

The July 27, 2010 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

**Councilmembers:** Brian Burns Mark Kobasuk  
Doug Evans Curt Tiettmeyer (7:25p)  
Joe Harten Daryl Zornes

**Mayor:** Curt Cosby  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri Everett (absent)  
**Police Chief:** Tom Synan

#### Village Signs

At the 4-24-10 Council meeting, Council approved \$4,149.60 to Worldwide Graphics & Sign Company for six red cedar signs. The signs will be painted green and gold. Domain names: "villageofnewtown.gov" and "newtownohio.gov." have been secured. Mayor Cosby recommended going with "newtownohio.gov" and having this put on the bottom of the new signs. Council agreed.

#### Hamilton County Commissioner's Meeting

Hamilton County Commissioners met Monday, July 26, 2010. After discussion with CABOOM, Newtown representatives, Village of Terrace Park and the City of the Village of Indian Hill, County Commissioners adopted the following resolution:

*Resolution expressing the continued opposition of the Board of County Commissioners for the Martin Marietta Mining Project in Anderson Township and any request to tunnel under county-owned Broadwell Road.*

Solicitor Miller said this will either stop the operation or Martin Marietta will have to redesign their plan since this tunneling under Broadwell Road was in their plan for the mining operation. He said this should entail Martin Marietta having to go back to the Anderson Township Board of Zoning Appeals because it would be a change in the plan they had presented. The idea was that Martin Marietta would be able to bring the stone out from the mine under the road onto the northern part of the property where it would be processed. Solicitor Miller said he is not sure how the mining would be processed if they cannot go under Broadwell Road. Mayor Cosby, Solicitor Miller, Councilmen Harten, Tiettmeyer and Zornes attended the meeting. Mr. Kobasuk asked if Martin Marietta would have to go through a new process with Anderson Township Board of Zoning Appeals. Solicitor Miller said he doesn't know that they would have to present all of the evidence because some of it may be the same. Mr. Kobasuk asked if this would affect our appeal. Solicitor Miller said if they are changing the plan, it may make the appeal a moot point because we are appealing the old plan that they are saying they are not doing anymore. We press forward as far as the appeal stands right now, said Solicitor Miller. August 9 is a case management conference with the magistrate, which may be more enlightening as to what is going to happen.

#### Maintenance Department

The maintenance department has a trailer that has not been used for several years with zero dollar value. Mr. Dickerson asked Council to declare the trailer as surplus and donate it to the Turpin High School Band. Turpin will have to rebuild the trailer since it needs a substantial amount of work to make it operable. They will use the trailer to haul their props for band competitions.

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

**Mr. Burns made a motion to adopt ORDINANCE NO. 11-2010 AN ORDINANCE DISPOSING OF A MAINTENANCE DEPARTMENT TRAILER, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Absent. Motion Carried.**

### Moundview Community Center

The renovation of the first floor is complete and we are looking forward to booking meetings, parties and family gatherings. Mayor Cosby spoke to Council regarding the need to begin purchasing furniture for the first floor at Moundview Community Center. We have located a conference room table and looking for various tables and chairs. Wessels gave a verbal quote of \$700 for the table. We also need to plan on extra to purchase chairs and four round tables. Mayor Cosby thought \$5,000 would be a good beginning. Council may later be asked to approve more monies depending on the cost of chairs and other pieces of furniture to equip the Moundview Community Center. Mayor Cosby said the Parks line can fund these items, especially since the majority of the Short Park restrooms are funded through HCPD due to their donation for the easements. Council agreed it is best to purchase quality pieces to furnish the Community Center. Occupancy is 49 – please call Town Hall 513.561.7697 or email Becky at “bfairley@newtownohio.gov” for more information on reserving the Moundview Community Center.

**Mr. Kobasuk made a motion to approve \$5,000 to purchase furniture for the Moundview Community Center. Mr. Burns seconded the motion. All Aye. (Mr. Tiettmeyer-absent) Motion Carried.**

### D & S Consulting, Bike Staging Area and Veterans Association

Allen Freeman, D & S Consulting, presented information for a bike staging, which would be combined with the new fire station located at the current E-check building. This idea was presented to the Planning Commission at the June 28<sup>th</sup> meeting. A piece of the property would be utilized to create an area for parking (15-20 spaces) and provide public access to sidewalks, bike trails and restrooms. Mr. Freeman has identified funding that is available for bike trails through the Ohio-Kentucky-Indiana Regional Council of Governments. Anderson Township has utilized these funds on a number of occasions, including additional funding on their more recent project along Little Dry Run for more bike trails, which is in conjunction with the network of bike trails that can be created, per Mr. Freeman. Freeman said this is in conjunction with Mr. Kobasuk asked about the time frame, Mr. Freeman said he will push for this to come to some conclusion within six to eight months. Mr. Freeman made Council aware that a local match of 80-20 would be attached to the funding from OKI. Preliminary engineering for a large project could be up to \$20,000. Mr. Freeman said funding remains available for the Indian Artifact Museum, which is considered local money. Mr. Freeman said we could try to tie these two projects together in some fashion so the local match would not come out of the Village’s pocket. Mr. Kobasuk asked Mr. Freeman to estimate how many hours per month we would be looking at and his hourly rate. Mr. Freeman said he is willing to stick with the previous terms, which was \$150 per hour, not to exceed \$1,500 per month. The monthly amount would be between \$1,200 and \$1,500. Instead of a twelve- month contract, Mr. Freeman recommended going with a three-month contract then we could reassess.

Mr. Freeman previously indicated to Lynn Burger, Commander Newtown Veterans Association, that he could possibly locate funding for the Veterans Memorial Wall. Mayor Cosby proposed that Mr. Freeman seek funding for the Veterans under the \$1,500 cap, if the Village reaches the maximum number of hours on a given month. On the months the Village did not reach the ten hours (\$1,500), the remaining hours would be paid for by the Veterans Association and be dedicated to the Memorial Wall. If the \$1,500 is used by the Village, any additional hours dedicated to the Memorial Wall would be free. If the Village uses \$900 of the \$1,500, the Veterans would be billed for the extra \$600, with the ceiling being \$1,500. If it goes over the \$1,500, the Village is not paying any more anyway, and the Veterans would have the benefit of the consulting, if Mr. Freeman is agreeable and Council approves. Mr. Freeman said he is fine with the proposal, but since he would be starting fresh with the Veterans project, the contract would need to be extended. Mayor Cosby said the Veterans would have to be willing to pick up the difference and that would be between the Veterans Association and Mr. Freeman.

**Mr. Kobasuk made a motion to approve \$1,500 for three months, billed at an hourly rate of \$150 per hour, to retain D & S Consulting to work on the bike staging area and into the additional bike trail network. And to assist the Veterans Memorial Wall as indicated. Mr. Burns seconded the motion. All Aye. Motion Carried.**

Mr. Freeman will prepare an engagement letter that will state the scope of services, instead of a contract.

### Police Department

Police Chief Tom Synan said all of the police cruisers have been equipped with radar units at no expense to the Village. In 2009, the State of Ohio issued the police department a radar unit for participating in the Click-it or Ticket program. Police Chief Tony Rouse, Wilder, Kentucky, surplused a radar unit to our police department in 2009. Last week, Chief Synan was presently surprised by the State of Ohio showing up issuing another free radar unit for the Click-it or Ticket program. And the very next day, a representative from the Wilder Police Department came in and gave the department another radar unit. Chief Synan said, after talking to Finance Chairman Curt Tiettmeyer, the \$9,000 to \$12,000 that was in the budget for radar units was able to be moved elsewhere. Radar units cost \$3,000 to \$5,000 each; therefore, everyone's generosity saved the department \$12,000 to \$20,000. Mr. Harten asked if there are any old radar units that could be passed along to another municipality. Chief Synan said he did surplus one radar unit to Newtonsville and would be happy to surplus the old unit.

There have been two thefts in the Villages of Ivy Hills where garage doors have been left open and purses have been stolen. Chief Synan asked that everyone pass along the information and remind everyone not to leave purses, wallets, cell phones and any electronics in their car.

Chief Synan said the police department has made a connection with a young man out of the Marine Corps that is a gunsmith. He has been kind enough to look over the police department's weapons and is willing to upgrade and replace worn out parts with new parts. The funds will come from the Drug Offenders Fine Fund; therefore, it will not come out of the budget. Chief Synan has discussed this with Mayor Cosby; most of the expenses will be under \$1,000, which Chief Synan and Mayor Cosby can authorize.

### Maintenance Department

There are catch basins in the Villages of Ivy Hills collapsing and in need of repair or need to be replaced. Mr. Dickerson said Rack Seven Paving submitted the best quote at \$3,330, which includes repairing a couple of large cracks in the road on Seabrook.

### Councilman Tiettmeyer

Mr. Tiettmeyer apologized for arriving late; his plane was delayed.

### Checklist

**Mr. Tiettmeyer made a motion to approve the 7-27-2010 Checklist, in the amount of \$48,034.04. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.**

### Request to Transfer Balances to General Fund

Mr. Tiettmeyer explained that we are holding balances for separate funds: one for the Fire Fund, the other is the Ambulance/EMS Fund. Both of these accounts contain dollars earmarked for a specific use. Since we really don't provide Fire and EMS Service directly, we are extremely limited to what we can do with these funds. Solicitor Miller would need to get a court order to transfer the funds to the General Fund, which would run around \$1,000. Mr. Tiettmeyer said one fund has \$20,000; the other fund has around \$8,000. After much discussion,

**Mr. Tiettmeyer made a motion to direct Solicitor Miller to terminate the Fire and Ambulance/EMS Funds and take the appropriate action to move these funds to the General Fund. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

### Council Minutes

**Mr. Zornes made a motion to approve the July 13, 2010 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

**Mr. Zornes made a motion to approve the July 19, 2010 Special Council Minutes, seconded by Mr. Burns. All Aye. Motion Carried.**

### Street Commission/Maintenance Supervisor

**Mr. Evans made a motion to end Ron Dickerson's six-month probation, seconded by Mr. Harten.**

### Discussion

Council agreed Mr. Dickerson has done a good job. **All Aye. Motion Carried.**

### Rack Seven Paving

Mr. Evans made a motion to approve an amount not to exceed \$3,330 to Rack Seven Paving for repair/replacement of catch basins in the Villages of Ivy Hills, including street repair on Seabrook. Mr. Burns seconded the motion. All Aye. Motion Carried.

### Coyote Sightings

Mr. Evans wanted to make everyone aware of the recent coyote sightings along Round Bottom Road near Newtown Farm Market. He said the coyotes were headed towards Newtown. Overnight, a coyote became trapped in a soccer net at Clear Creek Park. The SPCA safely removed the coyote and released it back into the wild after determining it was not injured.

### Flashing Caution Light

The flashing caution light at the southern corporation line at Church Street and Ragland Road needs to be redone. Mr. Evans said Curry Electric submitted the lowest bid. Mr. Dickerson said he is trying to get Duke Energy to replace the pole to save money. Mayor Cosby said this was looked at today and it is not ready to be brought to the table. Hopefully, we can save \$700-\$800 by them replacing the pole. Discussion will be continued at the next council meeting.

### Short Park Football Field

There is a local business in Newtown interested in donating a sizeable amount of money for a football field at Short Park, per Mr. Evans. The football field would be named after the benefactor. Mr. Evans said this would be of little or no cost to the Village. The Motz Group would be looking for a twenty-year lease; Joe Motz would coordinate with Miami Valley Christian Academy. Mr. Kobasuk asked about maintenance responsibilities. Mr. Evans said The Motz Group would install the field and probably do the maintenance on the field. Mayor Cosby said when this was discussed September 2008; Joe Motz talked about supplying the necessary equipment for the Village to brush the field, which would not be required as often as weekly mowing. Therefore, the Maintenance Department's load would be decreased. There is an upper field and lower field in Short Park. The bike path is going to go in the lower field. The football field would go in the upper field at Short Park off of the railroad tracks.

### LMFD Fire Board Update

Mr. Kobasuk attended the July 21<sup>st</sup> Fire Board meeting and gave the following update. The Fire Board approved two property acquisition contracts. For the Newtown location, the E-check site was purchased for \$750,000. The bonds will be issued in August and get out to bid in October with construction beginning January 2011. The current schedule to complete the E-Check project is nine months. The second property acquired is a couple of lots by Skyline Chili on Wooster Pike in Fairfax.

### Police Department

A police cruiser is in need of repair; the cost is \$2,164.51. Mr. Kobasuk said it has been discussed that it would be best not to make an insurance claim. Mayor Cosby said someone said they thought if we made the claim it would not count against us like it would on a personal claim. Chief Synan said it is up to Council, but he has been told by Adam Ball that it is not like normal insurance where insurance rates go up due to a wreck. He said the insurance company expects municipalities, fire/police/maintenance departments to have accidents. And the reason the rates would increase would be due to the seriousness of the accidents and if the Village had excessive accidents. The deductible is \$1,000; after much discussion, Council agreed to not file an insurance claim. Solicitor Miller suggested raising the deductible. Mr. Zornes will look into the benefit of raising the deductible.

**Mr. Kobasuk made a motion to approve \$2,164.51 for repair of the police cruiser, seconded by Mr. Burns. All Aye. Motion Carried.**

### Department of Liquor Control

**Mr. Kobasuk made a motion to waive a hearing on the advisability of issuing the permit to Holly Group Inc. dba (Main Street Café) for a stock transfer; change in name of people involved with the liquor license. Mr. Evans seconded the motion. All Aye. Motion Carried.**

### Drug Offender Fine Fund

Mr. Kobasuk said the trustees of the Drug Offender Fine Fund have approved \$2,950 for the purchase of 3 taser guns, batteries, cartridges and holsters out of the fund. This is at no cost to the Village.

### Board of Zoning Appeals

Mr. Burns updated Council on the BZA hearing held July 22, 2010. The resident asked for a variance on a shed. The shed did not meet specific requirements; therefore, the BZA unanimously recommended that the variance request be denied. The resident stated he may come to Council to appeal the BZA and that he would be talking with Solicitor Miller. A denial letter will be sent to the applicant. One is not personally notified, until the denial is put in writing. The appeal time doesn't begin until the applicant receives notice in writing, per Solicitor Miller.

### Cemetery Fee Structure

The Parks Committee members and the Cemetery Sexton discussed revising the cemetery fees at their last meeting. Mr. Burns will contact Solicitor Miller regarding the contract language. A resolution will be prepared for the next council meeting.

### Parks Committee Meeting

The committee will meet Tuesday, August 3<sup>rd</sup> at 6:30pm.

### Planning Commission Update

Lynn Burger, Burger Farm spoke to the Planning Commission regarding development of their property. Water is always an issue. Mayor Cosby said the only way that would really work to shed the water on the western end of the property is to discharge the water into McCullough's Run. That would create a problem in lower Newtown, which was seen many years ago with Ivy Hills taking on the excess water and metering it out at a time when there is not a storm event. Diverting McCullough's Run into Lake Barber was discussed. Mayor Cosby said, historically, that is the way the creek used to go tying into Eight Mile Creek, which runs along Lake Barber and discharges into the Little Miami. Planning Commission discussed diverting the water underneath SR32. Mayor Cosby walked the area today, down near the old maintenance barn, which is at the western end of Newtown's Landfill; behind the building is a natural swale that heads towards the railroad track. It all may need to be encased in a box culvert until you got it beyond the railroad track and would be able to discharge it into Lake Barber, said Mayor Cosby. He said that would totally cure any water problems that remain in lower Newtown and would also give the ability to discharge the water off of the Burger property, allowing them to develop their landfill. The way Burger Farm put in their landfill; they are able to develop as soon as they cap it. They don't have to sit on it for five years like some landfills. Mayor Cosby will discuss this option with Engineer Bruce Brandstetter. And will talk to Allen Freeman about grant opportunities. Mayor Cosby will also meet with Roy Schweitzer, Newtown Landfill, and incorporate their watershed issues at the same time. Doug Evans said he strongly disagrees; the last thing he would want for anyone swimming is to have any water from any landfill coming into Lake Barber. Mr. Evans said, with the exception of rain, there is no water coming into Lake Barber from any creek or stream. He suggested possibly putting in a creek behind there. Mr. Evans said when it was designed, it wasn't meant to take water from somewhere else to raise the water table. And there is no spillway. Mr. Evans said the water in Lake Barber is clean because there is no water going into Lake Barber from any other surface area. Mayor Cosby said we certainly don't want to pollute it; especially, in light of the fact that the Village may be purchasing Lake Barber. Mr. Evans voiced his concern that diverting the water would flood his property. Mayor Cosby said that would not be the intention and we may have to work on a spillway into the creek. Mayor Cosby said he just wanted to update Council on what was discussed at the Planning meeting. And report what needs to be looked into from an engineering standpoint, as well as seeking possible grant funding. He said it is not water coming from the landfill; it is actually water that is collected from Ivy Hills, in particular, the Villages of Ivy Hills. Mayor Cosby said that water comes down and always has been contained on Burger's property because they have had the landfill and the ability to contain it. But as it has filled up, now that water has to divert elsewhere. Other options will be considered.

### Executive Session

Solicitor Miller requested an executive session to discuss property acquisition.

**Mr. Kobasuk made a motion to enter into Executive Session at 8:14pm to discuss property acquisition. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.**

Council reconvened at 8:31pm; no action will be taken as a result of the executive session.

Mr. Zornes made a motion to adjourn, seconded by Mr. Burns.

Transcribed by Becky Fairley