

The January 8, 2013 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

Landfills in Newtown

Tony Carfelt, 5060 Village Drive, spoke regarding Burger Environmental and Newtown Landfill. Mr. Carfelt asked if there was a timeline slated for the landfills to be completed. They are more of an eyesore in the winter and the noise from the machines going later and later into the evenings is becoming more of an issue. Mayor Cosby said, Burger Environmental intends to cap their landfill sometime within the next year. The Village is looking into Newtown Landfill, as it is beginning to rise above SR 32, stated Mayor Cosby.

New Business:

Brian B. Kelly LLC, 3627 Church Street, is a new business in the Village specializing in displays, exhibits, graphics and interior corporate exhibits. Mr. Kelly asked Mayor and Council to keep him in mind, as he would like to be involved with the Native American Museum displays at our new Village Municipal Center. The Village of Newtown is under contract with the Cincinnati Museum for the Native American Museum, but will keep Mr. Kelly in mind if something should develop, stated Mr. Tiettmeyer.

2013 Vice Mayor and Council Committees

Councilman/Vice Mayor Daryl Zornes will remain Vice Mayor for 2013. The Council Committees will remain the same as 2012. Please visit: (www.newtownohio.gov).

Mr. Short made a motion to approve the 2013 Vice Mayor and Council Committees, seconded by Mr. Kobasuk. All Aye. Mr. Zornes-Abstained. Motion Carried.

Executive Session

An Executive Session will be held to discuss possible litigation for Annexation, stated Mayor Cosby.

01.22.2013 Council Meeting "Cancelled": Mayor and Council decided to cancel the January 22, 2013 Council meeting, due to the SR 32 Relocation Meeting, which will be held at the Mariemont Elementary School Auditorium at 6:00pm.

Checklist

Mr. Tiettmeyer made a motion to approve the 12.31.2012 Checklist for \$105,698.77, seconded by Mr. Short.

Discussion

Mr. Kobasuk asked about the \$446.96 to Cincinnati Bell and \$147.91 for Village cell phones. Ms. Everett said \$51.52 of the \$446.96 is for a phone line and calls made at Moundview Community Center with the remaining for phone service for the Village including long distance. The \$147.91 is for two cell phones for the police cruisers and three cell phones for the maintenance department. Mr. Kobasuk also asked about the \$9,451.27 to Solicitor Miller. Solicitor Miller said the \$9,451.27 includes the \$5,000 retainer fee for the last quarter.

Village Contracted Services

Mr. Tiettmeyer said contracts for Village Solicitor, Building Commissioner and Village Engineer will be approved at the next Council Meeting.

Municipal Center Updates

Mr. Tiettmeyer reported: Invitation to Bid is 1.09.2013 with Pre-Bid Walk Thru 1.22.2013 at 2:00pm. Bid opening is set for 2.07.2013 and a contract award to General Contractor 2.26.2013. Village Municipal Center has a move-in date of 7.08.2013; Police Department renovation to be completed by 7.11.2013.

Hamilton County Board of Elections

The 2013 Rental Agreement was discussed. The new Polling location will be located at the Village Municipal Center, located at 3537 Church Street, once renovations have been completed and administration personnel have moved in.

Mr. Tiettmeyer made a motion to approve the 2013 rental agreement between the Village of Newtown and the Hamilton County Board of Elections. Mr. Harten seconded the motion. All Aye. Motion Carried.

Finance Committee: Members serving this committee: Mr. Tiettmeyer (c), Mr. Kobasuk and Mr. Zornes. The committee will meet Wednesday, January 23rd at 6pm at Town Hall to discuss Year-End 2012 and 2013 Budget.

Resolution, 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 adopt RESOLUTION NO. 01-2013 A RESOLUTION APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR CALENDAR YEAR 2012 AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2012, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk 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, 2013 Temporary Appropriations

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. 02-2013 A RESOLUTION APPROVING THE VILLAGE TEMPORARY APPROPRIATIONS FOR 2013, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk 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.

12.11.2012 Council Minutes

Mr. Zornes made a motion to approve the 12.11.2012 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

Resolution, Liability Insurance

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 03-2013 A RESOLUTION APPROVING A CONTRACT FOR LIABILITY INSURANCE WITH THE OHIO PLAN, 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.

Human Resource Committee

The committee met before the Council meeting tonight; liability insurance and proposals were discussed.

Maintenance Department

Maintenance Technician Joe Rutter has requested to go from full-time to part-time status; effective 1.01.2013. Replacing the full-time position was also discussed in the HR meeting.

Mr. Short made a motion to advertise for a full-time position to replace Joe Rutter's full-time position. Mr. Harten seconded the motion.

Discussion

Mr. Tiettmeyer has asked Mr. Short and Mr. Dickerson to provide budget information regarding personnel and salary changes coming up in the Maintenance Department. The Finance Committee will review once presented with the information.

All Aye. Motion Carried.

Maintenance Department Operations

Equipment is operational and ready to go for snow removal. The service of removing Christmas trees has been continued for Newtown residents.

Storm Drains: Three storm drains have been replaced in Ivy Hills.

Ordinance, Appointing Street Commissioner and Cemetery Sexton

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

Mr. Short made a motion to adopt ORDINANCE NO. 01-2013 AN ORDINANCE APPOINTING A STREET COMMISSIONER AND CEMETERY SEXTON IN THE VILLAGE OF NEWTOWN, 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.

Police Department

Mr. Short applauded the efforts of Newtown Police Officer, Detective Bischoff solving a case of a recent fire on Main Street. Detective Bischoff was instrumental in obtaining a confession. The Village is fortunate to have Chief Synan and the Newtown Police Department, said Mr. Short.

LMFD Fire Board

Mr. Kobasuk reported the following: 1) The Fairfax Fire Station is expected to be operational sometime in February or early March. 2) Fire fighters have agreed to a two-year wage freeze in a new collective bargaining agreement. 3) Property values for the fire district have come in at 12million dollars less than the previous evaluations. The district is waiting to hear from Hamilton County Auditor's office as to how this will impact the revenue. The first payment in taxes is expected in March.

Mr. Zornes made a motion for Mark Kobasuk to continue serving as the 2013 Council-appointed designee to the Little Miami Fire District Fire Board. Mr. Short seconded the motion. All Aye. Motion Carried.

Mr. Kobasuk made a motion to reappoint Terry Fairley, resident-at-large, to the 2013 Little Miami Fire Board. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mayor's Monthly Statement to Council

Mr. Kobasuk made a motion to approve the Mayor's Monthly Statement to Council for November 2012 Receipts for \$7,082.61. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

Ordinance, Legal Counsel

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

Mr. Kobasuk made a motion to adopt ORDINANCE NO. 02-2013 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion.

Discussion

Request for Proposals were advertised and Solicitor Miller was the only one that submitted a proposal. Mr. Kobasuk has discussed fees with Solicitor Miller; he has agreed to continue at the same rate and try a flat hourly rate and suspend the retainer fee. This will be revisited in June. Mr. Kobasuk said Solicitor Miller has been very flexible and has kept the rate the same at \$170/hr.

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

Eastern Corridor - Community Partners Committee "CPC"

Mr. Kobasuk, Mr. Short and Mayor Cosby will serve on the Newtown CPC as elected officials. Mr. Kobasuk is currently organizing members to serve on the Newtown CPC to represent the Newtown community. The SR 32 Relocation Community Update has been rescheduled for January 22nd at Mariemont Elementary School Auditorium.

Planning Commission Update

Mr. Harten reported: Two new businesses have received approval to bring their business into the Village of Newtown: 1) Aldrich's Creative Designs, is a supplier to the Forest Hills School District, as well as other commercial accounts, specializing in embroidery, screen printing, digital printing and direct to garment appliqué business. 2) Grandmaster Yum's Hwa Rang Do, a martial arts club will also be bringing their business to the Village of Newtown. If interested, email: sabumnimhrd@gmail.com. The site plan for Dr. Tackett's new dental office was also discussed. The office will be located to the left of Wendy's.

Solicitor Miller

Solicitor Miller thanked Mayor and Council for the 2013 reappointment of Village Solicitor. This will mark Solicitor Miller's 25th year serving the Village of Newtown.

Executive Session

Solicitor Miller said Martin Marietta can be discussed in Executive Session under pending litigation. Mayor Cosby also called for Executive Session on the Annexation for imminent litigation.

HB 601 (State Collection of Municipal Income Taxes)

State Representative Peter Stautberg spoke regarding HB 601, which died with the end of the legislative session as 2012 came to a close. Mr. Stautberg expects there will be a reworked version of the bill at some point. He said he is more on the side of revenue neutrality but the original proposal did not make sense for many communities. March 28, 2012, Mayor Cosby sent a letter opposing a state-run centralized collection system for municipal income taxes to Mr. Stautberg and other government officials. Mayor Cosby received a letter April 2012 from Mr. Stautberg, opposing the concept.

HB 601 would have imposed a set of uniform rules on municipalities that tax income and would have created a standard definition of what income is taxable for businesses and individuals. It also would have established a uniform method for how employers file employee withholding payments and it would have created a standard municipal income tax form. The push for state legislation to bring uniformity to local taxation has been led by the Municipal Income Tax Uniformity Coalition, which includes the Ohio Chamber of Commerce, the Ohio Society of CPAs and NFIB/Ohio, an affiliate of the National Federation of Independent Businesses.

Eastern Corridor

Mr. Kobasuk asked Mr. Stautberg, "As our elected representative, what is your position on the Eastern Corridor?" Mr. Stautberg said, theoretically, the Eastern Corridor goes from Eastgate to Red Bank and I-71 and a lot of activities and proposals make sense. Mr. Stautberg said, as far as the stretch affecting Newtown: 1) he is not in favor of building anything that we can't afford and 2) disrupting Newtown or Mariemont or any community that doesn't want to be disturbed. He said he has not seen any proposal that avoids doing so. Mr. Stautberg said, if they can find a way that everyone agrees to and improve roadways with little or no disruption to business, he is good with that but will not support anything that would be disruptive to communities and opposed by the people he represents.

Executive Session

Mr. Tiettmeyer made a motion to enter into Executive Session at 7:56pm to discuss pending and imminent litigation. Mr. Kobasuk 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.

Mayor Cosby reconvened the Council meeting at 8:40pm; no action to be taken as a result of the Executive Session.

Mr. Kobasuk made a motion to adjourn, second by Mr. Short. All Aye. Motion Carried.

Transcribed by Becky Fairley