

The May 14, 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

#### Wendell "Sam" F. Long

Mr. "Sam" Long, longtime resident, passed away May 7, 2013 at the age of 94. Mr. Long served the Village of Newtown as Mayor from 1959 to 1963. He also served on the Newtown Planning Commission for many years. Mr. Long was known as "a voice of reason." The Village of Newtown appreciates Mr. Long's service; he will be greatly missed.

#### Newtown – National Register District Nomination

Dr. Ken Tankersley, a UC graduate student and a representative from Cincinnati Preservation will meet with Mayor Cosby and others to discuss the nomination of Newtown and Mariemont for a National Register District to help preserve the Little Miami River valley from the proposed Eastern Corridor. The meeting will take place Tuesday, May 21<sup>st</sup> at 8:30am at Town Hall. Joe Shaffer, a UC archaeological graduate student has agreed to work on the project.

#### Berding Surveying – Annexation

The cost to revise the annexation plat is \$2,300, stated Mayor Cosby.

#### Lake Barber

The Village of Newtown has had several discussions over the past two years with Doug Evans and his attorney, regarding a walkway to the lake. Solicitor Miller said the Village would also like to have vehicle access for emergency and Village maintenance equipment, which he believes could be obtained through Hydro Systems property. Solicitor Miller will check with Hydro Systems. In an effort to move forward with the agreement with Doug Evans, Mayor Cosby will arrange a meeting with Mr. Evans. Mr. Kobasuk suggested that Councilman Burns also attend the meeting, as he is chair person of the Parks Committee.

#### Municipal Center Update

May 2, 2013, State Representative Peter Stautberg confirmed directly with the Ohio Cultural Facilities Commission that the grant is intact for the American Indian Artifact Museum project.

After much discussion regarding an original contract with DER Development and project adjustments, the following resolutions were adopted.

#### Resolution, Village Center Project Phase I

**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. 13-2013 A RESOLUTION APPROVING A BID AND AUTHORIZING A CONTRACT FOR PHASE I OF THE VILLAGE CENTER PROJECT, 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.**

#### Resolution, DER Development - Change Order

**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. 14-2013 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH D.E.R. DEVELOPMENT COMPANY, LLC, 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.**

Checklist

**Mr. Tiettmeyer made a motion to approve the 5.14.2013 Checklist for \$66,102.68, seconded by Mr. Short. All Aye. Motion Carried.**

Ordinance, 2013 Salaries Village Personnel (3rd Reading)

The First Reading was approved at the 3.26.2013 Council Meeting and Second Reading at the 5.1.2013 Special Council Meeting.

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

**Mr. Tiettmeyer made a motion to have a Third and Final Reading on an ORDINANCE ESTABLISHING SALARIES FOR VILLAGE PERSONNEL. Mr. Harten seconded the motion.**

Discussion

Mr. Short stated his concern, citing that the ordinance is not fair to all Village employees. Mr. Kobasuk said he shares some of Mr. Short's concern singling out one person, but he will defer to the Human Resource committee's recommendation.

**Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-No, Mr. Short-No, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Failed (*Vote was a majority of present, but not a majority of Council*)**

Mr. Tiettmeyer said it will be read at the next Council meeting.

Finance Committee: Meeting will be held Tuesday, May 28<sup>th</sup> at 6:00pm, prior to the Council Meeting.

Council Minutes

**Mr. Zornes made a motion to approve the 5.01.2013 Special Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

Ragland Road Drainage Improvement Project

Mr. Ben Brandstetter, Brandstetter Carroll gave the following report.

The project was not funded by OPWC this past year; however, the Hamilton County Storm Water District did allocate engineering funds (\$34,000) for the design this year, then in anticipating looking ahead to next year for an OPWC project. \$375,000 will be requested September, 2013. Total cost of the project is \$375,000 = OPWC (\$287,000) MRF (\$50,000) and Village (\$37,500). OPWC in Hamilton County does not fund engineering.

Hamilton County Storm Water District (HCSWD) funds are currently pending and under review at the prosecutor's office. The \$34,000 engineering funds are 100% funded from Hamilton County.

Ragland Road Drainage Improvement – Engineering Proposal

Total Engineering Costs (\$34,000) Brandstetter Carroll will follow-up at a later date with the Boundary/Right-of-Way costs (\$3,500), once they identify the final limits of what needs to be done.

Ragland Road Drainage Improvement - Proposed Schedule

September 2013 - OPWC Grant Application; the Village should receive notification of construction dollars awarded around December. Construction for the Ragland Road Drainage project would begin July 2014, if the funds are awarded to the Village.

**Mr. Short made a motion to approve Engineering Service to be provided by Brandstetter Carroll, contingent upon Hamilton County Prosecutor's office approving the HCSWD funds (\$34,000). Mr. Harten seconded the motion.**

### Discussion

The \$34,000 engineering funds are 100% funded from Hamilton County.

### **All Aye. Motion Carried.**

Edith Jefferson and Pine Street Improvements OPWC Grant Application (August 2013) due September 20, 2013

### Maintenance Update

The Maintenance Department is now in charge of dragging the ball fields. The Village has been manicured for the upcoming Memorial Day Parade.

Ivy Hills Lane received treatment for cracks. A rubberized product was used by the maintenance department. Mr. Dickerson said a second the cracks received a second application and are completely sealed. Mr. Kobasuk thanked Mr. Dickerson.

### Memorial Day Parade (May 27, 2013 ~ 10:00am)

Sponsored by the Newtown Veterans Association. If interested in participating in the parade, report to Miami Valley Christian Academy, 6830 School Street at 9:00am for line-up. The parade steps off promptly at 10:00am and is expected to last 45 minutes. There will be a brief re-dedication for the Veterans Memorial. Guest speaker is Congressman Brad Wenstrup. A float will be provided for Mayor, past mayors and Village Council.

### Safety Committee Update – Full-time Police Officer

The Safety Committee met prior to the Council meeting. Mr. Kobasuk reported: After discussing the part-time training program for police officers, the committee recommended hiring a full-time police officer. Currently, \$8,000 to \$10,000 is being spent each year with most part-time police officers moving on to other positions elsewhere. The Finance Committee will discuss numbers for a full-time police officer at their next meeting – Tuesday, May 28<sup>th</sup> at 6:00pm.

### Safety Committee Update – Ammunition Purchase

Purchase of ammunition for the police department was discussed. Ammunition cost (\$5,400), \$2,400 coming from the Drug Fund and \$3,000 from the Police Ammunition Fund.

**Mr. Kobasuk made a motion to authorize \$3,000 from the Police Ammo Fund for the purchase of ammunition. Mr. Short seconded the motion. All Aye. Motion Carried.**

### Citizens Partnership Committee

Dr. Ken Tankersley, UC professor of Anthropology is assisting the Village of Newtown and the Citizens Partnership Committee with efforts to maintain the historic integrity in the Village of Newtown and Mariemont. Joe Shaffer, a graduate student has agreed to chronicle all historical sites in Newtown.

**Mr. Kobasuk made a motion to authorize an amount not to exceed \$2,000 to hire Joe Shaffer, a graduate student to chronicle the historic sites in Newtown under the auspice of the Citizens Partnership Committee and Dr. Tankersley. Mr. Short seconded the motion. All Aye. Motion Carried.**

Mr. Tietmeyer thinks this is a great idea and suggested the graduate student tie into the Museum Center and all of the work they have done on the Native American mounds throughout the area. Mayor Cosby said they all network with one another. Dr. Tankersley said our valley is some of the richest archaeological sites in the world.

### National Police Week

May 12 thru 18 (Police Memorial Day is observed May 15 each year.

In 1962, President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers Memorial Day and the week in which that date falls as *Police Week*. This week honors federal, state and local law enforcers for their dedication and sacrifice.

### Ordinance, 2013 Salaries Village Personnel (Discussion Continued)

Mr. Kobasuk said he is disappointed that Council is unable to pass the Salary Ordinance, as it is not fair to give the employees their raise for 2013. He acknowledged the disagreement and said Mr. Burns will be present at the 5.28.2013 meeting. Mr. Kobasuk urged Council to have a re-vote, as it is not fair to the majority for not giving the raise at this time. Mr. Harten said it delays the process, but the raises will come later. Mr. Kobasuk asked Mr. Short or Mr. Zornes if one could change their vote so Council could move forward allowing others to receive their raise and it is not good a good way for Council to govern. Mr. Kobasuk said it was the Human Resource Committee's decision.

Mr. Short said he understands where Mr. Kobasuk is with this. He said what is fair is fair and transparency is a wonderful thing. Mr. Short said if Council is going to give raises, then it needs to be done in a uniform manner. If someone has a disciplinary issue prohibiting them from getting a raise, then hopefully there is paperwork showing that person was written up or some sort of a reprimand. Mr. Short said he feels it is a little drastic, based on a couple of things, to penalize a person for an entire year or six months.

Mr. Zornes said he would not change his vote either. He said he has spoken to some of the employees and told them the reason for his feelings and they understood.

Mr. Kobasuk said he just feels bad for the other employees.

Solicitor Miller said, from a practical standpoint, if Council has four votes at the next meeting, the ordinance can be passed by an emergency taking effect immediately; whereas, opposed to passing the ordinance tonight without an emergency. Five votes are required to waive the three readings. An emergency requires four votes.

### Berding Surveying – Annexation

Mr. Kobasuk asked Mayor Cosby if he had approved the \$2,300 surveying fees to revise the plat for annexation. Mayor Cosby said, he has not approved the money, as he is waiting on Council's direction. Mr. Kobasuk said he is opposed to spending any additional money on the annexation.

**Mr. Kobasuk made a motion that Council spends no more funds on annexation. He said there is no business wanting to come into the village and enough has been spent. *No one seconded motion.***

### Discussion

Mr. Short said Mr. Gottenbusch does want to come into the village. Mayor Cosby said we will achieve getting across the river for the protection of Newtown. He said our best shot fighting the Eastern Corridor is as a district with Mariemont and Newtown. Mayor Cosby said should we have success with annexing the area; it would enhance our position against the Eastern Corridor. He asked that someone make a motion to either move forward or not move forward with the annexation. Mayor Cosby said it is not just Newtown looking to expand, as Berding Surveying has said Mariemont is marching down the hill, as was indicated by Mayor Policastro to Mayor Cosby.

**Mr. Short made a motion to move forward with the annexation, approving the \$2,300 to Berding Surveying, including \$10,000 legal fees to Keating Muething Klekamp, which has been stated. Mr. Zornes seconded the motion.**

### Annexation Discussion (Mr. Kobasuk)

Mr. Kobasuk raised his opposition again, as \$92,000 plus has been spent to date in the effort to annex. To his knowledge, there is now no business wanting to join the petition. There is also the issue of road maintenance in the annexed territory. He said no one is factoring in this cost the village would incur. Looking at a cost-benefit analysis, he sees no benefit to the annexation; therefore, he is opposed to the annexation. The cost is just astronomical, based on how the annexation began. It was supposed to be a simple annexation, \$10,000 to \$15,000 with a willing business desiring to come into the Village of Newtown. Here we are years later with a cost that could be over \$100,000 and no one can tell him what the economic justification would be. He doesn't buy the argument that annexation would assist in stopping a federal road project, the Eastern Corridor. Federal and state road project can trump home-rule.

Annexation Discussion (Mayor Cosby)

Mayor Cosby said he feels the annexation would assist in stopping the Eastern Corridor. If we don't have that portion within Newtown, then that would not be part of the study with Dr. Tankersley. Therefore, that land would not be protected. He said, \$92,000 has been spent, with two rejections by the Hamilton County Engineers office. They are not rejecting the Village of Newtown because they know Newtown has control to the river; therefore, their success on the Eastern Corridor is diminishing greatly. Mayor Cosby feels the Village needs every angle at our disposal to stop the Eastern Corridor. He reminded Council of the \$400,000 grant to Hydro Systems so they could expand their facility, which would be wiped out according to the proposed alignment of the Eastern Corridor. The \$92,000 would probably have been better spent on the landfill issue. The Village has limited funds and it is time to stop.

Annexation Discussion (Mr. Short)

Although, Mr. Short said he is also not thrilled at the amount of money spent thus far, he is also not sure that Council could just walk away at this point. His reasoning is with the efforts of the Citizens Partnership Committee and Dr. Tankersley, he doesn't think the efforts thus far should be abandoned. Tax information is currently being compiled and on the area coming down Valley Avenue and Round Bottom Road, the Village would stand to lose \$277,000 annually. He feels Village Council should try to protect the Village as much as possible to prevent devastation.

Annexation Discussion (Mr. Tiettmeyer)

Mr. Tiettmeyer said he did support the annexation all along from the fact that the Village would be bringing new business into the Village and now we are not. It is disturbing that Council would proceed further; basically, to acquire not for profit and public property. And now that doesn't exist.

**Roll Call to Mr. Short's Motion:**

**Mr. Tiettmeyer-No, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-No. Mr. Harten-No, Motion Failed.**

Parks – Lake Barber

Mr. Harten recently met with Ross Hamre, Hamilton County Park District and one of their aquatic biologists to discuss Lake Barber. HCPD is willing to work with the Village, once a clear title is acquired, as they have numerous resources and skills.

Parks – Resolution, ATLL & Cinti United: Will be discussed at the 5.28.2013 Council Meeting.

Parks – MVCA: Mr. Harten said the committee is waiting on a proposal from MVCA, in terms of how they would like to structure an agreement regarding a football field. MVCA is growing and needs to expand their athletic facilities. They are currently renting facilities elsewhere. Mr. Tiettmeyer said, the committee has discussed that the property would always remain part of the Village and would be willing to do some type of a lease arrangement.

Planning Commission: There will be no meeting May 30<sup>th</sup>.

Building Contracts

Orkin Pest Control has provided services to the Village for many years and offered to renew the contract for \$200. Three bids were obtained: 1) Orkin, 2) The Bug Guy and 3) Scherzinger. Orkin was the cheapest.

**Mr. Harten made a motion to renew the annual service contract with Orkin Pest Control for a price just over \$200. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

Martin Marietta: Solicitor Miller said we are waiting when the issue will resume. The appeal of the latest judge's entry, their briefs are due 6.18.2013 and ours due thirty days later.

Newtown Landfill: Mr. Kobasuk suggested discussing in Executive Session at a later date. Becky will email info to Council next week and invite the attorney to speak at the 5.28.2013 meeting.

Meeting adjourned at 8:18pm

Transcribed by Becky Fairley