

The September 13, 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 (absent) Mark Kobasuk
Doug Evans Curt Tiettmeyer
Joe Harten Daryl Zornes

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Moundview Park Community Center

Pauline Murrie informed Council that she and Barbara Broerman are donating the fabric and labor to make curtains for the Moundview Community Center first floor.

Newtown Fish Fry

In the past, the annual "Fish Fry" has been held at the Newtown firehouse, sponsored by the Little Miami Fire District. The Newtown Civic League has sponsored the Fish Fry for the past couple of years, with the assistance of the Fire department. The LMFD will be moving into their new facility Oct/Nov 2011; therefore, the Fish Fry will no longer be held at the Newtown firehouse. The Newtown Civic League is looking into outfitting the outdoor kitchen at Moundview Park and what it would involve to host the Fish Fry at the Pavilion/Community Center. More discussions will take place before a decision is reached.

Moundview Park Pavilion

The Newtown Civic League has offered to purchase and install eight paddle fans and additional lighting under the pavilion located at Moundview Park. The plan is to have these items installed for the 2012 summer season. Chuck Short will present Council with additional information at a later date.

Veterans' Memorial

Chuck Short, Newtown Veterans Association updated Council on the construction of the memorial. The pavers for the walkway have been laid and the concrete footers poured with a special limestone. The granite is in and currently being engraved; the pavers are also being engraved. Depending on the progress of the memorial, a formal dedication is planned for Veterans Day, Friday, November 11th.

Short Park Trail Easement

Mayor Cosby and Ron Dickerson walked the easement area with HCPD. Solicitor Miller made changes to the actual easements; he is currently reviewing the drawings and location of legal descriptions. HCPD had a third easement (drainage easement) as part of the trail. Mayor Cosby said he talked to HCPD and they explained that the drainage easement is the creek that wraps around Short Park. Solicitor Miller asked if this is okay; Mayor Cosby said as long as they maintain the water flow. Mayor Cosby will review drawings with Solicitor Miller prior to signing final documents.

Long-Term Long-Range Planning Committee Update

The Long-Term Long-Range Planning Committee was formed at the 02-08-2011 Council meeting. Members serving this committee are: Mayor Curt Cosby and Councilmen Joe Harten and Curt Tiettmeyer. The committee was formed to consider various options to restructure the working space and conditions for current employees and for future growth. The committee met August 29th, with several council members attending, the committee continued discussions of renovating the current Town Hall and the existing firehouse. John Russell and Building Commissioner Mike Spry spoke at the meeting. Mayor Cosby said John Russell is in the process of preparing a report. Mr. Tiettmeyer said legitimate concerns were voiced about how much detail has been put into planning thus far. Mr. Kobasuk said from his point of view, this is a very important issue for the Village; how Council restructures the working space for the employees, Village Council, Administrative staff, etc. is probably, one of the most important decisions he will face as a Council member. Mr. Kobasuk said this is no reflection on the committee in any way, but he feels this issue should be addressed at a full-Council level so all seven council members can discuss various options. Mr. Kobasuk said he feels the committee has done an excellent job, but feels it is now at a new level and Council should consider all options.

Mr. Kobasuk said Council should consider three options at a minimum:

- 1) Move Village Council chambers to the existing fire station
- 2) Move the police department to the existing fire station; council remaining in current Town Hall
- 3) Look into building a new building

Mr. Kobasuk said with the \$680,000 and no land acquisition at the E-check site, plus selling a couple of Village properties, we could perhaps build a new energy-efficient building that would serve the needs and have everyone under one roof. Mr. Kobasuk said various options should be considered by Council and move away from the committee. Again, no reflection on the committee; seven minds are better than three.

Mr. Kobasuk said he will make a motion to reflect: 1) moving discussions from the committee opening up to the entire Council and 2) consider at the very least the three options stated above plus any other options presented by others and taking a price into consideration. This way everything will be considered and people will know a new building was considered. Mr. Kobasuk asked for a written statement listing exactly what the requirements are for the Village to comply with the grant funding for the Indian Artifacts Museum. Mayor Cosby will have Allen Freeman provide the statement requested by Mr. Kobasuk. Mr. Kobasuk said in an effort to have a good report, Council should thoroughly task and direct John Russell exactly what options he should address. He said he doesn't believe John Russell would have adequately looked at a new facility since this was dismissed at the committee meeting. Mr. Kobasuk said he would like to see a new building adequately addressed. If we have land at the E-check site and no land acquisition; perhaps, with \$680,000 plus the proceeds from two buildings we could build a new structure. Mr. Kobasuk said people hear what is discussed at Council in the minutes and wants this to be done in a deliberative way, fully transparent. Mayor Cosby said at the 3-08-2011 Long-Term Long-Range Planning meeting, the committee agreed it was not fiscally responsible to further explore purchasing the property where the old Post Office was located on Main Street and determined it would not be fiscally responsible to consider creating a safety services campus centered on the new fire station with our current budget. Mayor Cosby said it is fine if everyone wants to revisit that. Mr. Kobasuk said, Council can discuss fish fry's at Moundview and as a Council, should discuss the building issue as a Council. Mr. Kobasuk said he would like to talk to John Russell and ask him if he has looked adequately at building a new site, what is the square footage, ask if he has talked to the police department, Becky, Keri and Curt and what their needs are space-wise. Mr. Kobasuk said he wants it to be a deliberative, objective analysis, not just that it is too expensive, let's put it aside. Mr. Kobasuk said people have approached him about building a new facility. He said to his knowledge, he doesn't think we've exhausted the idea of a new building. Mr. Kobasuk said he doesn't feel a committee report is sufficient; he would like to talk directly to John Russell in Council. Mr. Kobasuk said, again, the following motion is not a reflection on the committee; it's an important issue and seven are better than three. Mr. Evans said Mark brings up valid points. Mr. Evans said compare today's cost to the cost of what it would cost in ten to twenty years. He asked how many more times would the Village have to renovate an old building. Mr. Evans said it is a better idea to have several options; these old buildings are high maintenance. For instance, the roof was replaced on the existing Town Hall several years ago and due to leaking, the Village recently had to replace it again. Mr. Evans said, although, he loves the charm in an old building; they are expensive to operate. Mr. Kobasuk said we need to also look at an amount we could get for the existing Town Hall and Fire House. For the record, Mr. Kobasuk's motion below is no reflection on the committee:

Mr. Kobasuk made a motion that the full Council considerate and deliberate on the renovation of the current Fire House or Village Hall over the construction of a new building. Mr. Zornes seconded the motion.

Discussion

Mr. Harten said he liked everything Mr. Kobasuk said and the conclusion is the right conclusion, but he doesn't feel the issue is right yet to come to Council. Mr. Harten said the Village operates on a committee structure and all council members are invited to every committee session. Mr. Harten said the committee is close and this will eventually and should come become before the full Council. He said the committee needs more details that are better rustled through at the committee level. Therefore, Mr. Harten told Mr. Kobasuk he would not be voting in favor of Mr. Kobasuk's motion because of timing, not because of the sentiment behind it. Mr. Kobasuk said he just wants to make sure all scenarios are considered. And at the last meeting, he did not have a good feeling that a new building was fully vetted and considered. Mr. Kobasuk said on further reflection and talking to people, perhaps there is a point that we would have the money between the Indian Artifacts money (\$300,000), plus the \$380,000 in our current building fund and

the proceeds from selling these two buildings, perhaps we could build a new structure. Mr. Kobasuk said he just wants Council as a whole to consider everything and feels more comfortable doing it at a full Council-level. Mr. Tiettmeyer said he agrees with Mr. Harten that the committee needs to do their job and everyone is welcome but there is a process the committee is using. The committee will take Mr. Kobasuk's comments regarding a new building to Council to discuss with John Russell in terms of what review he did on determining whether or not we could in fact build a new building and the costs associated with a new building. Mr. Kobasuk said as a collective Council, we ought to address this with John Russell and make sure all scenarios have been considered. Council should task your independent architect, stated Mr. Kobasuk.

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

Mr. Kobasuk made a motion to have Mayor Cosby obtain a written statement from Allen Freeman listing what the Village needs to do to comply with the Indian Artifacts grant. Mayor Cosby directed Ms. Everett obtain this from Mr. Freeman.

Checklist

Mr. Tiettmeyer made a motion to approve the 9-13-2011 Checklist for \$97,640.23, seconded by Mr. Kobasuk. All Aye. (Mr. Burns-Absent) Motion Carried.

Website Committee Update

The committee met August 31st. Councilmen Tiettmeyer and Zornes attended. Councilman Tiettmeyer gave the following report: Pictures on the home page will be changed to keep it fresh. Visitor stats have been requested from Sund and Company. The website currently features three years of Council minutes. Council minutes remain archived on our server once they are removed from the website. Mark Sund will provide remaining training on PhotoBucket and Constant Contact to Becky, as well as train Keri so she can provide back-up if Becky is unavailable. In the past, for our former website, the Village had to pay someone on a regular basis to update meeting minutes and agendas. Part of the changes made to our new website allows Becky to administer updates herself. To put in perspective, so far this year we have only paid \$65.00 for outside maintenance. Therefore, we did accomplish what we were after, in terms of bringing this function in-house. We also improved the quality of the website; our agendas and meeting minutes are updated in a timely fashion. Mr. Tiettmeyer thanked Becky for all of her work on the website.

Resolution, Authorizing Settlement (2nd Reading)

Mr. Tiettmeyer made a motion to have a Second Reading of A RESOLUTION AUTHORIZING A SETTLEMENT OF A PROPERTY DISPUTE.

Mr. Tiettmeyer made a motion to have a Third Reading on 9-27-2011, seconded by Mr. Kobasuk.

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

Resolution Approving Supplemental Appropriations

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

Mr. Tiettmeyer made a motion to approve RESOLUTION NO. 25-2011 A RESOLUTION APPROVING SUPPLEMENTAL APPROPRIATIONS AND ADVANCES FOR CALENDAR YEAR 2011 AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2011, DISPENSING WITH THE SECOND AND 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. Harten-Yes. Mr. Burns-Absent. Motion Carried.

Council Minutes

Mr. Zornes made a motion to approve the 08-23-2011 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. (Mr. Burns-Absent) Motion Carried.

Human Resource Committee

The HR Committee will meet Tuesday, September 27th at 6:00pm at Town Hall. Mr. Zornes is chairman of the HR Committee.

Police Department Renovation

Police department renovations should be completed by the end of September, reported Mr. Dickerson.

Short Park

Short Park paving has been completed. Mr. Dickerson said J.K. Meurer did a great job. The port-o-let has been removed.

Drake Street Bridge

Duke Energy is completing their finals today. They are tying into the gas line they had to bypass to meet code on Thursday, flash-filling on Friday and repave on Monday, reported Mr. Dickerson.

It is time to service the conflict managers for our local traffic lights. This is done once a year due to liability reasons. Capital Electric bid is \$850.

Mr. Evans made a motion to approve \$850 to be paid to Capital Electric for the annual service and inspection on the conflict managers for traffic signals. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Church Street S Curve

The Village received a Municipal Road Fund grant in the amount of \$17,000 for paving improvements at the Church Street South S-Curve. The total project cost was \$10,889.52, with \$6,110.48 remaining, which the Village would like to visit expanding the shoulder at the S-Curve, which would increase the width along the west side of the roadway by four feet. This would be at a cost \$8,600. Little Dry Run paving improvement project came in at a cost of \$27,772.25, which is \$5,807.75 under what was budgeted. Therefore, with the \$5,807.75 plus the \$6,110.48, the Village would like to move forward with the expansion of the S-Curve for safety reasons.

Mr. Dickerson said \$6,110.98 MRF funds are left over from the paving done at the S-Curve, plus \$3,648.55 left over from Little Dry Run paving, totaling \$9,759.03. Mr. Dickerson explained that these are monies already projected to spend. J.K. Meurer gave a bid of \$8,600 to expand the shoulder on the S-Curve.

Mr. Zornes made to suspend the rules, seconded by Mr. Tiettmeyer. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Failed.

Mr. Evans does business with J.K. Meurer; therefore, he abstained. Solicitor Miller suggested approving the change order since five votes are required to suspend the rules.

Mr. Zornes made a motion to approve the change orders to the contract with J.K. Meurer Corporation. Mr. Kobasuk seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried

Mr. Zornes made a motion to have a First Reading approving a RESOLUTION APPROVING CHANGE ORDERS TO A CONTRACT WITH J.K. MEURER CORPORATION.

Mr. Zornes made a motion to have a Second Reading at the 9-27-2011 Council Meeting. Mr. Kobasuk seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Street Issues

Mr. Kobasuk asked if the issue with Ragland Road had been fixed. Mayor Cosby said the issue remains to be a problem but the priority remains low. However, the state ranked Edith/Jefferson/Pine higher on the priority level, because during the Church Street South project, CWW, while replacing the water main on Ragland, repaved the street so the state views Ragland as a newer paved street. To correct the problem, the street would need to be lowered with curbs and gutters.

Mayor's Monthly Statement to Council

Mr. Kobasuk made a motion to accept the Mayor's Monthly Statement to Council for August 2011 Receipts, in the amount of \$5,535.37. Mr. Harten seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Executive Session

Solicitor Miller said he will need an Executive Session to discuss litigation.

Job Creation Tax Credit Program

Solicitor Miller suggested inviting Quinten L. Harris, Senior Public Finance & Economic Development Specialist with Brick & Eckler to the 10/13/2011 Council meeting to discuss putting together a plan for other applicants. This would be at no charge to the Village; however, a couple of months ago, Solicitor submitted a proposal to Brick & Eckler for putting it together. Mayor and Council agreed to invite Mr. Harris if it would be at no charge.

Executive Session

Mr. Kobasuk made a motion to enter into Executive Session to consider imminent litigation. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Council reconvened at 7:55pm, with no action to be taken as a result of Executive Session.

Councilman Resignation

Mr. Evans said, due to not being able to vote on several current issues, he felt it would be best to resign his council seat for the remaining of his term. Resignation effective at the close of this evening. Mayor and Council thanked Mr. Evans for his service. Mr. Kobasuk asked Mayor Cosby if Council would appoint Mr. Evans' successor. Mayor Cosby said, yes and it would certainly make sense to appoint Chuck Short since he is running unopposed.

Mr. Harten made a motion to adjourn at 8:00pm.