

The August 9, 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 Daryl Zornes

Solicitor: Doug Miller
Fiscal Officer: Keri Everett
Police Chief: Tom Synan

Short Park Trail Easement

The Hamilton County Park District recently staked the proposed easement areas. Mayor Cosby and Mr. Dickerson walked the areas this afternoon. Mayor Cosby will meet with park officials to discuss a few concerns. Due to the easement, Short Park will lose 11-12 trees where the trail will be constructed; Mayor Cosby will ask the HCPD to replace these trees. Mr. Tiettmeyer asked the timeline when the Village will receive payment for easement from HCPD. Mayor Cosby said payment will come after the path has been finalized and agreed upon.

Checklist

Mr. Tiettmeyer made a motion to approve the 8-09-2011 Checklist for \$9,549.84, seconded by Mr. Zornes. All Aye. Motion Carried.

Finance Committee

The Finance Committee will meet Tuesday, August 23rd at 6:00pm. Mr. Tiettmeyer chairs this committee.

Resolution Approving Advance

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

Mr. Tiettmeyer made a motion to approve RESOLUTION NO. 16-2011 A RESOLUTION APPROVING AN ADVANCE AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2011, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes.

Resolution – State Capital Improvement Project

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. 17-2011 A RESOLUTION APPOINTING CURT COSBY AS OFFICIAL REPRESENTATIVE FOR THE STATE CAPITAL IMPROVEMENT PROJECT FUNDING. Mr. Burns seconded the motion. All Aye. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes.

Resolution – Execute Cooperative Use Agreement (Native American Artifact Museum)

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 18-2011 A RESOLUTION AUTHORIZING THE VILLAGE OF NEWTOWN TO SIGN AND EXECUTE THE COOPERATIVE USE AGREEMENT (INCORPORATING CONSTRUCTION FUNDING AND LOCAL CONSTRUCTION ADMINISTRATION), A NON-DISTURBANCE AND ESTOPPEL AGREEMENT, AND ANY OTHER NECESSARY LEGAL DOCUMENTS AND TO TAKE CERTAIN OTHER ACTIONS, DISPENSING WITH THE SECOND AND THIRD READINGS 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.

Council Minutes

Mr. Zornes made a motion to approve the July 26, 2011 Council Minutes, seconded by Mr. Harten. All Aye. Motion Carried.

Resolution Designating Depository Institution

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 19-2011 A RESOLUTION DESIGNATING A VILLAGE DEPOSITORY INSTITUTION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion.

Discussion:

Mr. Kobasuk stated that this is no change; the Village has had this institution (Fifth Third) in the past.

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

Resolution Approving Contracts for Employee Dental, Vision and Life

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 20-2011 A RESOLUTION APPROVING CONTRACTS FOR EMPLOYEE DENTAL, VISION AND LIFE INSURANCE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes.

Paving Project

Mr. Dickerson reported: The paving project for the S-Curve on Church Street and Little Dry Run are complete; J.K. Meurer did a great job. The end of Debolt Street was also paved; all three areas were covered under the initial bid for the S-Curve and Little Dry Run.

Short Park Paving

Mr. Dickerson will follow-up with Jeff Meurer regarding the paving at Short Park.

MSD Sewer Project

The current phase of the sewer project should be completed by November, at which time, phase B will begin, going down Edwards Road back towards Eight Mile. This should not impact any traffic, stated Mr. Dickerson.

2011-2012 Winter Season

Mr. Dickerson reported: Trucks and equipment were repaired at the close of the 2010-2011 Winter season. Salt (300 tons) of salt will be delivered next week; Council previously approved.

Mayor's Monthly Statement to Council

Mr. Kobasuk made a motion to approve the July 2011 Mayor's Monthly Statement to Council for \$5,779.74. Mr. Burns seconded the motion. All Aye. Motion Carried.

Fire Hydrants

LMFD has received an invoice to replace three fire hydrants within the Village. Mr. Kobasuk explained that the Village is responsible for below ground repairs; the LMFD is responsible for above ground. One hydrant is located on Drake Street; two on Harriet Street. The cost to the Village is \$6,900 (\$2,300 per fire hydrant); LMFD will pay \$1,100.

Mr. Kobasuk made a motion to approve an amount not to exceed \$6,900 one fire hydrant on Drake Street and two fire hydrants on Harriet Street. Mr. Zornes seconded the motion.

Discussion

Mr. Burns said LMFD submitted the one estimate, which in his opinion is the most expensive company in the city. He said he has discussed this with Chief Driggers in the past. Mr. Burns stated that Hamilton County has a program that our tax dollars already pay for Hamilton County. Mr. Kobasuk stated that we rely on the expertise of LMFD and he would like to go ahead and pay the \$6,900. Mr. Evans suggested

taking another day to get an extra estimate or research the program Mr. Burns mentioned. Mr. Burns said the Village could possibly save a couple of thousand dollars by looking into the program or getting another bid. He said it would take a resolution from the Council to go through the county. Mr. Burns said the Village could have anyone do the below ground work, if they chose to do so. Mayor Cosby asked Mr. Kobasuk if this was an emergency situation. Mr. Kobasuk said the hydrant on Drake Street needs to be replaced as soon as possible, since the LMFD will place a fire truck on Drake Street, designating that truck to sit there to provide protection to the residents while the Drake Street Bridge is being replaced towards the end of August. Solicitor Miller suggested approving the amount not to exceed. Mr. Harten asked if there was a line in the budget for the replacement of hydrants; Ms. Everett said the money will come from the Contracted Services line from the Capital Improvement Fund. Mr. Burns will check with Ford Development and call Chief Driggers for future reference. Mr. Kobasuk said this is a public safety issue and we are relying on LMFD.

Motion Carried.

Short Park Paving

Mr. Burns said nothing has changed regarding Rack Seven; waiting to hear back from J.K. Meurer. Ron will later present which bid is lowest.

ATLL

Ms. Everett contacted ATLL regarding the 2011 contract. Mr. Burns suggested Council pass the resolution; ATLL will take to their board for a vote. Mr. Burns suggested initiating a two or three year agreement for future contracts.

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

Mr. Burns made a motion to adopt RESOLUTION NO. 21-2011 A RESOLUTION APPROVING AN EXCLUSIVE USE AGREEMENT FOR ATHLETIC FIELDS, AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Harten seconded the motion.

Discussion

The 2011 contract covers use of ball fields in Short Park and Moundview Park, April 1, 2011 through October 31, 2011. Mr. Tiettmeyer asked if the upcoming construction work for the bike trail at Short Park would interfere with ATLL leasing the field. Mayor Cosby said, according to the stakes, the construction field doesn't come close to interfering with the ball field. Mr. Evans asked if ATLL is using the field for football. Mr. Burns said MVCA hasn't contacted him; Mayor Cosby said it is understood that MVCA will be using the field.

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

Resolution Opposing Red Bank Corridor

A Special Meeting was held August 3rd at the Madisonville Recreation Center to discuss the proposed Red Bank Corridor segment of the Eastern Corridor Project Phase I. This was in response to work done by Madisonville Community Council to review the project. Mr. Harten said many citizens spoke; virtually all in opposition to the project as it is stated. Councilmen Joe Harten, Daryl Zornes and resident Chuck Short attended the meeting.

Mr. Harten made a motion to adopt RESOLUTION NO. 22-2011 A RESOLUTION SUPPORTING THE MADISONVILLE COMMUNITY COUNCIL'S OPPOSITION TO THE RED BANK ROAD / EASTERN CORRIDOR PROJECT, AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Tiettmeyer seconded the motion.

Discussion

Mr. Evans said change is hard for many people, but he believes that anything that goes through Madisonville will benefit Madisonville. If these areas want to grow, they are going to need transportation; look at Blue Ash twenty years ago, Mason ten years ago and what the Butler Regional Highway did to Hamilton, said Mr. Evans. Newtown is going to face the same issues soon; things are going to change stated Mr. Evans. Mr. Evans said the only thing politicians can do is to direct them with proper change

that will make things better for everybody. Mr. Evans said he is aware that many do not want the Eastern Corridor to come through Newtown, but he does want the Eastern Corridor. This would help with the increase of traffic, said Mr. Evans. He said transportation is a sticky subject and nobody ever wants change. Once a new road is built, everybody uses it, said Mr. Evans. Therefore, Mr. Evans said he will not vote in favor of the resolution.

Mr. Tiettmeyer asked how the current alignment would affect Madisonville. There are several different proposals on the table. ODOT representatives are pretty much back to the beginning in terms of aligning the road, explained Mr. Harten. As it stands now, there are two possibilities: one would be a parkway-like setting and a couple with relatively significant interchanges at Madison Road and at Erie with bridges above grade; significant bridges that would go quite far out, in terms of how the ramps would circulate. Mr. Harten said the reality is the people spoke from Madisonville are all walks of life: religious, educational, business owners and citizens. Mr. Harten travels the area two to four times a day and would love to have a quicker road, but there is no stopping where the project will go from there because there is no reason to have Red Bank Road all nice and then stop in the middle of Fairfax. The next stage would have to come through Newtown. Mr. Harten made the motion because he believes the Village Council should stand with other communities that are on record opposing this project, i.e.: Madisonville, Hyde Park, Oakley and others.

Mayor Cosby firmly opposes the current proposed alignments of the Eastern Corridor and the unwillingness to go outside the study area. The current proposed alignments would devastate one-third of the tax base from businesses and possibly a few neighborhoods along Valley Avenue. Mayor Cosby said, in no circumstance, does he see how this Council could support this stance. Mayor Cosby agreed with Mr. Harten that the Village of Newtown should partner with the communities opposing the Red Bank/Eastern Corridor. Hopefully, in doing so, the project would be stopped, giving the opportunity to look at different alignments, other than the current proposed area. In 2008, the Village held a Public meeting at MVCA regarding the Eastern Corridor; 99.9% of those attending voiced opposition. Mayor Cosby said, "If we are truly representatives of the people that we are representing, we have no choice but to oppose it."

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-No, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Agreement – Little Miami Inc.

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

Mr. Harten made a motion to adopt RESOLUTION NO. 23-2011 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LITTLE MIAMI, INC., DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion.

Discussion

Solicitor Miller reviewed the agreement, which deals with the agreement to get Little Miami Inc. into the Village. Part of the agreement is the Village would join with them to oppose any alignment of the Eastern Corridor between SR32 and Wooster Pike. Solicitor Miller has reviewed the agreement; basically, Little Miami's interest is to protect the river and their property as a nature preserve.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-No, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Executive Session

Mr. Burns made a motion to enter into Executive Session at 7:38pm to discuss imminent litigation and property acquisition. Mr. Harten seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes (imminent litigation) Mr. Evans-No (property acquisition), Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Council reconvened at 7:49pm; no action will be taken as a result of the Executive Session.

Mr. Tiettmeyer made a motion to adjourn, seconded by Mr. Burns. Motion Carried.

Transcribed by Becky Fairley