

Call to Order/Pledge of Allegiance/Attendance

The September 8, meeting of the Newtown Village Council took place via Zoom and called to order at 6:38 p.m. by Mayor Mark Kobasuk.

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

Mr. Fairley a motion to approve the regularly scheduled 08.25.2020 Council Minutes. Mr. Short seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS:

September 4, 2020

1. Ragland Road Culvert (17053)

- A \$26,000 retainage is being held on Majors Pay Request.
- Majors planned to slit seed on 9/4/20. Due to heavy rain on 9/2-9/3, now scheduled for 9/8/20.

2. 2018 Street Program (18081)

- Retainage being held is pending final payment request.

3. Sidewalk Inspection, River Hills Subdivision (18085)

- BCI to be involved as requested.

4. 2020 Paving Program (20054)

- Asphalt paving is complete on Harriett/Ragland. There Is an issue with paving at the intersection.
- Asphalt repairs at Ivy Hills Place are complete
- Crack sealing scheduled for September.

5. Plan Reviews and Meetings (20007)

- Meeting scheduled with Jim Bailey, Evans Construction on 9/9 to discuss curb and sidewalk at Church St. residential property.

6. McCullough's Run

- Memo to be distributed under separate covers concerning McCullough's Run at Ivy Hills Blvd. Three to four alternatives will be presented.

7. Church Street North Paving (20045)

- Cost Summary:

OPWC	\$153,000
MRF	50,000
Newtown	<u>103,000</u>
	\$306,000
- Recommended January/February bidding.
- Consider bidding 2021 Annual Paving Program with this project.
- BCI will submit proposal for Bidding and Construction Administration Services
- BCI recommends that the Lake Barber Trail Repairs and Seal Coat be contracted separately.
- If the Municipal Parking Lot paving is in the 2021 program, may want to bid with Lake Barber.

8. Moundview Park (20078)

- Water use records received. Flows are not consistent.
- Considering three alternatives.
- BCI is coordinating with OEPA/MSD

9. McCullough's Run (20007)

- 2020 Activities:
 - Turpin Lane to Church St, possibly apply for **OPWC** funds to clean channel and replace sheet pile wall along Jones Fish property.
 - Clean channel from River Hills to east side of Ivy Hills place, possibly in late 2020.
 - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leaves fall.

10. MRF/OPWC Applications

- Possibly consider McCullough's Run per item 9 above, Church Street South and/or Little Dry Run Road paving.
- **MRF are due 10/18/20.**
- **OPWC applications are due 11/6/20. Council will need to prioritize projects as part of legislation for grant submission.**
- Both Programs have been delayed by the Pandemic.

11. Miscellaneous

- **Chuck Short and BCI met on 8/27/20, discussed OPWC/MRF applications and 2021 Paving program. Follow up information to be provided.**

Fire Station 22 Annual Inspection

Chief Martin emailed Mayor and Council about the need for the building to be inspected. It is the Village's obligation to maintain the building and Solicitor Supinger informed council that inspecting and maintaining the building is in our contract with ATFD.

Mr. Zornes made a motion to approve a quote from Johnson Controls for an annual amount of \$7,677; terms are August 1, 2020 – July 31, 2025 (5-year contract). Mr. Short seconded the motion. All Aye. Motion Carried.

MAYOR AND COUNCIL MEMBER REPORTS:

CDBG "Community Development Block Grants"

Mayor Kobasuk emailed Council on August 31st stating Hamilton County Block Grant Program reconsidered our Short Park application, due to CDC guidance on parks being utilized during the pandemic. Today, Mayor Kobasuk Council with news that Hamilton County has awarded the Village \$50,000 for the Short Park Revitalization Program

– this gives the Village \$70,000 total, including the \$20,000 previously awarded. Mr. Tiettmeyer asked Ms. Everett to give a report at the next meeting of the total funding available for the project to see how much the shortfall would be for the project. Several other grants were applied for last year for this project.

In-Person Council Meetings

At Mayor Kobasuk's request, Chief Synan submitted a proposed plan for in-person council meetings. The plan was based on spacing six feet apart. Solicitor Supinger said the Village's ability to meet via zoom expires December 1st. At this time, she has not heard whether the Ohio General Assembly will extend the law. Solicitor Supinger said in terms of the regulations from the state, as a legislative body, Council and Municipal activities are exempt from the state's requirements. Therefore, the capacity limitations that are imposed on other businesses, restaurants and churches do not apply to council meetings and other similar functions of the Municipal Corporation. Council decided to continue meeting via Zoom until December 1st.

Newtown Landfill

Mayor Kobasuk said beginning tomorrow a drilling rig will be located onsite as they begin a ground water monitoring program.

Environmental Engineer

Barry Franz, Diversified Environmental Consulting LLC has exceeded the \$7500 in the original contract – an addendum to the original contract is requested. Mr. Franz has done significant work on the landfill and now air monitoring, stated Mayor Kobasuk. The Air Monitoring Plan was approved by the Ohio EPA and Hamilton County Public Health.

Finance Report

Mr. Tiettmeyer gave a Finance Report on the YTD as of July 31, 2020 Finance Packet.

Parks

Mrs. Williams submitted minutes from the August 28th Parks Meeting. Discussion took place on the landscaping plan for Lake Barber. Council previously approved \$2,000 to Gilb Landscaping to construct a plan – we used this as a cost estimate for Duke Energy. There was no further obligation to Gilb Landscaping. The Village Purchasing Policy strongly recommends that multiple quotes be obtained where practical for expenditures over \$10,000, stated Mayor Kobasuk. Gilb is not licensed to remove large trees. Quotes will need to be obtained to remove the trees, stated Mayor Kobasuk. Solicitor Supinger said if we obtain the easement from Duke, and the project is expanded to include the area, the project would have to go through a formal competitive bid process since the project would then exceed the \$50,000. Mr. Tiettmeyer agreed it would be best to separate removing the trees from the landscaping project and obtain several bids on both. Chuck Morgan will obtain three bids for the tree removal.

Planning Commission

Mr. Carroll gave a report on the August 27th Planning Meeting. A Conditional Use approval was granted to 6927 Main Street, Service Master, owner Teresa Kelly. This is an office retail cleaning service.

Ivy Hills Pumping Station at Lake Barber

Mr. Tiettmeyer explained that the pumping station was grandfathered and permitted when Mr. Zicka owned the Country Club and Lake Barber. He respects that Ivy Hills has the right to continue to pump water there as long as they want. That is not the issue – the issue is in one of the photos submitted to council, the photo of the pumping station surrounded by an orange netting over a year ago. He said it seemed like nothing was being done – the Country Club had said they would take care of it. Spring 2020 pipes were installed above ground, which were unsightly and this is the Village's lake so one would think they may have needed to come to Council for approval since this is the Village's property. Issues gets worse as they decided to place a fence around the pumping station and one would have thought the fence would have been more natural in the given environment. The fenced area is 16x16 for a 3' wide pipe. The fence installed is a vinyl fence with no doors for one to clean out vegetation on the inside. Who also will maintain around the fence? Mr. Tiettmeyer said with all of these things done – no one has ever involved Council for approval. Gerry Stoker approved the Zoning Permit but does not have the authority to act on behalf of this Village on our property. Mr. Tiettmeyer said he is concerned about this for two reasons: 1) what has taken place here in terms of all of these actions taken place without council's involvement. Council was not asked how this would fit in with the Village and the lake. 2) next time if someone goes ahead and does something on Village property – who will approve it. It would be nice to know who did approve these actions and did they have the authority to approve it? He said the current process seems not right since no one on Council was involved. Mr. Tiettmeyer said the current site is an embarrassment as it looks like a 16x16 area concealing a dumpster. This doesn't fit in with what I feel we are trying to accomplish with this lake, said Mr. Tiettmeyer. Mr. Carroll said he had reached out to Kyle Williams with the Country Club when the corner posts were going up to see if the plans could be changed. Kyle said he was told exactly what design to use and what to install, which ended up costing them over a \$1,000 instead of installing a simple wood fence that would have blended into the environment.

Mayor Kobasuk said first of all, Ivy Hills Country Club has a protective covenant allowing them to withdraw water from the lake. Because it is in the covenant that came with the lake, we cannot change that; however, there are certain levels they cannot go below. Ivy Hills has a pumping station and an electrical utility box there for the pumping station. Mayor Kobasuk said Curt had sent various emails and that he (Mayor Kobasuk) had reached out to the Country Club to see if the repairs were permanent. On June 18, the Country Club responded to Mayor Kobasuk and Curt Tiettmeyer saying the repairs at the pumping station were permanent. The transfer pipe was broken four feet underground with the lake level running pretty high the last few years preventing the repairs from being done under water. The connection of the back black flexible pipe was moved above ground which is what is seen in the picture. The pipe in the water is there every summer. It is attached to the pump they installed. The system is the golf course's only source of water. Without the pumping station, they have no way to fill their irrigation lake to water the golf course. IHCC had some technical issues with their pump and did the repairs which did change somewhat. More of the black pipe is above ground but they responded to that. Chuck Morgan went to Mayor Kobasuk and said a fence needed to go around the pipe with the electrical utility box being there. He talked to the Country Club who also wanted to have a fence around it. Gerry approved the fence permit – Mayor Kobasuk met with Gerry early summer (June) about Ivy Hills wanting the fence and that the Village did not want a chain-link fence that he may want to consider white vinyl. Gerry and Chuck worked together on the project. The fence is meant to secure the pumping station to keep people from being electrocuted or harmed and keep people from manipulating the equipment. Mayor Kobasuk said he assumes Gerry Stoker specified the certain height to keep people from climbing over or under. Gerry Stoker has been with the Village for five years approving all building, deck and fence permits and has never come to me asking questions, stated Mayor Kobasuk. Mayor Kobasuk said he takes full responsibility for the fence – he doesn't want Gerry Stoker being criticized. Gerry follows building codes and acts under the mayor's authority.

Curt Tiettmeyer said he doesn't have a problem with Gerry Stoker. The issue is he doesn't design fences for people – he reviews and approves if meets the code. Mr. Tiettmeyer said his point is there has been no push-back on Ivy Hills Country Club along the way. They move everything above ground and left a hole in the ground over a year. And when they fixed it, they installed the ugliest fence. It's the Village's property and we had every right to work with them on how it would look. Council was never involved in the process. Mr. Zornes agreed it should have come before Council for some guidance.

Mr. Fairley said he blames no one and it sounds like a failure of communication and we may need a policy in place where all changes or improvements to Village property should come before Council for approval. A clear line of communication from our Building Inspector and Maintenance Supervisor to Mayor and Council should take place regarding any changes occur to Village property.

Mayor Kobasuk said this case is unique situation as they do have the right to withdraw water that requires a pumping station and a utility box. Per the code, the fence is an appropriate safety device. Mayor Kobasuk understands Council wants to be consulted. Mayor Kobasuk addressed the fence not having a door and said Chuck Morgan told him the Country Club designed it that way to prevent people from getting in there – a panel of the fence can be removed for access.

Mr. Tiettmeyer said maybe he should have raised more of an issue about this instead of sending a picture to Mayor and Chuck Morgan and not do anything about it. Mr. Tiettmeyer said he will take responsibility for that and he should have done more. He assumed it would be taken care of.

Mr. Carroll said he agrees with Mr. Fairley – he blames no one but agreed it is aesthetically unappealing as it sits on a lake. A different color of fence would have been better and maybe some plantings could be placed around the fence.

Solicitor Supinger said the Village does not own the fence and is not responsible for maintenance.

Village Solicitor's Report (Solicitor Emily Supinger)

There is no update on the success appeal – still waiting on Judge Ethna Cooper to schedule an oral argument or take other action.

Solicitor Supinger is searching original documents on Ivy Hills subdivision regarding McCullough's run. She is reviewing old documents regarding responsibilities on drainage pipes.

Solicitor Supinger is also working with the developer of the Hensel property about the development – there will be more to come.

LEGISLATION

Ordinance, Rate of Pay – Police Officer

Ordinance No. 13-2019 established a rate of pay for full-time police officers hired after the effective date of the Ordinance at \$30.84/hr. Officer Lindsley was appointed as a part-time police officer with the Village on 10/22/19 and promoted to full-time on 8/15/2020. Due to his previous and continued service with the Village, Council desires to increase the hourly rate of Officer Lindsley to \$34.27 in order to be consistent with the pay of all Village patrol officers. The pay rate has an effective date of 8/15/2020.

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

Mr. Zornes made a motion to adopt ORDINANCE 14-2020 AN ORDINANCE APPROVING AN INCREASED RATE OF PAY FOR FULL-TIME PATROL OFFICER AND DECLARING AN EMERGENCY. ROLL CALL: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Carroll-Yes, Motion Carried.

Resolution, Addendum to Agreement w/Diversified Engineering

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

Mr. Carroll made a motion to adopt RESOLUTION 20-2020 A RESOLUTION APPROVING AN ADDENDUM TO THE AGREEMENT WITH DIVERSIFIED ENVIRONMENTAL CONSULTING, LLC FOR ENVIRONMENTAL ENGINEERING SERVICES. Mr. Zornes seconded the motion. ROLL CALL: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Carroll-Yes, Motion Carried.

Resolution, Gilb Landscaping

Mrs. Williams made a motion to table the motion indefinitely with Gilb Landscaping. Mr. Carroll seconded the motion. All Aye. Motion Carried.

Mr. Short made a motion to adjourn at 7:59pm; Mr. Fairley seconded the motion.

Transcribed by Becky Fairley