

Call to Order/Pledge of Allegiance/Attendance

The December 10, 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 11.12.2019 Council Minutes, seconded by Mr. Carroll. All Aye. Motion Carried.

SPECIAL PRESENTATIONS:

Engineer Jeff McMullen, BCI Update

The following was submitted and presented to Mayor and Council:

December 6, 2019

1. Ragland Road Culvert (17053)

- BCI (Bob Hartz) met with Mr. Yeager and his son on 11/26/19 while inspecting the project. Mr. Yeager was complimentary of how the project turned out.
- Final quantities are being agreed to with Majors.
- A partial Pay Request will be forwarded to the Village.

2. 2018 Street Program (18081)

- JK Meurer has agreed to address the Villages' concerns in the Spring of 2020.

3. Sidewalk Inspection, River Hills Subdivision (18085)

- BCI has field measured quantities by address/property.
- Summary being prepared for the invoicing/assessments to each property owner.

4. Little Dry Run Wall Lagging (19033)

- Construction schedule to start in early January.
- BCI working thru the Maintenance of Traffic Plan. Meeting was held with Contractor on 11/18/19. Bob Hartz is making an effort to negotiate the cost of using flaggers for traffic. Project should begin in January 2020. Jeff told Council that the contractor said there is a timing option they can do on the lights for rush hour traffic. Manual control with a flagger at morning/evening rush hour was also discussed with the contractor. Bob will meet later this week with the contractor to hopefully finalize the traffic plans, stated Jeff McMullen. BCI is pushing for flaggers.

Chief Synan made the suggestion for the work to be done between 9am and 4pm to minimize traffic build-up. Mayor Kobasuk asked Jeff to include Chief Synan with conversations regarding traffic for this project.

5. Crack Sealing (19007)

- Work complete. Invoice Submitted to Village for approval and payment.

6. Duke Gas Permits, Round Bottom Rd (19086)

- Plan Review comments for overall Duke alignment submitted on 11/22/19.
- Cost Estimate to extend trial across Robbins property to Round Bottom Road/Valley Lane submitted 12/4/19.

7. Plan Reviews/Meetings

- Urban Grill site plan drainage submission returned for more information on 11/19/19. No response to date.
- BCI meet with MVCA to discuss proposed widening of School Street intersection. A follow up sketch was provided.

9. McCullough's Run

- Five phase project:
 - 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.
 - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leaves 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 address drainage flume off of Little Dry Run.

10. Thorndale Storm

- Adleta has completed the work.
- Asked that this work be added as a change order to the River Hills Subdivision project for project accounting purposes.

11. OPWC/MRF Applications

- Project not funded. Project condition rating was low compared to other projects.

12. Miscellaneous

- a. Preliminary budget information for the 2020 Street Committee presented on 10/22/19.
- Presentation was held on 11/25/19 with the Selection Committee for the State Capital funds. The application was revised for the clay cap only per the Committee's recommendation.

Duke Energy Ohio - Community Relations Contact Change

Mayor Kobasuk introduced Chad Shaffer, who recently joined Duke Energy as a Senior Government Affairs Specialist. Mr. Shaffer has been working on a variety of legislative and regulatory matters in Ohio and Kentucky. Mr. Shaffer is looking forward to working with the Village of Newtown.

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

Ragland Road Storm Water Project – Mr. Harvey Yeager and his son David Yeager were present.

Mayor Kobasuk first thanked Mr. Yeager, on behalf of the Village, for the accommodation he made to the Village granting a permanent easement over his property to facilitate the Ragland Road Project. Mayor Kobasuk said a great sacrifice was made and thanked Mr. Yeager again for putting up with the project. Mr. Yeager thanked Mayor Kobasuk and said he and his family have lived in Newtown at 3200 Church Street since 1976. Mr. Yeager presented Mayor and Council with pictures showing the impact the project had on his property. Mr. Yeager said he is here tonight not to ask for favors, but to ask that the right thing be done. Mr. Yeager said he has been told that many favors have been extended to him during the project. While the contractor was cutting down one of the trees, the tree fell onto Mr. Yeager's home doing a considerable amount of damage. During a conversation with one of the owners of Major's Construction about the damage done to the home, Mr. Yeager asked what it would take to fill the swimming pool with dirt since it was damaged. Major's Construction offered to fill the pool with dirt, remove the fence surrounding the pool and level a three-foot-wide, twelve-foot-wide dirt mound, if Mr. Yeager would not file a claim with his insurance company to cover the damages of the house. After giving the offer some thought, Mr. Yeager decided this would be a good idea. Mr. Yeager said while this decision benefited both him and the company, he feels this was not a favor to him.

The purpose of Mr. Yeager's presentation to Council was to show the impact the six-month project had on his driveway. The driveway is narrow with deep banks on both sides with an active creek on one side. He said to his knowledge, no study was done prior to the project to determine if his driveway would withstand this six-month abuse of extremely heavy machinery, staging of gravel, stone and pipe in his front yard. Pages 1 thru 8 show the heavy machinery and materials that traveled on his driveway hundreds of times. None of this or using his land as a staging area for the entire construction period of the project was never discussed with him, stated Mr. Yeager. He said he was assured his driveway would be restored to its original state or even better upon completion. Page 10 reflects the current condition of the concrete block. Mr. Yeager asked council to repair the wall and re-enforce the entire driveway with a concrete driveway since it sustained such abuse for six months. Mr. Yeager said this is the right thing to do and asked that it be done in a timely manner. Mr. Kobasuk asked if Mr. Brandstetter had seen all of the damage either in person or seen the photos. Mr. Yeager said that is correct – he thought Bruce was going to have Bob come out but weather kept him from doing so. Mr. Yeager said he has not met with BCI on what we are talking about here tonight. Mr. Yeager thanked Council for the opportunity to present this issue – he thanked the Mayor for the kind words but said had he realized the enormity of the project and what was all involved, he would not have agreed to this project. He said no one talked to him about the amount of traffic coming in and out of his property or how long the project would take. Mr. Yeager said he did feel a responsibility to the rest of the people on upper Ragland and Harriet Lane that something needed to be done. Mr. Yeager said he was the "fly in the ointment." Mr. Yeager said had he known; he would have insisted that a concrete re-enforced driveway be installed. Mayor Kobasuk thanked Mr. Yeager for the evidence in the photos – the next logical step is for Mr. Brandstetter to meet with Mr. Yeager. Mr. Brandstetter or Bob Hartz will need to take a look firsthand at the issues discussed tonight and advise Council before making a decision. Mayor Kobasuk told Mr. Yeager that he is a great resident in the Village and without him giving the Village the easement, the project could not have been done. Mr. Yeager's sacrifice was for the greater good and for the many residents that were greatly impacted by the ongoing flooding.

U.S. Census – 2020 Census

Marissa Pherson spoke to job opportunities for the 2020 Census. Please visit 2020census.gov/jobs Census taker positions pay **\$23.50/hr** in *Hamilton County* and require the applicant is at least 18 years old. The application is online at <https://2020census.gov/jobs>. They are **temporary** jobs, running on 8-week contracts. They're very **flexible**, allowing folks to work 15-20 hours/week to 40 hours/week.

MAYOR AND COUNCIL MEMBER REPORTS:

Newtown Fill Update (Mayor Kobasuk)

Newtown Fill will have their aerial survey due in by Dec. 15th to Hamilton County Public Health. A HEAT map will also be provided which will show the elevation differences plus (high) or minus (low) of the current landfill as compared to its approved design plan. Village consultant, Barry Franz, Diversified Environmental Engineering is keeping a close watch on the landfill.

Short Park Lighting (Ms. Williams)

At the 11.12.2019 Council Meeting, resident Christine Schwab, 3304 Church Street, suggested as a start for Council to consider at least replacing the light bulbs in Short Park for safety. Ms. Williams thanked Mr. Carroll for the quote for doing just that. The quote presented to Council is from Matt Slusher with Capital Electric for \$2,950 which is for 12 lamps and 12 ballasts.

Ms. Williams made a motion to approve \$2,950 to Capital Electric for replacing 12 lamps and 12 ballasts at Short Park. Mr. Carroll seconded the motion. All Aye. Motion Carried.

Police Department – Annual Software Maintenance (Mr. Zornes)

Mr. Zornes made a motion to approve \$4,165.40 to EmergiTech, LLC, a Central Square Company for EmergiTech Software Annual Maintenance Fee for Mayor's Court/Police Computer Software, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Police Department – 2019 Ammunition Order (Mr. Zornes)

Mr. Zornes made a motion to approve \$2,995.00 to Ready Line for ammunition for training purposes of the Police Department. Mr. Short seconded the motion. All Aye. Motion Carried.

Mr. Zornes asked that the \$4,165.40 to EmergiTech and \$2,995 to Ready Line be added to tonight's checklist.

Fire Department Lighting (Mr. Zornes)

Quotes presented for lighting at the Fire Department are for Council's consideration, not to be voted on tonight but for consideration at the 1.14.2020 Council Meeting.

Mr. Zornes wished everyone a Merry Christmas and a Happy, Safe and Healthy New Year.

Planning Commission Update (Mr. Carroll)

Planning Commission met on 11.25.2019 to review a request from MVCA to add 67 parking spaces to their properties, some to the front of the main school building and some around the newly renovated building where MVCA now has their preschool and kindergarten, previously occupied by Faith Christian Fellowship church. Planning Commission approved the request.

Newtown Steering Committee (Mayor Kobasuk) The committee will meet tomorrow at 6:30pm at the Police Department.

Solicitor's Report (Solicitor Supinger) No Report

Mayor Kobasuk asked if there had been an update on the soccer issue. Solicitor Supinger said a decision has not yet been determined.

LEGISLATION

Resolution, Contract for Recycling and Trash Removal

The Village had a contract renewal but had to go out to bid for these services. Bids were opened Dec. 2, 2019; Rumpke was the only bid received. Their bid was different than the contract renewal so we had to go with the bid. Solicitor Supinger said the contract really was not subject to renewal at that point. The original contract was a three-year contract which was bid with two (1-year renewals). We had gotten through the second one-year renewal. Rumpke provided us with an additional renewal option, which we are prohibited from entertaining two reasons: 1) under Ohio law you cannot have a waste contract that exceeds the length of five years and 2) because of the amount, it had to go out to bid and our contract had been completed. Solicitor Supinger suspects the price came in a little higher than the renewal option because the renewal option would have only been for one year and our new contract is a three-year contract with two (one-year) renewals. Mr. Carroll said the renewal amount was \$147,570 and we are coming off of a 2018-2019 contract at \$137,054 – the bid is \$161,784 so it's an 18% increase over the current year to the new contract, which is for three years. Solicitor Supinger explained that we have to abide by the public bidding laws.

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

Mr. Carroll made a motion to adopt RESOLUTION NO. 36-2019 A RESOLUTION APPROVING A CONTRACT FOR RECYCLING AND TRASH REMOVAL WITH RUMPKE OF OHIO, INC. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Carroll-Yes, Ms. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

Ordinance, Salaries for Village Personnel

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

Mr. Short made a motion to adopt ORDINANCE NO. 13-2019 AN ORDINANCE ESTABLISHING SALARIES FOR VILLAGE PERSONNEL (Effective January 2, 2020) AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes, Ms. Williams-Yes, Mr. Fairley-Abstain (due to Becky's employment)

Contracts for Employee Benefits (Mr. Short)

Once information is finalized and received, Mr. Short will call for a special council meeting to adopt a resolution approving contracts for employee benefits.

Ordinance, Temporary Appropriations for 2020

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 14-2019 AN ORDINANCE APPROVING TEMPORARY APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN FOR FISCAL YEAR 2020. Mr. Carroll seconded the motion.

Discussion

This is done each year in December in order to do business in January/February until the final appropriations are approved, we have to approve a Temporary Appropriations. 2019 books are closed out in January 2020; at which time a draft will be prepared of the appropriations for 2020. Several committee meetings will take place then; particularly, the finance committee to review the appropriations and make necessary changes. At that point, the appropriations will come to Council for the three readings, explained Mr. Tiettmeyer.

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

Checklist

Mr. Tiettmeyer made a motion to approve the 12/10/2019 Checklist with the amended amounts including the two contracts presented by Mr. Zornes, for a total of \$699,556.43. Mr. Zornes seconded the motion.

Discussion: Mr. Tiettmeyer explained the reason for the significant amount on the checklist. There are a few one-time large amounts for this year: 1) River Hills Sidewalk Replacement payment of \$72,689.47, 2) Fire contract with Anderson Township \$50,833.37 which is a normal payment, 3) Maintenance purchase 2019 Ford F450 \$75,357.50 and the bond payment, which is the third payment at \$128,340.71 and the Majors Enterprises contract for \$141,854.80.

All Aye. Motion Approved.

Executive Session

Mr. Zornes made a motion at 7:10 pm to adjourn and enter into Executive Session under Section 121.22(G)(2) to discuss the sale of public property and Section 121.22(G)(1) to discuss employee compensation. Mr. Short seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley. Mrs. Williams-Yes, Mr. Carroll-Yes. Motion Carried.

Mayor Kobasuk excused himself due to an external meeting during the Executive Session. Council reconvened at 8:05pm; Vice Mayor Tiettmeyer said no action taken was taken.

Mr. Short reminded everyone that Santa will be at Newtown Fire Station No. 22 this Saturday from 10am to Noon.

Mr. Carroll made a motion to adjourn, seconded by Mr. Short. Meeting adjourned at 8:06pm.

Transcribed by Becky Fairley