

Mr. Tiettmeyer said, the unfortunate thing is he received this information yesterday, which makes it very hard to go through and come to an understanding when one receives documents at the last minute. Mayor Cosby asked if this should be put off. Ms. Everett said no, the numbers are not going to change she is just laying it out to Council to make a decision.

Edith / Jefferson / Pine Streets

As of today, the Village has set aside its share of the project, which is \$272,500, which includes \$250,000 from the General Fund and \$22,500 coming from the Permissive Motor Vehicle Fund, explained Ms. Everett. Mr. Brandstetter said this project is just under \$1million.

Mr. Kobasuk asked Mr. Brandstetter to make sure the contractor notifies the residents in advance before the SAMI seal is applied to the streets. Mr. Brandstetter said they will discuss with the contractor, Dave Stenger and Ron Dickerson.

Flooding Edith/Jefferson/Pine and Ragland Road

Mr. Brandstetter said this issue will be discussed at the Street Committee meeting.

Property Maintenance

Mr. Murray is the property owner of 6840 School Street. Property Maintenance Inspector Dick Weber updated Council on Mr. Murray's progress. Mr. Weber said 65-75% of the items have been removed. It will take about another four weeks to clean up the remove the remaining items from the property. Council agreed to give Mr. Murray the additional time needed to remove the items. Mr. Weber will to assess the progress and report to Council at the May 22nd meeting.

Miami Valley Christian Academy

The Village of Newtown would like to thank the students, staff and volunteers for planting flowers at Moundview Park last Friday. The students also packed troop packages and were given sewing lessons by Pauline Murrie. This has become an annual event for their in-service day.

Checklist

Mr. Tiettmeyer made a motion to approve the 04.24.2012 Checklist for \$67,655.13, seconded by Mr. Short.

Discussion regarding the checklist:

Annexation: Mr. Kobasuk asked about the \$5,120 to G. J. Berding Surveying Inc. for revisions to annexation plat. Mr. Kobasuk thought this amount was high considering \$11,000-\$12,000 has already been paid for annexation surveying. Mr. Kobasuk said the annexation is getting out-of-hand. Mayor Cosby said he doesn't have an answer but does know several revisions were made to the drawing, per the engineer. Mr. Kobasuk said, for the record, \$18,320 has been paid in surveying fees for the annexation. Solicitor Miller said the area in question on the survey is as bad of an area as he has ever seen. Mayor Cosby anticipates this is the last of the original invoice for surveying. Mayor Cosby said he was assured by the company that any revisions to the survey that need to be done should be minimal. Mr. Kobasuk said, \$18,3210 seems like an excessive amount of surveying fees being paid to G. J. Berding Surveying Inc. for the annexation.

Newtown Landfill Legal Fees: Mr. Kobasuk asked about the \$3,252 invoice to Frost Brown Todd LLC, Attorneys for legal fees regarding the Newtown Landfill. This is the second invoice received from Frost Brown Todd LLC. Mr. Kobasuk suggested coming up with a budget of estimated expenses to deal with this issue and manage Frost Brown Todd LLC in the process, as well as involving Council at the 02-28-2012 Council meeting. In regards to a budget, Mr. Kobasuk asked Mayor Cosby where did he foresee this going. Mayor Cosby said he has met with Frost Brown Todd; they are working a few angles to bring the landfill under control. According to a recent email, Mayor Cosby said the attorneys are close to filing documents concerning the landfill. Mr. Kobasuk said it would behoove us to get a budget so we know where this is going. Mr. Kobasuk voiced his concern about the village spending a lot of money. He said we are a small village incurring major legal fees for annexation and the landfill, along with construction fees for the renovation of the buildings. Mayor Cosby said he has not received a budget from Frost Brown Todd LLC. Mayor Cosby said he is trying to get a handle on the issue and invited Mr. Kobasuk to get involved in the scope of services and the cost since he is familiar with attorney practices.

Mulch Purchase: Mr. Kobasuk asked Mr. Dickerson if the mulch purchased from Bzak is cheaper than Evans. Mr. Dickerson said the mulch is slightly cheaper and dyed, which seems to last longer.

Tile Saw Purchase: Mr. Tiettmeyer asked about the RIGID 7" Job Site Tile Saw with Laser for \$482. Mr. Dickerson said he had used his personal tile saw on several renovation projects. At the end of the police department renovation, Mr. Dickerson's tile saw was knocked over and broken. The exact same model replacement was not available. Mr. Dickerson's model was \$400 and the replacement model was \$497 minus a \$15.00 discount. Mayor Cosby approved this replacement. Mayor Cosby said in an effort to save money in renovating the police department, several used their personal equipment.

Mr. Burns asked about an item purchased from Ace Hardware, West Chester. Cold patch mix was purchased from Ace Hardware on Wooster Pike. Mr. Dickerson said their main office is in West Chester.

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

Mayor Cosby asked Mr. Kobasuk why he objected. Mr. Kobasuk said he is objecting to the surveying fees, which strikes him as being too high.

Resolution Approving Contract w/Roth Partnership Inc.

Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Zornes.

Discussion

Mr. Kobasuk said he never received the final contract. At the last council meeting, Mr. Kobasuk requested several revisions be made to the contract. The current project team consists of Mayor Cosby, designee and Curt Tiettmeyer to review the Architect's submittals. (At the 04-10-2012 Council meeting, 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.) Solicitor Miller said the copy presented does the change "*Mayor and Village Council*." Solicitor Miller sent this out late this afternoon; therefore, everyone had not been able to review this revised document. Mr. Kobasuk said this is another example where Council is voting on issues without having an opportunity to review the documentation prior to Council. Mr. Tiettmeyer said he agrees and doesn't think Council should vote on it tonight. Council decided to have a second reading.

Mr. Tiettmeyer rescinded the motion.

Mr. Tiettmeyer made a motion to have a Second Reading of A RESOLUTION APPROVING AND AUTHORIZING A CONTRACT WITH ROTH PARTNERSHIP INCORPORATED AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Mr. Tiettmeyer made a motion to have a Third Reading at the 05-08-2012 Council meeting. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Resolution – Motz Engineering - Energy Audit

This contract has had one revision, per Solicitor Miller. Originally, the contract stated if there were litigation over it, the losing side had to pay the winner's attorney fees, which has been eliminated, stated Solicitor Miller.

Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Kobasuk. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 08-2012 A RESOLUTION ACCEPTING A PROPOSAL WITH MOTZ ENGINEERING, AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Solicitor Miller said Brad Motz, Motz Engineering, has been in discussions with the Energy Alliance regarding the project. Rules are changing; therefore, in an effort to receive a higher grant, the Village needs to make application prior to the end of May. Mr. Motz will provide a resolution to Solicitor Miller.

Resolution, Local Government Fund

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 09-2012 A RESOLUTION AUTHORIZING THE ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONING THE LOCAL GOVERNMENT FUND, 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. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Finance Committee: The committee will meet May 8th at 6:00pm.

Council Packets: Mr. Tiettmeyer said he has discussed resuming the delivery of Council Packets with Mayor Cosby. The intent is to make sure Council receives everything that is going to appear before Council on the Friday before the meeting. Mr. Tiettmeyer said there have been far too many incidents where information has been sent in piecemeal to Council, which makes it difficult to keep up with the documents and doesn't provide enough time for reviewing. Mr. Tiettmeyer felt the delivery of packets in the past worked to put pressure on everyone to get information to Becky in a timely manner so she could prepare the packet and have it delivered. Chief Synan said he will deliver the packets in council member's personal mail boxes. Mr. Burns emphasized that a deadline needs to be adhered to. It was decided that all information to be discussed at the upcoming Council meeting is to be sent to Becky **no later than Friday noon**. Any information received after this deadline will not be placed on the agenda. Solicitor Miller said he currently receives a lot of information on Mondays and Tuesdays. Mr. Harten said any information received late will have to wait. It was agreed that Solicitor Miller is to receive information for any legislation by **noon on the Wednesday** before Council. Mayor Cosby encouraged Solicitor Miller to go ahead and send out any information he receives after the deadline so everyone has a chance to review, it just will not be acted on at the upcoming Council meeting. Bruce Brandstetter was also present; therefore, aware of the need for everyone to receive information in a timely manner. Mayor Cosby reiterated the need for Solicitor Miller to receive information by Wednesday at noon and *to Becky by Friday noon, otherwise it doesn't happen*. The exception will **only** be a true emergency! Becky posts the Council Agenda on the Friday before Council. Mr. Tiettmeyer said the agenda should not be revised and reposted after Friday. Mayor Cosby said not unless it is a true emergency.

Council Minutes

Mr. Zornes made a motion to approve the 04-10-2012 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

Human Resources: Police Officer Todd Bruner's status changed from full-time to part-time. Per the personnel practices, accumulated vacation and comp time needs to be paid out to Police Officer Bruner.

Chairman Daryl Zornes made a motion to pay \$4,525.20 to Police Officer Todd Bruner for accumulated vacation and comp time. Mr. Burns seconded the motion. All Aye. Motion Carried.

Maintenance Department

Mr. Dickerson said the tree in question on Leonard Street is on the resident's property, per the CAGIS map. Mayor Cosby said the cemetery and parks are looking good. Mayor Cosby asked about the damaged fence on Main Street. Ms. Everett has contacted the owner of the car's insurance company and supplied them with the estimate for repairs. The fire department is checking out the fire hydrant to make sure it was not damaged. Ms. Everett said the estimate from EME Fence is \$1,020.46 to repair the fence. Due to a safety concern, Council decided for the Village to go ahead and pay for the repair and seek reimbursement.

Resolution Approving Solid Waste Management Plan

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

Mr. Short made a motion to adopt RESOLUTION NO. 10-2012 A RESOLUTION APPROVING THE UPDATE OF THE SOLID WASTE MANAGEMENT PLAN OF THE HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT, 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. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Resolution - 2012 Street Paving/Surface Seal Program

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

Mr. Short made a motion to have a Second and Final Reading adopting RESOLUTION NO. 11-2012 A RESOLUTION ACCEPTING THE PROPOSAL FOR ENGINEERING SERVICES FOR THE 2012 STREET PAVING PROGRAM AND 2012 SURFACE SEAL PROGRAM, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion.

Discussion

Mr. Brandstetter asked to open bids on May 17th, instead of May 18th, to allow time to submit the bid tabulation to Becky by noon on Friday for Council packets.

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

Public Service Committee (Streets): Chairman Chuck Short, Mr. Burns and Mr. Tiettmeyer serve on this committee. The meeting will be held Thursday, May 3, 2012 at 6:00pm at Town Hall. Edith/Pine/Jefferson and Ragland Road flooding will be discussed.

Ivy Hills Street Signs

Currently, street signs need to be replaced on Spyglass, Sawgrass, Ivy Hills Court and Pinehurst Drive in the Ivy Hills subdivision. Typically, when a street sign is damaged, the maintenance department only installs the steel signs as a replacement. The steel street signs are \$40 each plus \$20 for the metal posts. The posts in Ivy Hills are 6 x 6 posts. Mr. Short has located 6 x 6 posts that have been treated and painted for \$90 each. The street signs would cost \$200 each or \$290 with the post. Therefore, the cost to replace a street sign would be \$490, which includes the post and two street signs. This would only be needed for Ivy Hills Blvd/Pinehurst Drive. Mr. Short obtained an estimate from Frontier Signs and Displays for black posts of \$1,045 for the metal posts currently installed on Oyster Bay. This includes the signs naming the street. This estimate came from the company that installed these signs previously on Oyster Bay. Mayor Cosby said one could argue when the Village accepted the streets in Ivy Hills it included the current signs. Mr. Tiettmeyer had suggested this in a prior discussion with Mayor Cosby. Mr. Tiettmeyer said to keep in mind, whatever is decided, we would need to be consistent with replacing signs in the Villages of Ivy Hills. Mayor Cosby believes they have a Homeowners Association, as do the Clusters. He said if these neighborhoods come to the Village and ask for the same treatment the Village would need to do the same for them. Mayor Cosby suggested the Village pay \$290 towards the signs with one street name and \$490 towards a sign with two street names. Mr. Kobasuk will solicit contributions from homeowners in Ivy Hills if the black metal posts are desired. Mr. Burns asked if others want to upgrade their street signs, are we going to maintain this level. Mayor Cosby said no, thirty years later they would still pay the base price with homeowners making up the difference. Mr. Short said he agrees the Village accepted the streets in Ivy Hills, but what do we tell someone at School and Church if they ask for the same. Mr. Tiettmeyer said they can have it for the difference. Mr. Kobasuk suggested soliciting the full amount less the \$100.

LMFD Fire Board Update: The Fire Board is looking to amend the By-Laws. A current member, an elected official from Columbia Township is unable to attend meetings due to illness in his family. They are asking to replace this member with a citizen, which would mean there would be two citizens from Columbia on the Board. Mr. Kobsauk said he believes one should be elected to report back to the political body. Council agreed with Mr. Kobasuk that the By-Laws should not be changed. Mr. Kobasuk said the Fire Board can amend the By-Laws by a majority vote so it may not make any difference. Mr. Kobasuk is the elected official serving for Newtown and resident Terry Fairley is the citizen-at-large serving on the Board. Mr. Tiettmeyer is Mr. Kobasuk's alternate. Solicitor Miller read the statute and said Columbia Township can probably appoint whomever they want. The statute says "one representative from each board of township trustee's and one representative from the legislative authority are to be appointed to the Fire Board. Mr. Kobasuk asked Solicitor Miller to look into it further so he can report back to the LMFD Fire Board.

Drug Fine Offenders Fund: Chief Synan and Mayor Cosby are the trustees to this fund. They have approved to purchase seven (7) bullet-proof vests for \$5,049.10. The Village will receive a \$2,524.00 reimbursement from a grant.

Police Cruisers – MDC Upgrade: In the past, the county had a grant for the MDC's (computers for the police cruisers), which was about \$10,000 total. Each MDC cost about \$5,000. Hamilton County is upgrading the MDC's; they will pick up the entire cost for the computers. The Village will pay for the brackets only, which will cost \$2,726.74. This amount will also come out of the Drug Fine Offenders Fund.

Lake Barber: Chief Synan explained: This past weekend there an incident with trespassers involved at Lake Barber. The officer found the gate locked both on Mr. Evans and Mr. Hall's side when he drove around to the other side. The trespasser said Mr. Evans gave him permission to be on the property. Mayor and Council agreed that the officers should cut the gate if it is locked since it is on Village property. Chief Synan asked Council if the Village is the only one that can give permission to be on the Lake Barber property. Solicitor Miller said Evans Landscaping and Mr. Hall can give recreational rights on the entire property. Solicitor Miller will look into it. Chief Synan said someone cut through the fence and stole equipment from Evans' new building on Round Bottom.

Schmidt vs. Village of Newtown: Solicitor Miller reported the Village of Newtown had won in the trial court and court of appeals. Mr. Schmidt was going to appeal to the Supreme Court, but the case was settled for \$1,000.

Martin Marietta Mining

Solicitor Miller forwarded the brief filed on behalf of Martin Marietta to Council this week. Our brief is due May 15th.

Mayor Cosby called for an Executive Session to discuss hostile litigation of the annexation.

Mr. Zornes made a motion to enter into Executive Session at 8:30pm to discuss hostile litigation of the annexation, seconded by Mr. Harten. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Council reconvened at 8:40pm. Council discussed three phases of the proposal submittal by Keating Muething & Klekamp PPL Phase I, Phase II and Phase III. Phase I is legal representation for the Village of Newtown at preliminary meetings with county officials, with a fee ranging from \$2,500 to \$3,500. Phase II is refilling of the annexation and handling the same through the administrative process with a fee ranging from \$7,000 to \$10,000. Phase III is filing suit against the county and handling the matter to conclusion with a fee ranging from \$20,000 to \$25,000. *Council approved the Phase I.*

Mr. Kobasuk addressed council with his concerns for continuing with the annexation because the Village has already spent \$59,000 to date. Mr. Kobasuk does not want to grow Newtown by poaching businesses from neighboring communities; he wants to partner with and work progressively with Columbia Township, and still does not see how the annexation will stop the eastern corridor. Mr. Kobasuk does not want the Village engaging in hostile annexations.

Mayor Cosby stated that the Village was not poaching neighboring businesses, as the business asked to be annexed into the Village. There is no other issue facing the Village as important as the Eastern Corridor and we need to get behind this issue and fight it. One Third or greater of our Village businesses, Oak Street, View Street, a portion of Flagg Spring Cemetery, Short Park and the railroad will all be wiped out. The path is from between the Dog Park and Church and heading toward Main Street. When it was going to go through Indian Hill, they fought it and won. Mariemont and Fairfax fought the realigning of State Route 50 and won. So now they are coming through Newtown. Mayor Cosby had a Hamilton County Trustee ask him in a meeting about the annexation if he would like to talk about the “white elephant” in the room. He responded you mean the Eastern Corridor. This annexation does not guarantee a win but it puts a dog into the fight.

Mr. Harten feels that the Village has a duty to play this out, but there will come a point in which we exhaust all our means and must stop. Until then, council will make each decision on every step until that point is reached.

Mayor Cosby reminded council of the amount of money being spent to keep Hydro Systems in the Village. Meridian also feels that the Eastern Corridor would be a detriment to the Village. We have a business owner asking to bring another one of his businesses into the Village and Columbia Township will not lose any property tax.

Mike Lemon, Columbia Township Administrator, would like to address his concerns with the Mayor and Council. With a Type II Annexation:

- Township does not keep all of the property taxes
- Inside millage has to be split by agreement and if an agreement cannot be reached then by the court.
- Columbia Township collects taxes for Police & Fire Services – Services will be duplicated which will be a waste of taxpayer’s dollars.
- When 911 is called, who will be the first responder?

Police Chief Tom Synan said that Newtown would be the first responder, as we will have jurisdiction. Newtown will be dispatched and therefore will be billed.

- Businesses already have to pay property taxes and levies. I don’t think they would appreciate paying your income tax on top of that.
- This will deter businesses from wanting to come to Columbia Township.
- A lot of money has been spent by you, us and Anderson Township and all for who? Bob Slattery. Mr. Lemon asked how long it will take Newtown to recoup this money on the annexation from the income tax of Bob Slattery’s business.

Mayor Cosby said the Eastern Corridor is a big part of this as well and you can’t put a price tag on that. Mr. Lemon asked until an alignment has been made, how you know how it will affect Newtown. Mr. Harten explained that any of the options chosen will come through Newtown.

Mr. Lemon stated that they have been very supportive of Newtown, welcomed us into the Fire District and joined in the Martin Marietta issue but is very disappointed with our decision to annex and the residents will end up the loser. He feels his comments and concerns are not well received or being listened to.

Mr. Zornes made a motion to enter into agreement with Keating Muething & Klekamp for Phase I in an amount not to exceed \$3,500, seconded by Mr. Short. Roll Call: Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Mr. Harten made a motion to adjourn at 9:15pm, seconded by Mr. Short. Meeting adjourned.

Transcribed by Becky Fairley