

The April 10, 2012 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.

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**Councilmembers:** Brian Burns (absent) Chuck Short  
Joe Harten Curt Tiettmeyer (absent)  
Mark Kobasuk Daryl Zornes

**Solicitor:** Doug Miller

**Fiscal Officer:** Keri Everett

**Police Chief:** Tom Synan

#### Police Department

**Mr. Kobasuk made a motion to appoint Anthony Leidenbor and Shane Christian Cork as part-time police officers. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

#### Swearing-In Ceremony

Anthony Leidenbor and Shane Christian Cork were sworn-in by Mayor Cosby. Everyone welcomed our new police officers.

#### Memorial Day Parade

The Memorial Day Parade is sponsored by the Newtown Veterans Association. The parade will take place Monday, May 28, 2012. If interested in participating in the parade, line-up will begin at 9:00am at Miami Valley Christian Academy, School Street, Newtown. Step-off time is 10:00am. All are welcome! A float will be provided for mayor, past mayors and current council members. Please call Town Hall 513.561.7697 x10 for more information.

Mr. Short reported that Phase I of the Veterans Memorial is complete. The Veterans Association recently ordered two more granite panels for Phase II. Please email Mr. Short if you are interested in engraving the name of a loved one on these panels. ([cshort@newtownohio.gov](mailto:cshort@newtownohio.gov)).

#### Fundraiser for Local Tornado Victims

Fundraising efforts began because an anonymous business owner in Fairfax wanted to donate printed T-shirts that the Fire District and local businesses could sell to raise money for local victims of the March 2 tornadoes that went through the region. Little Miami Joint Fire and Rescue firefighters and volunteers sold the T-shirts at the Mariemont Kroger through the weekend of March 10-11 and raised over \$10,000, reported Pauline Murrie. If you are interested in donating, please contact Assistant Fire Chief Terry Ramsey at ([tramsey@lmfr.org](mailto:tramsey@lmfr.org)).

#### Council Minutes

**Mr. Zornes made a motion to approve the 03.27.2012 Council Minutes, seconded by Chuck Short. All Aye. Motion Carried.**

#### Checklist

**Mr. Zornes made a motion to approve the 04-10-2012 Checklist for \$34,747.15, seconded by Mr. Kobasuk. All Aye. Motion Carried.**

#### Roth Partnership Inc. Contract

Roth Partnership submitted a revised contract to Solicitor Miller last week. Solicitor Miller emailed the revised version to Village Council on 04.05.2012. The revised contract has a projected commencement date of 04.04.2013 with completion by 10.30.2013. Roth extended the timeframe since the Ohio Cultural Facilities Commission will not look at this project until December 2012. These dates are subject to change. As far as submitting working drawings to the OCFC prior to the December meeting, details will need to be worked out with the Ohio Cultural Facilities Commission and with John Russell as a representative of the Village of Newtown. Roth will not provide the boundary survey and topography, which are needed to establish the property is not in a flood zone. Advantage Group Engineers performed a structural assessment of both buildings and recommended that the village connect the drains between the two buildings. The downspouts on both buildings have areas that are open and not connected to any kind of a drainage system spilling out onto the property, which will make the buildings wet. John Russell

feels this is not a primary issue and can be done later as a separate project. Therefore, this is not part of the agreement with Roth Partnership. Roth's civil engineer reviewed the assessment and wanted to make sure the Village of Newtown understands that this should be done at some point. Mayor Cosby believes the village is capable of connecting the downspouts, but agreed it does need to be done due to moisture in the basement at the 3536 Church Street address. The museum design and construction is also not part of the contract with Roth. Discussion took place regarding the construction phases and contract. Compensation of work was discussed:

The fee for Architectural, Engineering and Interior Design Services.

Basic Architectural and Engineering Services for design services through bidding of the project:

On a percentage basis: (8.25%) of \$600,000.00 = \$49,500

From bidding through construction close out on a Lump Sum Basis

Nineteen Thousand Five Hundred Dollars (\$19,500.00)

The problem is there is no set amount to apply a percentage to since the project could be changed. There is a possible scenario where Roth could do work for nothing using the percentage method. Solicitor Miller and Mr. Kriehbel discussed having a minimum fee regardless. The current contract states periodic payments will be made to Roth when a phase is completed. Solicitor Miller said the amounts of draws will not be known until we receive a bid. Fees for additional bidding will be considered in the revised contract. The design development phase is what the OCFC is expecting Roth to present at the July meeting. Mr. Kriehbel said the drawings will be sent to the OCFC before July for their use at the December meeting. In an effort to hone in on the budget, Mr. Kriehbel suggested having alternates on the bid documents. Mr. Kriehbel said odds are better on larger jobs, but, typically, their estimates are within 3% of the actual construction costs. Once Roth is at the beginning of the design development, they will start the estimating process and tweak before the meeting with the OCFC. They will then re-estimate before actually going out for bids.

In the event of scope reduction or termination of the project at the completion any of the following project phases, the minimum payment for that phase is shown below. Prorated payment will be made in the case of termination within a phase.

Schematic Design Phase	\$ 9,900.00
Design Development Phase	13,365.00
Construction Documents Phase	22,770.00
Bidding or Negotiation Phase	3,465.00

The \$10,000 that has already been paid to Roth is rolled into this contract, stated Mr. Kriehbel.

The current project team consists of Mayor Cosby, designee and Curt Tietmeyer to review the Architect's submittals. Mr. Kobasuk said he would like to also serve on the team to review the plans. It was decided to add all council members to the Project Team on page 2 of Exhibit A.

#### Resolution Approving Contract w/Roth Partnership Inc.

**Mr. Zornes made a motion to have a First Reading of A RESOLUTION APPROVING AND AUTHORIZING A CONTRACT WITH ROTH PARTNERSHIP INCORPORATED. Mr. Short seconded the motion.**

**Mr. Zornes made a motion to have a Second Reading at the 04-24-2012 Council meeting. Mr. Short seconded the motion. All Aye. Motion Carried.**

#### Resolution – Motz Engineering - Energy Audit

**Mr. Zornes made a motion to adopt RESOLUTION NO. A RESOLUTION ACCEPTING A PROPOSAL WITH MOTZ ENGINEERING, AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL. Mr. Short seconded the motion.**

### Discussion

Mr. Kobasuk recalled that half of the cost will be paid for by the Greater Cincinnati Energy Alliance if a grant is awarded. Mr. Kriebel said if the grant is awarded from the Greater Cincinnati Energy Alliance (GCEA) picks up half of the cost.

The GCEA provides funding for energy conservation measures that produce at least a 15% energy savings. GCEA typically funds 15% of the cost of such improvements up to a maximum of \$200,000 per facility.

**Mr. Zornes made a motion to have a Second Reading at the 04-24-2012 Council meeting. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

### Maintenance Department Update:

#### River Hills Water Run-off – Edith / Ragland Road

Mayor Cosby, Mr. Short, Brandstetter Carroll and Mr. Dickerson walked the site where the water backs up from debris flooding resident's properties on Edith, Pine, Jefferson and Ragland. This water runoff also affects the roads on Edith, Jefferson and Pine. Bruce Brandstetter will be present at the 04-24-2012 Council meeting to discuss options.

#### 2012 Street Paving/Surface Seal Program

Mr. Short said at this time, repairs to Crull Street will be removed from the paving program since this was not in the original budget. Mr. Kobasuk asked if the engineering fees would be reduced since we are reducing the project. Mr. Dickerson said he believes the fees would remain constant, regardless of the scope of the work. Mr. Kobasuk asked Mr. Dickerson to ask Brandstetter Carroll if the fees would be reduced since the project would smaller.

#### Resolution - 2012 Street Paving/Surface Seal Program

**Mr. Short made a motion to have a First Reading of A RESOLUTION ACCEPTING THE PROPOSAL FOR ENGINEERING SERVICES FOR THE 2012 STREET PAVING PROGRAM AND 2012 SURFACE SEAL PROGRAM. Mr. Zornes seconded the motion.**

### Discussion

Since several variables have been changed, Mr. Harten asked that the proposal be cleaned-up for the Second Reading at the 04-24-2012 Council meeting.

**Mr. Short made a motion to have a Second Reading at the 04-24-2012 Council meeting. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

### Center Island

Maintenance department cleaned and mulched the fountain. Mr. Dickerson said it took three men about twelve hours to do the fountain.

### Vandalism

Due to vandalism at various locations in the village, Mr. Short is looking into the possibility of posting several surveillance cameras. The public record aspect will need to be considered. Solicitor Miller said we would not be able to record over the picture, as it would become public record. Mr. Short will bring more information back to Council at a future meeting.

### Street Signs

*The Ohio Manual of Uniform Traffic Control Devices (OMUTCD) establishes statewide standards for traffic control devices on any street, highway, bikeway or private road open to public travel in Ohio, as well as private roads open to public travel.*

Currently, street signs need to be replaced on Spyglass, Sawgrass, Ivy Hills Court and Pinehurst Drive in the Ivy Hills subdivision. Mr. Dickerson purchased 4 x 4 posts since he has been unable to find the required 6 x 6 posts. Mr. Dickerson said, normally, when a street sign is damaged, the maintenance department only installs the steel signs as a replacement. The steel street signs are \$20 each plus \$40

for the metal posts. The wooden decorative signs are \$200 each. Mr. Dickerson is looking for advisement from Council.

Mr. Short talked about the cost difference between the steel signs vs. decorative wooden signs. Mr. Short said to consider if we are replacing signs in Ivy Hills with the wooden ones, what kind of a posts are we going to replace a sign at Church and Main Street if that sign would be damaged. Mr. Kobasuk said there should be a Homeowner's Association to pick up the additional cost, but there is none. And there should be uniformity, where as now there is a hodgepodge of signs. Mr. Kobasuk also said we need to comply with the Ohio Manual of Uniform Traffic Control Devices traffic regulations. Council discussed three options: 1) replace the damaged or missing signs with signs like the original ones placed in Ivy Hills, 2) install signs like the Oyster Bay subdivision installed, both of which the homeowner's would pick up the additional costs or 3) replace the signs with the steel street signs that are throughout the village. Mr. Kobasuk and Mr. Harten will talk to the neighbors to see what they want and see if they are willing to cover the additional expense and bring it back to Council. Mr. Short said it looks like the wooden posts have been destroyed by one using a weed eater. Mr. Dickerson suggested replacing all signs with signs per the current code.

#### Pinehurst Drive – Pavers

Mr. Short said they were also asked to check into redoing the pavers on Pinehurst Drive towards Hawkslanding. Mr. Dickerson said this issue was tabled by Mr. Evans. He thought of this area as a speed-bump. This area that has pavers needs to be redone since water is causing the bricks to deteriorate and sink. Mr. Dickerson talked about several options: 1) cutting a 5 or 6 foot cut across the brick to rebuild the substructure and pour concrete, which would give an additional eight years but would move the problem back on the brick, which would cost about \$9,000 for a temporary fix, 2) decorative asphalt, 3) peeling the brick up and redoing the brick since the level of the brick is lower than the curb line. Replacing the pavers entirely with stamped concrete was also discussed; Mr. Kobasuk said he would need to look at it first.

#### River Hills Water Run-off – Edith, Jefferson, Pine and Ragland Road

Mr. Kobasuk said he has seen the pictures of the flooding affecting resident's properties at Edith, Jefferson, Pine and Ragland Road. He said that amount of water can cause a lot of damage to one's basement. Mr. Kobasuk asked if Bruce Brandstetter would be attending the 04.24.2012 Council meeting. Mr. Short said they spent several hours assessing the area and Bruce Brandstetter will attend the meeting to discuss several options. Mr. Short said to fix the problem they will need to go onto private property. Mayor Cosby said this property is below his property but none of his property touches that creek. Mayor Cosby said the village has gone onto private property many times to make corrections; one being the outfall channel from River Hills that feeds that very creek. He said we have already set precedence that we will go on private property to do what needs to be done. Mr. Short said there is a flat grate at the property line that gets blocked with debris from the hill when it rains. They are currently talking about changing the grate to something that is pitched so it will run in a different way. Mr. Short said there is much work to be done. Mr. Kobasuk said the people should not have to put up with that kind of water. He assured Mayor and Council that people from his neighborhood would be down here with a petition if this were happening in his neighborhood. Mr. Kobasuk cited the time resident Tom Van Dorselaer from Ivy Hills came to Council with an issue where water was damaging his curb and the village put in a new curb and repaved it. Mr. Kobasuk said if the village is spending all of this money on renovating two buildings, the water problem affecting these residents should be fixed/reduced. He said he would not want this problem! Mr. Harten said he would like to see plans where Mr. Brandstetter is making progress with a solution. Mr. Short said this has been going on for thirty years and has been addressed by prior council's and dropped. Mayor Cosby said many times!

#### Mayor's Monthly Statement to Council

**Mr. Kobasuk made a motion to approve the March 2012 Receipts for the Mayor's Monthly Statement to Council for \$6,361.46. Mr. Harten seconded the motion. All Aye. Motion Carried.**

Mayor Cosby said he does not have anything to do with court and has absolutely nothing to do with this statement. The police clerk prepares the statement; Mayor Cosby only signs it.

#### JEDD – Columbia Township

Mr. Kobasuk said Solicitor Miller prepared a nice outline of the process to do a JEDD. He asked Solicitor Miller to send this outline out to all of Village Council.

### Annexation

Mayor Cosby said he does have a meeting with a County Commissioner tomorrow and would be willing to discuss the annexation at a later date.

### Lake Barber

Mr. Kobasuk asked for an update. Mayor Cosby, Bruce Brandstetter and Ron Dickerson met with Doug Hall this week. Parameters of the agreement with Doug Hall have been set. Bruce will get these parameters to Solicitor Miller. Several concerns Doug Hall had were discussed, i.e.: placement of the parking lot, the walkway and how the water will be handled. Doug Hall is donating the land for the parking lot. He also would like a fence, at his expense, around the parking lot and partially down the street to prevent people from parking in his front yard. This would need to come before the Village Planning Commission. Mayor Cosby said, ultimately, it is a council decision. Council can trump Planning and Zoning at anytime, said Mayor Cosby. Signatures will need to be obtained from Mr. Hall or his designee and Doug Evans. The walkway from Round Bottom Road has not been worked out. Mr. Kobasuk asked if the lake would be opened to village residents once the parking lot is complete. Mayor Cosby said, yes he thought it would need to be opened after the parking lot is complete. Mayor Cosby suggested it may take another year to pull everything together before opening the lake up to the public.

### Planning Commission Update

Mr. Harten gave the following report from the 04-09-2012 Planning Commission meeting: Matt Cuff with Just Q'in provided Planning with a more formal site plan for the 6901 Valley location. Planning Commission temporarily approved the site plan with some very stringent conditions regarding screening, fencing, and parking lot configuration. Mr. Cuff has two weeks to provide a final complete and measured site plan to Building and Zoning Commissioner Mike Spry. Mr. Cuff also has an additional two weeks to complete all of the work relevant to that site plan. The business may continue to operate during this time. If at the end of the two weeks a formal site plan has not been submitted or the work is not been completed by the end of thirty days from the 04-09-2012 meeting, the business will be considered in violation and enforcement will be the next step. Solicitor Miller said the applicant retained attorney Barrett Tullis who has really helped with moving forward with the process and formalizing the plans. Mr. Kobasuk said he hates to see a business leave and asked if we are being too hard on the business. Mr. Harten spoke as a representative of the Planning Commission and said they have bent over backwards. The configuration of the parking is the issue and is not appropriate for backing out. Solicitor Miller said the village has been asking for information since November 2011. Pauline Murrie from Main Street Café said new businesses coming into the village need to play by the rules.

### Martin Marietta Mining

Solicitor Miller will forward Council the brief filed on behalf of Martin Marietta once he receives it. Our brief is due May 15<sup>th</sup>.

Mark Kobasuk made a motion to adjourn at 8:16pm.

Transcribed by Becky Fairley