

The May 12, 2009 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.

Councilmember's: Brian Burns (absent) Mark Kobasuk
Doug Evans Ken Pulskamp
Tracy Hueber Daryl Zornes

Mayor: Curt Cosby

Solicitor: Doug Miller

Fiscal Officer: Keri Everett (absent)

Police Chief: Tom Synan

Mayor Cosby welcomed everyone and invited those who were not on the agenda a chance to step forward and speak.

Audience Participation:

Frank Baker, 6834 East Plum Street. Mr. Baker spoke to mayor and council about his personal items removed from his property. Mr. Baker asked why his belongings were taken and not his neighbor's trailer that has been there for thirty (30) years. Mayor Cosby said if there is anything deemed offensive or any type of junk it needs to be brought to the attention of Mr. Dick Weber, Property Maintenance Inspector. Mr. Evans told Mr. Baker that he and Chief Synan would come down to his property and take a look. They will take care of anything that needs to be addressed. Solicitor Miller said he did receive a letter in the mail today from an attorney representing Mr. Baker wanting to know where his property went. Solicitor Miller will respond to the letter.

Fountain Dedication

Mayor Cosby said the official dedication of the fountain at the Center Island, at Round Bottom and SR 32 will be Friday, May 29th at 11:00 a.m.; Rain Date is June 5th. Mayor Cosby is happy to move forward with the official dedication and honor the people that so much deserve the recognition.

Memorial Day Parade

Mayor Cosby reminded everyone of the upcoming Memorial Day Parade, Monday, May 25, 2009. The parade will step off at 1:00 p.m. from MVCA, right on Church Street, right on Center Street, left on Debolt, left on Main and right on Church, ending at Moundview Park followed with a picnic. This is the first Memorial Day Parade in seventeen years. All are welcome - there will be much fun for all!

Lake Barber

Doug Hall, 3851 Edwards Road. Mr. Hall spoke to council regarding Mike Zicka's intent to dispose of Lake Barber by transferring the deed to another party or parties. Mr. Hall stated he would like to see the lake evolve into a park-like setting, something good for the children of Newtown. He would like to see the kids be able to fish there like it would have been done years ago. They are pretty much not allowed there because by ordinance it has to be kept private. Mr. Hall said there are three ways to do this. 1) Village of Newtown to pick up the lake. Mr. Hall offered giving the village the money to acquire the park back. 2) Create a non-profit park benefiting the children of Newtown and have kids from Newtown manage the park for summer jobs. 3) Work with Hamilton County and have them manage it as a park. (This is being done in Harrison and Mr. Hall said it has been quite successful) Mr. Hall recalled in the past when a park was discussed, there were two primary issues: 1) access to the park and to be able to get in there. He said he has land beside his property which he made into a baseball field for his kids when they were younger and is prepared to donate this property for a parking lot to create access and 2) liability issues have also been a concern in the past. Mr. Hall said his company carries a liability policy for his employees and others who may come in. The insurance company told Mr. Hall if the policy is for a non-profit their insurance would be much less in cost. The idea would be good for the kids of Newtown, whether the village takes it over, it becomes non-profit or if Hamilton County manages the park.

Solicitor Miller did talk to Mike Zicka and the purchase price for the village is \$20,000. Solicitor Miller stated Mike Zicka would also be looking to reserve an easement so he could continue to use the water on the golf course. It has been that way for twenty years so that shouldn't be a big deal.

Mr. Kobasuk asked Solicitor Miller if he felt the liability issues could be resolved with insurance policies. Solicitor Miller said there is liability from two standpoints: 1) if someone were to get hurt there and 2) the environmental condition of the lake. Mr. Hall said they have had the water tested a number of times. Solicitor Miller said the water should be tested if the village wanted to take the lake or a non-profit.

Mr. Kobasuk thought the idea is good for the village children and others. Mr. Evans said there are a lot of other issues that need to be worked out first. He said there is a dump on the other side getting higher and higher everyday.

Solicitor Miller suggested all parties involved sitting down to discuss the best plan if council is interested. Ms. Hueber said a meeting needs to be called to discuss the pros and cons if the village is interested in Lake Barber. She said it is a good idea; we need to gather the facts and if the village doesn't want the lake then we need to let it go. Solicitor Miller said unless the village flat out says no to the lake, he will meet with Doug Hall, Mike Zicka and other interested parties. Solicitor Miller said they will get the facts straight and present the best idea to council. Mr. Evans said that is what needs to happen. Mr. Hall said the real issue is if this is something the village wants to do. Ms. Hueber said the village doesn't have anyone able to run a lake and she likes the Hamilton County idea or have it a non-profit. Ms. Hueber said the generous offer Mr. Hall has offered is unbelievable. Mr. Kobasuk said we do need to explore it. Mr. Evans said there are preliminary details to be worked out before having a meeting because the lake is not Mr. Hall's to give. He said we need to talk with Mr. Hall and Mr. Zicka before everyone meets. Mayor Cosby said let everyone sit down and we will go from there. Solicitor Miller will get with parties involved to set a meeting date and time.

Peace Officers' Memorial Day Proclamation

Mayor Cosby read:

VILLAGE OF NEWTOWN

Proclamation

Whereas, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

Whereas, the members of the Newtown Police Department plan an essential role in safeguarding the rights and freedoms of the Village of Newtown; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the Newtown Police Department unceasingly provide a vital public service;

Now, therefore, I, Mayor Curt Cosby of the Village of Newtown, Ohio, call upon all citizens of Newtown and upon all patriotic, civic and educational organizations to observe the week of May 11 through May 17, 2009, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their

communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Newtown to observe Thursday, May 15, 2009 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, I have hereunto set my hand and caused the Seal of the Village of Newtown, Ohio to be affixed.

Police Department – Hiring two part-time police officers

Ms. Hueber made a motion to hire Larry Cravens and Jake Stoll as part-time police officers for the Village of Newtown, Newtown, Ohio. Mr. Pulskamp seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Mayor Cosby performed the swearing-in ceremony for Larry Cravens and Jake Stoll. Everyone applauded and welcomed the newly sworn police officers.

Mayor's Court Computer Fund

Chief Synan spoke to the need to replace the computers and monitors for the police department. The computers are older and some of the monitors are totally out of commission. The monies will come from the Mayor's Court Computer Fund, not the General Fund. The Mayor's Court Computer Fund can only be used for computer equipment. This fund is replenished by a portion of fines from citations. Chief Synan said, as of the last council meeting, the Mayor's Court Computer Fund had over \$20,000. The total to replace the computers, monitors, all hard-drives and other computer equipment for the police department, which are attached to the Mayor's Court Computer Fund, is \$12,453.70. Police Officer Orso worked with Dell Computers to obtain government rates. Chief Synan said this equipment will be more energy efficient and help maintain more data.

Solicitor Miller will create a resolution for the 5-26-09 council meeting.

Council Minutes

Mr. Zornes made a motion to approve 4-28-2009 council minutes. Mr. Pulskamp seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Human Resource Meeting

Councilman Zornes called a Human Resource Committee meeting for 5-19-2009 at 7:00 p.m.

Safety Committee Meeting

The Safety Committee will meet 5-26-2009 following the council meeting. Cincinnati State is interested in purchasing a couple of the Dodge Charger cruisers from the police department.

Fire Board Meeting

Ms. Hueber stated she is unable to attend the 5-20-09 Fire Board meeting and will ask Brian Burns to attend as her alternate. (Becky will email Brian Burns)

Monthly Mayor's Statement

Mr. Pulskamp made a motion to accept March 2009, Mayor's Monthly Statement to council. Mr. Evans seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Barrett Paving Change Order (Bruce will get change order to Ken by Friday)

Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 13-2009 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH BARRETT PAVING, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Mr. Burns-Absent. Motion Carried.

2009 Salary Ordinance

The 2009 Salary Ordinance rates are the same as 2008; Mr. Pulskamp did review the numbers.

Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 07-2009 AN ORDINANCE ESTABLISHING SALARIES FOR VILLAGE PERSONNEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Solicitor Miller asked if these were the same as last year. Mr. Pulskamp said he double-checked the names and figures.

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Burns-Absent. Motion Carried.

Weed Ordinance, 6616 Main Street

Mr. Pulskamp made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 08-2009 AN ORDINANCE PROVIDING FOR AND AUTHORIZING WEED CUTTING, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Burns-Absent. Motion Carried.

Resolution, CRA Amendment

Solicitor Miller said the Department of Development that certifies the CRA said there had been a change in the make-up of the CRA and we need to adopt this amendment.

Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 14-2009 AN AMENDMENT TO A RESOLUTION IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, EXPANDING AND DESCRIBING THE BOUNDARIES OF THE COMMUNITY REINVESTMENT AREA #061-55678-02 IN THE VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Burns-Absent. Motion Carried.

Lake Barber

Mr. Pulskamp asked council to visit the lake. He said there is approximately 50 feet of land between all of the private property owners surrounding the lake and the actual water-edge. Mr. Pulskamp said the village should look very closely at opening Lake Barber up to the public and exposing the properties of: Family Motor Coach Association and GAMCO, Forshee Roofing and Hazmat Environmental Group, Campeon Roofing, Hydro Systems, the Landfill, the Railroad, Barrett Paving, Brewer Coat. Mr. Pulskamp would not be opposed to the lake if it were out in the open with more acreage.

Checklist

Mr. Evans made a motion to approve Checklist dated 5-12-2009 for \$28,050.40. Mr. Kobasuk seconded the motion. All Aye. Mr. Burns-Absent. Motion Carried.

Wags Park

Wags Park is targeted to be opened by Memorial Day, May 25th. Mr. Evans the site is four to five acres and all will be used for the dogs. Mayor Cosby met with owner of Wags Park, Mr. Bob Slattery, last night for two hours; it is very exciting the national attention Wags Park will bring to Newtown. Mayor Cosby said Mr. Slattery plans on placing a state-of-the-art digital sign, which will come become Planning Commission for approval because it will require a variance. Upcoming events for Newtown can also be displayed on the message board.

Eastern Corridor

Mr. Evans has been working on different alignments for the Eastern Corridor. Mr. Evans said they are working on different ideas keeping the church in mind, and not interfering with the dog park and where the road will go along the river. The goal is to work out a plan that will benefit Newtown and not destroy the existence of any homes or businesses.

Lake Barber

Mr. Hall is Mr. Evans' neighbor at Lake Barber and Mr. Evans spoke to various issues concerning the lake. Things have been stolen and Mr. Evans said he doesn't have a problem if Mr. Hall allows people to fish on his end, but he said there are issues at the other end. Mr. Evans said people come in and fish and leave their trash behind. Evans Landscaping has mowed the grass there for fifteen years and has contributed to it being the way it is today. Mr. Evans said he and Mr. Hall each have 100-year recreation rights on the lake. Mr. Evans said some issues do need to be worked out with Mr. Hall and Mike Zicka regarding Lake Barber.

Mr. Pulskamp made a motion to adjourn. Ms. Hueber seconded the motion. Motion Carried.