

The June 12, 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.

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

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Annexation

Joe Trauth, Keathing, Muething & Klekamp updated Mayor and Council on the meetings held thus far, regarding the Village moving forward with the refilling process for annexation.

Mr. Kobasuk asked if residents from Columbia Township could do anything to delay or stop the process. Mr. Trauth explained that the Type II Annexation is the most streamlined since they changed the statute a number of years ago. Neither the residents nor the township have standing to challenge the annexation in court. Any action attempted to be taken by anyone would probably be directed at the people who took the action to approve the annexation and that would be the county commissioners. Mr. Trauth said, in his opinion, they would be abusing the process by filing something they don't have standing under the statute to file.

Mr. Kobasuk asked Mr. Trauth if he expected any additional expenses for litigation. Mr. Trauth said, anybody can sue anybody for anything, anytime and he thought they would be spinning their wheels. He did say he believed the prosecutor would take a hard line against them in representation of the county on that. Mr. Trauth said the Village of Newtown would not even be involved, unless they named the Village, then KM & K would ask the county to get the Village out.

Mr. Tiettmeyer acknowledged the issues with the survey on the first filing for the annexation. He asked Mr. Trauth if after his conversations with the county engineer, if he was comfortable that everyone understood the nuances going on with the plat. Mr. Trauth said they have policy and procedures for conveyance of property that will not allow a parcel line to be divided. He explained, the previous survey cut the bike path between parcel lines so we may have to pick up the rest of the bike path up to the parcel line, which is no problem since this is public property and consent of the owners' public property is not required.

Mr. Tiettmeyer asked what the Village's responsibility would be as far as road and bridge maintenance and if what Council had already signed is acceptable. Mr. Trauth said the same ordinances would be re-enacted. Mr. Trauth and Solicitor Miller will seek a letter of confirmation with ODOT regarding the maintenance of a portion of Wooster Pike and the bridge on Newtown Road. Mr. Trauth said it is his understanding the Village will provide snow clearing and general road maintenance, but ODOT would take care of the bridge maintenance. ODOT has an obligation under state law to keep the bridges in good repair, stated Mr. Trauth. Mayor Cosby asked Mr. Trauth to run this by the county as well as ODOT since the bridge may be a county issue. Mr. Kobasuk said he understood the Village would be responsible for depth repairs, guard rails and other maintenance on Newtown Road to the bridge. Mr. Trauth said that is correct that Council had already passed a resolution pertaining to maintenance and would pass a new one just make sure it is current. Mr. Kobasuk asked Mr. Trauth, in his experience, what possible reasons would the County Commissioners have to reject the filing this time if the boundaries are correct. Mr. Trauth said, none. Mayor Cosby said petitioners will not sign until process is ready to move forward.

Mr. Short made a motion to move forward with the annexation, legal and surveying fees, seconded by Mr. Zornes.

Discussion

Mr. Kobasuk stated his objection due to the expense of road maintenance taking on responsibilities not knowing the benefits for the Village. Mr. Kobasuk said, #1) it has never been clear to him how much income the Village can expect to derive from Hahana Beach and a cost benefit analysis needs to be considered, #2) the cost of the annexation to date is around \$66,000, plus an additional \$6,500 for survey

fees, plus \$7,500 for legal fees, which brings total for annexation close to \$80,000 and #3) alienating many folks from Columbia Township. Mr. Kobasuk said he doesn't see the economic benefit. Mr. Kobasuk stated for the record, combined legal and survey fees total \$14,000.

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

Records Committee Vacancy: The Records Committee is looking for a resident to serve on this committee; the committee meets one to two times per year. The Public Records Committee reviews requests by department heads to remove and destroy outdated, non-essential and not required papers and documents. Prior to removal and destruction of any official public record from Village control, this Committee must review and approve the request. The Public Records Committee also puts in place a records retention policy for the various documents required to be maintained by the Village of Newtown according to State Law. Please email Becky Fairley (bfairley@newtownohio.gov) if you are interested in serving this committee.

Village Property

Newtown business owner, Joe Motz talked to Mayor and Council about purchasing a small piece of property that is part of Lake Barber, which is owned by the Village. The property adjoins property owned by Mr. Motz on Edwards Road, across the creek on the other side of Eight Mile Creek. Mr. Motz has not had the property surveyed, but believes the property owned by the Village to be less than an acre. Mayor Cosby said as far as the lake is concerned, the Village would have no way to utilize this property because of its configuration. Purchasing this property would allow Mr. Motz to expand his building and company. The Edwards Road property houses the production facility for The Motz Group. Solicitor Miller will look into procedure regarding selling property out right vs. having to put the property out to bid. Mr. Motz said he will pay to have the property surveyed. Mr. Tiettmeyer is not opposed to selling the property and will look into having the property appraised. Mr. Short believes it would be prudent for the Village to help Mr. Motz since the size and dimensions of the property will not allow the Village to utilize this property. Once the value of the property is determined, Mr. Motz will have the property surveyed.

Veterans Memorial

Nicholas Motz has chosen the Newtown Veterans Memorial as the site for his Eagle Scout project. The drawing presented reflects a more intimate environment for those visiting the memorial. The project includes installing fencing, artificial turf, lights to illuminate the plaques and various plants/trees. The fencing will be donated by Nicholas' grandfather Edmund Motz. The Motz Group is willing to donate the artificial turf and two separate landscaping companies will donate the plant life. In an effort to raise money for the Veterans Association to move forward with Phase II of the memorial, Meridian Bioscience, Hydro Systems, Gardner Publication and The Motz Group have agreed to match donations at 100%. Mr. Harten asked about future maintenance of the site; Mr. Dickerson said the maintenance department will be able to maintain the site easily. Council thanked Nicholas Motz and congratulated him on his Eagle Scout.

Public Input

Henry Purdy, President of Williams Meadow Homeowners Association voiced concerns expressed by residents from Williams Meadow at the 05-15-2012 Public Hearing, held by Newtown Village Council. Laura Walker stated for the record, that many/most of Williams Meadow residents will boycott Newtown businesses.

2012 WinterFest

Joe Motz asked Village Council if Town Hall and the old fire house would be available the first week of December for the children's activities and pictures with Santa. Mr. Tiettmeyer said as far as this year is concerned, the buildings will be available for the WinterFest activities.

Annexation

Newtown resident Ray Jackson spoke regarding the annexation, specifically to the cost-benefit analysis and concerns of the cost of road maintenance and police resources. Mayor Cosby said, as far as manpower, Chief Synan has said no additional police resources would be needed at this time. Applications for grants will be made for Newtown Road since it is a county road. The state of Ohio has stated verbally that they will continue to maintain the Wooster Pike portion, just as they maintain SR 32, stated Mayor Cosby. Mr. Jackson asked how annexing would enhance Newtown's position keeping the Eastern Corridor out of Newtown. Mayor Cosby said opinions from three separate attorneys have been

obtained. Mr. Kobasuk said he doesn't see the connection and two of the attorneys are looking for business and we don't have any legal opinion. County Engineer Ted Hubbard told Solicitor Miller last week that the Eastern Corridor is much closer to going through since they have 20 million dollars to do the environmental impact study. Typically, once the environmental studies are done, the ball starts rolling faster. Mr. Hubbard also told Solicitor Miller he thought it would take creative funding but felt it is much closer to becoming a reality. Solicitor Miller said Mr. Hubbard also stated that Anderson Township, Columbia Township and Fairfax are all in favor of the Eastern Corridor. Mariemont's position was not discussed.

American Indian Artifact Museum Center

Roth Partnership submitted a different layout last week for the new council chambers for Council's review. The various schemes were discussed; Mr. Kobasuk asked why the screen was behind the council table in all of the schemes. Mr. Tiettmeyer said placing several monitors at the council table and one in the break area have been discussed.

Mr. Tiettmeyer made a motion to proceed with Scheme 1, seconded by Mr. Short. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Checklist

Mr. Tiettmeyer made a motion to approve the 06.12.2012 Checklist for \$42,169.42, plus \$4,668.00 to Keating Muething Klekamp, for a total of \$46,837.41. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Finance Committee: The Finance Committee will meet Tuesday, June 19, 2012 at 7:00pm.

Resolution, First Reading 2013 Tax Budget

Mr. Tiettmeyer made a motion to have a First Reading of A RESOLUTON ADOPTING THE 2013 TAX BUDGET FOR THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Mr. Tiettmeyer made a motion to have the Second Reading at the 06.26.2012 Council meeting. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Resolution, Byrnside Surveying

This agreement allows Council of the Village of Newtown to proceed with surveying services for the village-owned properties located at 3536 and 3537 Church Street, Newtown, Ohio 45244.

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 16-2012 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH BYRNSIDE SURVEYING, INC. FOR SURVEYING SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion

Mr. Tiettmeyer recognized Ms. Everett for her assistance in working with the surveyors and obtaining the results for both buildings.

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

Resolution, Agreement w/Proactive Consulting Services

This agreement allows Council of the Village of Newtown to proceed with an Environmental Survey for village-owned properties located at 3536 and 3537 Church Street, Newtown, Ohio 45244.

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 17-2012 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH PROACTIVE CONSULTING SERVICES FOR AN ENVIRONMENTAL SURVEY FOR 3536 AND 3537 CHURCH STREET, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

RFQ for Museum Design-Build: In an effort to move forward and meet the timeframe set forth by the Ohio Cultural Facilities Commission, the RFQ's are due Friday, June 15, 2012. Council agreed to allow the Finance Committee will select one of the bidders at the 06.19.2012 Finance Committee meeting. This is not entering into a contract, only approving someone to move forward with negotiations. A contract would be entered into at a later date.

Finance Committee: The Finance Committee will meet Tuesday, June 19, 2012 at 7:00pm. The committee will open the RFQ's and make a decision to move forward with the RFQ proposal. A contract will be presented at the 06.26.2012 Council meeting.

Public Hearing: The 2013 Village Budget will be reviewed Tuesday, July 10, 2012 at 7:00pm.

Mr. Tiettmeyer made a motion to have a Public Hearing Tuesday, July 10, 2012 at 7:00pm to review the 2013 Village Budget. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Council Minutes

Mr. Zornes made a motion to approve the 04.24.2012 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

Mr. Zornes made a motion to approve the 05.08.2012 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Mr. Zornes made a motion to approve the 05.15.2012 Public Hearing Agenda, seconded by Mr. Short. All Aye. Motion Carried.

Mr. Zornes made a motion to approve the 05.22.2012 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

Human Resource Committee Update: Reported by Mr. Zornes. Job descriptions and personnel practices were reviewed at the 05.29.2012 HR Committee meeting.

Human Resource Committee Meeting: The committee will meet Thursday, June 21, 2012. Kristen Wierwille will be present to discuss health insurance concerns from employees. Dental renewal will also be discussed.

Mr. Zornes met 05.29.2012 with Greg Heneke, Ohio Plan to discuss the liability risk assessment. Chief Synan and Ron Dickerson also attended the meeting.

Mr. Zornes met 05.29.2012 with Kristen Wierwille, Hyland Group concerning the spousal form update and the ERC survey. Mr. Zornes also met with Kristen today regarding dental insurance renewal. Mr. Tiettmeyer asked Mr. Zornes if a final version of the spousal form had been completed. Mr. Zornes said Ms. Everett and Solicitor Miller are reviewing the form. Mr. Tiettmeyer asked if the HR committee would also review this form. Mr. Zornes said yes.

Memorial Day Parade: The duration of the parade was about 45 minutes. Mr. Short recognized the police department for the stellar job they performed presenting the Colors and transferring the American flag.

Resolution, BZAK Landscaping, Inc.

Council of the Village of Newtown wishes to approve a proposal from BZAK for paver repair and replacement on Pinehurst Drive; amount not to exceed \$4,130.00. This job was put out to bid; an effort

was made to contact several companies that never responded with bids, stated Mr. Short. Bids were received from BZAK and Townescapes.

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

Mr. Short made a motion to adopt RESOLUTION NO. 18-2012 A RESOLUTION ACCEPTING A PROPOSAL WITH BZAK LANDSCAPING, INC. FOR PAVER REPAIR AND REPLACEMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Resolution, Secured Roofing, Ltd

Council of the Village of Newtown wishes to approve a proposal from Secured Roofing, Ltd. for guttering and roof repairs and replacement for the Pavilion at Moundview Park; amount not to exceed \$7,150.00.

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

Mr. Short made a motion to adopt RESOLUTION NO. 19-2012 A RESOLUTION ACCEPTING A PROPOSAL WITH SECURED ROOFING, LTD. FOR GUTTERING AND ROOF REPAIRS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion: This has been reviewed by Mr. Tiettmeyer and Mr. Short. The original budget of \$6,000 did not include guttering. The gutters will also be fitted with gutter helmets, which is all included in the \$7,150.00. Mr. Harten asked if other expenses are anticipated. Mr. Dickerson reviewed the bid.

Mr. Short said speaking of the budget; the maintenance department is doing the roof repair at Short Park, which is about one-third of the cost of the actual bid.

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

Reds Community Fund Donation for Short Park

ATLL is working with the Reds Community Fund to have diamond dirt donated for Short Park. This should be delivered the week of July 9th.

Storm Drain Inspections: Mr. Dickerson is in the process of doing the inventory and inspections this month. Upon inspecting storm drains in the village, two neighborhoods have issues with their storm drains. Mr. Dickerson will work this repair into the 2013 budget.

Main Street Repaving from Drake Street Bridge Project

Duke will be replacing an abandoned gas main on Round Bottom/Main Street, at which time, they will work to relocate the gas main at Drake Street to get the repairs take care of as well. Mr. Fiester with Duke Energy will be working on the project in front of the fountain by the end of the month, at which time, they will also complete the paving in front of Drake Street, stated Mr. Dickerson.

Round Bottom Road Sink Hole

A temporary patch has been applied to this location by MSD. After allowing time for this to settle, MSD will do a final repair. Mr. Dickerson is assessing this daily.

Short Park Shelters

Mr. Tiettmeyer asked Mr. Dickerson for an update. Mr. Dickerson reported that the structure of the larger shelter is in good repair. The maintenance department replaced the roof with lifetime IKO shingles. The maintenance department also plans on painting this shelter. These IKO shingles will also match the roof at Moundview pavilion in color and lifetime. Materials have been purchased to roof the smaller shelter at Short Park; the fascia board will also need to be replaced. This shelter is located at the parking lot by Church Street. Mr. Dickerson said these repairs should be done in a couple of weeks, as soon as weather and workload allow.

Ivy Hills Street Signs: The campaign for sign replacement has been well-received with fifty-three homes participating thus far, stated Mr. Kobasuk. To date, \$3,655 has been received from the residents. The village will contribute \$1,960.

Mr. Kobasuk made a motion for the Village of Newtown to contract with Frontier Signs (estimate #23059 - \$4,835) for replacing street signs in Ivy Hills. The Village of Newtown will contribute \$1,960 towards the estimate; the remainder is to be paid by the residents of Ivy Hills from the fund established by Ms. Everett.

Discussion

Mr. Tiettmeyer asked what would be done with the money if there is an overage. Mr. Kobasuk said a sign for Legends Lane will be purchased and installed to complete the neighborhood.

Mr. Zornes seconded the motion. All Aye. Motion Carried.

Newtown Landfill

Mr. Kobasuk spoke of the memo from Frost Brown Todd LLC. To date, \$5,145.65 has been spent on the Newtown Landfill. Mr. Kobasuk suggested asking Frost Brown Todd for a memo to use for the future. Some of the questions have not been answered and all of the facts have not been included. Mr. Kobasuk asked to discuss further in Executive Session at a future meeting.

Mayor's Monthly Statement to Council

Mr. Kobasuk made a motion to approve the Mayor's Monthly Statement to Council for May 2012 Receipts, seconded by Mr. Harten. All Aye. Motion Carried.

Open House – American Indian Artifact Museum

An Open House will be held Tuesday ~ June 26th at 6:00pm at 3537 Church Street, Newtown, OH 45244 (Old Fire House). The purpose is to give residents an opportunity to review the proposed plans to renovate the old Fire House into a new Village Center/American Indian Artifact Museum. The Village is committed to engaging the community through all stages of this project, but especially in the critical design phase. This meeting offers an excellent opportunity for residents to learn more about the project, review design schematics, and offer feedback to Village officials and the Village's architectural firm.

Resolution, ATLL

Council of the Village of Newtown wishes to enter into an exclusive use agreement with the Anderson Township Little League. This agreement is for 2012 and reflects an aggregate increase of \$800 in rent per year; \$200 per field, per season. There are two fields and two seasons. Therefore, the new rental fee is \$700 per field, per season.

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

Mr. Harten made a motion to adopt RESOLUTION NO. 20-2012 A RESOLUTION APPROVING AN EXCLUSIVE USE AGREEMENT FOR ATHLETIC FIELDS AND 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. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Martin Marietta Mining: Oral Arguments are scheduled for 8/22/2012 at 9:00am.

Mr. Kobasuk made a motion to adjourn at 8:17pm, seconded by Mr. Harten. Motion Adjourned.