MVCA on School Street. Newtown residents and business owners' input are important and we urge everyone to attend to learn more about the plan for future Newtown. Council can expect a report sometime late January 2020.

### Police Department (Mr. Zornes)

Two police cruisers are due for replacement; two (2) 2020 Dodge Chargers. Chief Synan spoke to the cruiser program that has been in place for the last twelve years. This program ends up costing the Village less money in maintenance issues. Historically, the Chargers have been cheaper than other vehicles and provide a better warranty. We also have been able to sell the used ones for around \$17,000, which off-sets some of the purchase costs. After the meeting today, Chief Synan suggested to Council that the Village continue the car program since it continues to make sense financially this year. While the Chargers remain about \$10,000 cheaper than other vehicles, the upfront costs are increasing. The Police Department and Council will continue to review this program to make sure taxpayer dollars are being used wisely. A verbal commitment needs to take place to make sure the cars are ordered.

**Mr. Zornes made a motion to approve the purchase of two (2) 2020 Dodge Chargers. Mr. Short seconded the motion.**

### Discussion

Mr. Fairley said he would to see data from the past six years on the car program to see the history and trend of the costs, the amount the Village sold the cars for and the actual amount the Village has been out for the cars. Chief Synan suggested going back fifteen to twenty years to see the significant savings. Chief Synan said Mr. Tiettmeyer has a lot of the data on the cruiser program and that he would try to get some data to Mr. Fairley also. Mr. Tiettmeyer said he will be happy to go over the info with Mr. Fairley. The cars should be turned over every three years on the current program for the police cruisers. Mr. Tiettmeyer said he will give Mr. Fairley the information he has. We will be buying two cars and selling two cars, right, asked Mr. Fairley. Chief Synan said yes that is the current rotation.

**All Aye. Motion Carried.**

### Moundview Park

Mrs. Williams said it has been brought to her attention that the people that have used Moundview Park annually tried to do so this year but the cost was prohibitive compared to other places of similar nature. Mrs. Williams asked Becky if she could provide the amount of people that have inquired about Moundview Park and how the pricing is compared to Julif's Park or nearby Anderson parks. Becky will review and look into pricing of neighboring communities.

### Short Park

Mr. Fairley asked about the grant for Short Park the Village applied for – people are complaining about the lights being out. We are waiting to hear from BCI regarding the grant. When Mayor Kobasuk looked into it – they said we should hear the end of October. Mayor Kobasuk said residents do want the lights repaired as he has heard this from quite a few residents for some time now that walk in Short Park. Resident Dale Myers walks Short Park every morning and has told Mayor Kobasuk there is only one light in working order. Mayor Kobasuk suggested Council review this issue in November.

### Trash and Recycling Services

Rumpke wants a 7.7% increase – Center for Local Government rates for other communities are higher than Rumpke's proposed increase. Rumpke 2018-2019 rate for Newtown is \$11.86/unit and they want to go to \$12.77/unit. The Rumpke contract expires the end of this year – The Village has realized limited increases with Rumpke and they have been good to work with. Mr. Tiettmeyer recommended Council agree to the extension. Mayor and Council agreed – there were no objections.

### Ready Line Tax Abatement

Mr. Carroll asked Mayor Kobasuk for a status report on the Ready Line tax abatement issue, which Council tabled for sixty days. Mayor Kobasuk has spoken with several contacts and there is nothing new – the business is operating. The tax abatement could be transferred to a new owner. Mayor Kobasuk reminded Council that the tax abatement helps Newtown if a new owner wants to come in – he recommends Council not take any action quickly as it is a benefit to a potential buyer. Mr. Carroll said the question would be a contract issue but could we not extend the abatement if asked to a new buyer. Solicitor Supinger reached out to the director of the Department of Development – he indicated the local jurisdiction would have the authority to transfer the abatement to a new owner. Mr. Carroll asked if Council withdrew the abatement, could the new purchaser request an abatement for consideration. Solicitor Supinger said, no because the improvements are already there – the existing agreement would have to be transferred. Mayor Kobasuk told Mr. Carroll this issue is being monitored but he will follow-up with the company. The Village reports to the HCDC TIRC Board annually and we have an obligation to give a report to the Board since we last told them we would report the actions the Village takes, stated Mr. Tiettmeyer. He made the recommendation that Gerry Stoker, CRA Housing Officer prepare the update for Council. Mayor Kobasuk said we would notify HCDC.

## LEGISLATION

### Resolution – Update - Temporary License Agreement w/MVCA

This issue was tabled from the 10/08 Council Meeting. Mr. Tiettmeyer asked for an update. Solicitor Supinger has outlined a License Agreement and is waiting for additional information from MVCA. After Solicitor Supinger receives the information, it will be added into the agreement and then would like for Engineer Bruce Brandstetter to review the agreement. After which time, the agreement and a diagram will be brought to Council for consideration.

MVCA has an opportunity to receive free dirt and prefers that the Village move forward with the agreement. Mayor Kobasuk said a special council meeting may need to be called. Solicitor Supinger submitted a series of questions yesterday morning to MVCA and has yet to receive a response. Once Emily and Bruce have the agreement ready for consideration, Mayor Kobasuk will reach out to Council regarding a special meeting.

Concerns have been brought to Mayor and Council's attention, i.e.: some will be upset by the heavy traffic with some damaging Short Park and the drive coming into the park. Emily and Bruce will make certain the Village is indemnified for that possible damage. MVCA will have to repair costs for any damage caused to Short Park. Solicitor Supinger is waiting to learn the types of construction vehicles that will be used or if it will be just for fill and moving dirt. Hours of operation and waiting to hear how they will minimize dirt.

### Resolution Certifying a Property Tax Lien

The Village of Newtown desires to recover such costs by certifying the costs as a lien on the property pursuant to Ordinance #16-2009 and Section 731.54 of the ORC.

**Mr. Fairley made a motion to suspend the rules, seconded by Mr. Short.**

**Mr. Fairley made a motion to adopt RESOLUTION NO. 33-2019 A RESOLUTION CERTIFYING A PROPERTY TAX LIEN TO THE COUNTY AUDITOR FOR THE PAYMENT OF GRASS-CUTTING CHARGES FOR PROPERTY LOCATED IN THE VILLAGE OF NEWTOWN. Mr. Carroll seconded the motion. Roll Call: Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution Agreement for Retail Electricity

The Village of Newtown wishes to procure retail electricity services seeking competitive pricing for a new retail electricity service agreement.

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Zornes.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 34-2019 A RESOLUTION AUTHORIZING AN AGREEMENT FOR RETAIL ELECTRICITY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER THROUGH THE CENTER FOR LOCAL GOVERNMENT ELECTRICITY CONSORTIUM. Mr. Zornes seconded the motion.**

Discussion

There is already a plan in place with Energy Alliance for Newtown residents – this agreement is just for government buildings.

**Roll Call: Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

NEW BUSINESS

Checklist

**Mr. Tiettmeyer made a motion to approve the 10/22/2019 Checklist in the amount of \$87,061.34. Mr. Short seconded the motion. All Aye. Motion Approved.**

Human Resource Committee

Mr. Short called for a HR Committee meeting on 11/12/2019 at 5:00pm.

Mr. Short made a motion to adjourn; Mr. Tiettmeyer seconded the motion. Meeting Adjourned at 7:22pm.

Transcribed by Becky Fairley