

Moundview Pavilion Electrical Inspection

Mr. Harten asked Mr. Short if the electrical work discussed at the 9.11.2012 council meeting had been completed. Mayor Cosby said the work has been inspected and passed.

Resolution, Change Order w/Strawser Construction

The change order to the contract between the Village of Newtown and Strawser Construction for the 2012 Surface Sealing Program for a final quantity deduction of \$1,651.25 is approved.

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. 31-2012 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH STRAWSER CONSTRUCTION, 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.

Ordinance, Village Services for Annexation

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

Discussion:

Mr. Kobasuk explained why he voted "no." Mr. Kobasuk said he feels these things should be done by three readings, as this is a big issue. Mr. Kobasuk stated his reasons for opposing the annexation:

1. Mr. Kobasuk is voting "no" because of the cost. The cost exceeds the benefits of the annexation; estimated cost of the annexation will be between \$80,000 and \$100,000. Mr. Kobasuk said he doesn't see how the village will recoup this money with the 1% earnings tax.
2. Road Maintenance Agreement. The village will be taking responsibility for 1.7 miles of additional roadway. Mr. Kobasuk said he hasn't seen anybody quantify the cost of this additional responsibility. Although, this agreement states the bridge is the responsibility of the county, which is a big improvement from the last agreement, the village is still taking on new responsibilities of road maintenance. Looking at the income tax the village would receive from the annexation, discussion has never taken place as to what the village can expect to receive from the annexation. Therefore, from a cost-benefit analysis, Mr. Kobasuk said he is against the annexation.
3. Unintended Consequences from the Annexation: Residents from Columbia Township have said they would boycott Newtown businesses. Mr. Kobasuk is also concerned about the wedge that is being driven between Newtown and Columbia Township. Mr. Kobasuk said he had hoped that we could have worked more collectively, in a collaborative manner with Columbia Township, possibly with police service.

Mr. Kobasuk said it is a matter of principle.

Solicitor Miller said because of the time frame provided by the statutes in the Ohio Revised Code, from when the petition is filed, either a special council meeting would need to be called or an ordinance would need to be passed by an emergency. Time does not allow having three regular council meetings.

The village hired attorney Joe Trauth with Keating Muething & Klekamp LLC to help with the Expedited Type 2 Annexation that was filed September 20th. Bear Tullis, attorney with KMK said the annexation laws are not exactly in line with how municipalities conduct their daily business. The Ohio Revised Code governs the process of the Expedited Type 2 Annexation. The intent is to set up a procedure which is easy without discretion and simple and quick. The O.R.C. stacks the deck against the village, with regards to timing, from the outset since it would take six weeks to have three regular meetings. To suspend the rules tonight to allow the vote to take place would merely be an act of efficiency, stated Mr. Tullis.

Solicitor Miller explained: It takes five affirmative votes to suspend the rules. And four affirmative votes to declare an emergency, which means the ordinance goes into effect immediately, as opposed to thirty days.

Mr. Burns said he does not want to waste anyone's time or any additional village money on this annexation. In an effort to allow the vote to take place, Mr. Burns decided to change his vote for a *second* motion to suspend the rules. Mr. Burns said this is for the sake of procedure only, as enough division has been created at the table.

Mr. Short made a motion to suspend the rules, seconded by Mr. Zornes. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried without objection.

Mr. Short made a motion to adopt ORDINANCE NO. 19-2012 AN ORDINANCE SETTING FORTH THE PROVISION OF VILLAGE SERVICES TO TERRITORY TO BE ANNEXED TO THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Ordinance, Provisions in Zoning Regulations

On September 20, 2012, a petition for annexation of certain territory to the Village of Newtown was filed with the Board of County Commissioners of Hamilton County.

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

Mr. Short made a motion to adopt ORDINANCE 20-2012 AN ORDINANCE PROVIDING FOR CERTAIN PROVISIONS IN THE ZONING REGULATIONS PERTAINING TO PROPERTY ANNEXED TO THE VILLAGE AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Ordinance, Maintain State Highways

The Director of Transportation, under Section 5521.01, Revised Code of Ohio, is authorized to maintain, apply standard longitudinal pavement markings and erect regulatory and warning signs on extensions of State Highways within the limits of a village. Under Section 5501.02, Revised Code of Ohio is also considering the matter of the plowing of snow and the placing of abrasives for ice control. If the Petition for Annexation of the 224.2867 acres filed with the Board of County Commissioners on September 20, 2012 is granted, extensions of State Highway 50 will lie within the Village of Newtown.

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

Mr. Short made a motion to adopt ORDINANCE 21-2012 AN ORDINANCE GRANTING THE DIRECTOR OF TRANSPORTATION AUTHORITY TO MAINTAIN STATE HIGHWAYS, APPLY STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE THE VILLAGE OF NEWTOWN AND GIVING CONSENT OF THE VILLAGE TO THE PLOWING OF SNOW AND USE OF ABRASIVES FOR ICE CONTROL UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION, STATE OF OHIO, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion

Mr. Tiettmeyer asked if the maintenance department would be plowing and placing salt on this 500' of SR 50. Mayor Cosby said he did not believe maintenance would that Street Maintenance Supervisor Ron Dickerson has that worked out with the county. ODOT indicated they would take care of it, stated Solicitor Miller. This ordinance is actually giving ODOT permission to plow and treat, even though permission for them to do so would not be required. Mr. Tiettmeyer asked if it was possible that the village would be billed for ODOT to treat this 500' of road. Solicitor Miller said ODOT indicated that would not happen. ODOT stated in an email they would not sign a contract until the annexation went through.

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

Ordinance, Assuming Maintenance of County Roads

The territory included in the Petition for Annexation contains and includes a portion of U.S. Route 50, Newtown Road, Debolt Road and Moore Road. U.S. Route 50 is a state highway under the jurisdiction of the Ohio Department of Transportation. Newtown Road, Debolt Road and Moore Road are Hamilton County roads under the jurisdiction of Hamilton County Commissioners and the Hamilton County Engineer.

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

Mr. Short made a motion to adopt ORDINANCE 22-2012 AN ORDINANCE AGREEING AS A CONDITION OF ANNEXATION TO ASSUME THE MAINTENANCE OF NEWTOWN ROAD, DEBOLT ROAD, MOORE ROAD AND U.S. ROUTE 50 AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Ordinance, Consenting to Annexation Territory

On September 20, 2012, Joseph L. Trauth, Jr., Agent for Petitioners ("Agent") filed a petition for annexation of certain territory with the Board of County Commissioners of Hamilton County for the annexation of 224.2867 acres of land.

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

Mr. Short made a motion to adopt ORDINANCE NO. 23-2012 AN ORDINANCE CONSENTING TO THE ANNEXATION OF TERRITORY INTO THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Ordinance, Agreement w/Hamilton County

The Hamilton County Engineers Office has requested that the Village of Newtown and Hamilton County enter into an agreement (the "Agreement") for the maintenance of various roads related to the annexation from Anderson and Columbia Townships.

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

Mr. Short made a motion to adopt ORDINANCE NO. 24-2012 AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN HAMILTON COUNTY AND THE VILLAGE OF NEWTOWN FOR THE MAINTENANCE OF VARIOUS ROADS RELATED TO THE ANNEXATION FROM ANDERSON AND COLUMBIA TOWNSHIPS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No, Mr. Burns-No, Mr. Harten-Yes. Motion Carried.

Eastern Corridor

Mr. Kobasuk recently met with Mariemont Councilmember Joe Stelzer regarding the Eastern Corridor project. Mr. Stelzer went into great detail why Mariemont opposes the Eastern Corridor project: 1) The Eastern Corridor would go through their South 80 park. ODOT can't go through a park without going through various hoops. 2) Mariemont is an entire historic district and 3) Indian artifacts and archaeological ruins. Mr. Stelzer suggested Newtown form a Citizens Committee of eight to ten members and become more active opposing the project. ODOT is supposed to take into account citizen's input and reactions. Council can pass resolutions opposing the Eastern Corridor, but the committee would dig into the ODOT documents. The committee would be given assignments to delve into various issues such issues as legal or Indian artifacts and take on ODOT. Mr. Stelzer will be reaching out to Terrace Park also to see if they

are interested in forming a committee. Mr. Kobasuk suggested the members have various skill sets, i.e. law, finance, etc. Mr. Kobasuk asked council to brainstorm and report back at the next council meeting.

Resolution, Village Policy for Public Contracts (Second Reading)

At the 09.25.2012 Council meeting, Mr. Kobasuk introduced legislation to not have Village council members participate in Village contracts for Village business, as a matter of best practice.

Mr. Kobasuk made a motion to have a Second Reading of a RESOLUTION CLARIFYING VILLAGE POLICY FOR PUBLIC CONTRACTS. Mr. Burns seconded the motion.

Discussion

Mr. Short said since a resolution can be rescinded, he is not sure having a resolution is the way to go since we already have a state code that protecting us. Mr. Burns owns a private business within the village and has chosen not to do business for the village, as he feels this is best practice. Mr. Burns said he is not in favor of rescinding the resolution at all. Solicitor Miller said not all contracts are put out to bid, which makes it difficult to determine if the bid is the lowest and best bid when the world has not bid on it. Mr. Harten said he also believes this is a matter of best practice. It would hold this council to the highest possible ethical standards stating how we are going to operate, stated Mr. Harten. He also said it prevents a situation where work is done first then an invoice brought before council for approval. And this is why Mr. Harten is in favor of Mr. Kobasuk's motion. Mr. Kobasuk spoke of several recent incidents where council had already been done and council was asked after-the-fact to approve the invoice. At that time, Mr. Kobasuk had asked if bids would be available at Town Hall if anyone asked to see them. He said he felt somewhat responsible for the HR issue that resulted from an employee reading the minutes just trying to do their job following-up trying to get the bids to have on file.

Mr. Kobasuk made a motion to have a Third and Final Reading of a RESOLUTION CLARIFYING VILLAGE POLICY FOR PUBLIC CONTRACTS at the 10.23.2012 Council meeting. Mr. Harten seconded the motion. All Aye. Motion Carried.

Parks Committee: The committee will meet Oct. 11th at 6:00pm to discuss MVCA's interest in Short Park. Mr. Burns chairs this committee.

Cruelty to Animals

Zachary Shay, 256 Beechmont Ave., Mr. Shay said he lived in Newtown for twenty-one years before moving to Beechmont Ave.. Mr. Shay's nephew lives in Newtown close to Mr. Short. He spoke to Village Council about a recent incident where his nephew's cat was shot with a high-powered pistol. Mr. Shay asked what Council what they intended to do about cruelty to animals in the village. Mr. Kobasuk said the village has ordinances that apply to the cruelty to animals, but this is an issue for the police department. Mr. Shay said a police report was filed. Council said they do not condone cruelty to any animal. Mayor Cosby said this is a police matter.

Opposition to Annexation

Henry Purdy, president of the William's Meadow Homeowner's Association, spoke to Village Council regarding opposition to the annexation of the ninety homeowners he represents. He reiterated their concern and vehemently opposition to the annexation adjacent to their homes. Mr. Purdy said they feel they will lose direct opportunities to direct signage, noise and other matters directly important to the residents of Williams Meadow. He made it clear that all concerned feel Newtown is not being a good neighbor to them by taking this measure of annexation. Mayor Cosby thanked Mr. Purdy.

Mr. Kobasuk made a motion to adjourn, seconded by Mr. Harten. Meeting adjourned at 8:00pm.

Transcribed by Becky Fairley