

The May 24, 2011 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
Joe Harten (arrived at 7:15pm) Daryl Zornes

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Memorial Day Parade

The Memorial Day Parade will be Monday, May 30th at 10:00am. A float will be provided for Mayor, Council and past mayors. The parade will conclude at Moundview Park.

TIF – Hydro Systems Company

Mayor Cosby and Solicitor Miller discussed a TIF for the Hydro Systems new development. Solicitor Miller will look into and report back to Council.

3530 Church Street Update

Solicitor Miller said there was a transfer May 2, 2011 of \$50,000 to PIF Investments. An appraisal would need to be done if Council is interested in pursuing. Mayor Cosby suggested the Finance Committee meet to discuss and bring back to Council.

Short Park Easement for Bike Trail

Mayor Cosby recently received a letter from Hamilton County Park District regarding the proposed purchase of Little Miami Scenic Trail Easements. The Board of Park Commissioners for the Hamilton County Park District met April 21, 2011 and authorized the staff to proceed with purchase of permanent and temporary trail easements from the Village of Newtown, at the previously approved price of \$48,404. The purchase is based on the revised appraisal amount of \$26,585, with an additional \$21,819 for trail-related amenities at Short Park. Mayor Cosby said once we receive the purchase contract from the Park District, we will forward to Solicitor Miller for review.

Checklist

Mr. Tiettmeyer made a motion to approve the 5-24-2011 Checklist for \$60,126.56, seconded by Mr. Kobasuk. Roll Call: Mr. Tiettmeyer, Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Absent. Motion Carried.

Ordinance, TIF Meridian Bioscience (Valley Avenue)

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 11-2011 AN ORDINANCE PURSUANT TO REVISED CODE SECTION 5709.40(B) DECLARING TO BE A PUBLIC PURPOSE CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT ARE NECESSARY FOR THE DEVELOPMENT OF THE MERIDIAN BIOSCIENCE DEVELOPMENT ON A PARCEL OF REAL PROPERTY LOCATED IN THE VILLAGE OF NEWTOWN AND EXEMPTING IMPROVEMENTS TO THAT PARCEL FROM REAL PROPERTY TAXATION, REQUIRING THE PAYMENT OF SERVICE PAYMENTS IN LIEU OF THE EXEMPTED PROPERTY TAXES AS A COVENANT RUNNING WITH THE LAND AND AUTHORIZING THE USE OF THE SERVICE PAYMENTS FOR THOSE PUBLIC INFRASTRUCTURE IMPROVEMENTS, AUTHORIZING EXECUTION OF A RELATED SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY OR APPROPRIATE TO SUCH PURPOSES, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS, AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Roll Call: Mr. Tiettmeyer, Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Absent. Motion Carried.

Ordinance, Reimbursement for Capital Expenditures (Meridian Bioscience)

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 12-2011 AN ORDINANCE DECLARING OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT FOR CAPITAL EXPENDITURES AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer, Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Absent. Motion Carried.

Ordinance, Agreement with Forest Hills Local School District (Meridian Bioscience)

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 13-2011 AN ORDINANCE AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE FOREST HILLS LOCAL SCHOOL DISTRICT AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Roll Call: Mr. Tiettmeyer, Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Absent. Motion Carried.

Mr. Harten arrived at 7:15pm.

Ordinance, TIF One Shot – Round Bottom Road

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 14-2011 AN ORDINANCE PURSUANT TO REVISED CODE SECTION 5709.40(B) DECLARING TO BE A PUBLIC PURPOSE CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT ARE NECESSARY FOR THE DEVELOPMENT OF THE ONE SHOT DEVELOPMENT ON A PARCEL OF REAL PROPERTY LOCATED IN THE VILLAGE OF NEWTOWN AND EXEMPTING IMPROVEMENTS TO THAT PARCEL FROM REAL PROPERTY TAXATION, REQUIRING THE PAYMENT OF SERVICE PAYMENTS IN LIEU OF THE EXEMPTED PROPERTY TAXES AS A COVENANT RUNNING WITH THE LAND AND AUTHORIZING THE USE OF THE SERVICE PAYMENTS FOR THOSE PUBLIC INFRASTRUCTURE IMPROVEMENTS, AUTHORIZING EXECUTION OF A RELATED SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY OR APPROPRIATE TO SUCH PURPOSES, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS AND DECLARING AN EMERGENCY. 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.

Ordinance, Reimbursement for Capital Expenditures (One Shot)

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 15-2011 AN ORDINANCE DECLARING OFFICIAL INTENT WITH RESPECT TO REIMBURSEMENT FOR CAPITAL EXPENDITURES, AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion.

Discussion

Mr. Kobasuk asked Solicitor Miller to explain the reimbursement. Solicitor Miller said it is a technicality under the Internal Revenue Code. He explained that if funds were spent from the General Fund or some other fund and money was later borrowed to replace that, this ordinance allows you to do that. In other

words, if Council didn't pass this ordinance and spent money on a project and then wanted to borrow money under the TIF, you could not reimburse yourself out of the bonds proceeds.

Roll Call: Mr. Tiettmeyer, Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Ordinance, Agreement with Forest Hills Local School District (One Shot)

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

Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 16-2011 AN ORDINANCE AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE FOREST HILLS LOCAL SCHOOL DISTRICT AND DECLARING AN EMERGENCY. Mr. Burns 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.

Resolution Approving Increase Permanent Appropriations

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 11-2011 A RESOLUTION APPROVING AN INCREASE IN PERMANENT APPROPRIATIONS AND A SUPPLEMENTAL APPROPRIATION AND RECONCLING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2011, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. 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.

Finance Committee Update

The Finance Committee met this evening at 6:00pm. Mr. Tiettmeyer, Chairman of the Finance Committee, said the first four months of 2011, as well as the preliminary 2012 Budget were reviewed. To date, there is an increase in revenue; expenses have been held within budget. Mr. Tiettmeyer said the increase in revenue is primarily due to the wage taxes being ahead of plan. This was expected to some extent, due to budgeting conservatively on wage taxes.

5-10-2011 Council Minutes

Mr. Zornes made a motion to approve the 5-10-2011 Council Minutes, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Maintenance Update

Mr. Dickerson thanked Mayor Cosby for helping the Maintenance Department mow the cemetery. Parks will be ready for the Memorial Day celebration.

Short Park Restroom Update

Mr. Dickerson said the electric has been completed. Plumbers came out to do the sewer tap and as soon as they dug the hole, it filled with water. It is going to come down to the wire getting the restroom completed before our extension, which is June 30th.

Municipal Parking Lot Gate

Mayor Cosby has received several requests to open and leave open the Municipal Parking Lot gate. The gate exists onto East Plum to Center Street. During the hours of heavy traffic, it is very difficult getting out onto SR32. Mayor Cosby suggested giving this a try, making sure there would be no negative impact on the residents on East Plum. The gate has been opened a few times and someone continues to close the gate; therefore, Mayor Cosby said the gate will need to be locked open. Council agreed to open the gate on a trial basis.

LMFD Fire Board Update

Mr. Kobasuk reported the following from the last Fire Board meeting:

- 1) Due to the rain, completion of construction of the new Fire House will be delayed until the end of October.
- 2) The Fire Board made an offer to purchase the Car Wash in Fairfax; offer was accepted. This will make the fire station a "drive-thru" station, instead of the fire trucks having to back in.

Emergency Operating Plan

Mr. Kobasuk and Solicitor Miller have given comments on the EOP to Lorna for her to do a redraft. This will come back to Council for review after the redraft has been done.

Ordinance Determining Public Posting Places

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

Mr. Kobasuk made a motion to adopt ORDINANCE NO. 17-2011 AN ORDINANCE DETERMINING THE FIVE MOST PUBLIC PLACES IN THE VILLAGE OF NEWTOWN FOR PURPOSES OF POSTING ORDINANCES, RESOLUTIONS AND OTHER DOCUMENTS REQUIRED TO BE PUBLISHED, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion.

Parks Committee

The Parks Committee will meet Monday, June 6th at 6:30pm to discuss ATLL contract and discounted pricing for short meetings and long-term rentals at the Moundview Community Center. Mr. Bruns will send out an agenda prior to the meeting.

Moundview Community Center

Mr. Kobasuk said, as he recalled, Council authorized monies to drywall the upstairs and put in new carpet. Mr. Burns said Maintenance has been working diligently on the outdoor kitchen and has done a great job. A local family was redoing their kitchen and donated their old cabinets, stove/oven and microwave. The plan is to work on the upstairs in the Fall. Kudos to Ron, Tony and Joe..... great job!

Short Park Playground

We have to resubmit the grant application with an increase in the Village's share of the cost of the playground equipment. This increase will come from the Recycling Incentive Program Fund.

Mr. Tiettmeyer made a motion to approve the Village portion of \$23,000 to go toward the application for the grant for playground equipment for Short Park. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Discussion

Mr. Harten asked for clarification on the Village portion and the amount of the grant. The Village's contribution will be \$23,000, which will come out of the Recycling Incentive Program Fund. The total amount of the playground equipment is \$38,150. The grant is going from \$28,622.30 to \$15,150.00, due to a decrease in funding from Ohio Department of Natural Resources. The Village's portion is now \$23,000; the original portion would have been \$9,527.70.

Mr. Burns made a motion to accept the original amount of \$48,404 from Hamilton County Park District, for the Proposed Purchase of Little Miami Scenic Trail Easements at Short Park, and to appoint Mayor Cosby and designee to handle negotiations. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mr. Harten apologized for his late arrival.

Mr. Burns made a motion to adjourn, seconded by Mr. Evans. All Aye.

Transcribed by Becky Fairley