

The August 27, 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

Police Department Swearing-In Full Time Officer

Mr. Kobasuk made a motion to hire Jacob Johnson as a full-time police officer. Mr. Short seconded the motion. All Aye. Motion Carried.

Police Jacob Johnson was sworn in as a full-time officer, by Mayor Curt Cosby, as family, friends, fellow officers and village officials looked on approvingly.

Miami Valley Christian Academy – Short Park

Head of School Shawn Baker and Bill Patterson, legal counsel for MVCA discussed their current partnership with the Village and their desire and need to expand. Plans for an athletic complex with three different zones at Short Park were discussed. This joint venture between the Village of Newtown and MVCA would be a win-win for both parties. Village Council scheduled a working session for Tuesday, September 17th at 6:30pm.

Checklist

Mr. Tiettmeyer made a motion to approve the 8.27.2013 Checklist for \$60,753.92. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Municipal Center Update (Reported by Mr. Tiettmeyer)

The bats have been properly and successfully removed by Permakil Pest Control. Administration should be moved and settled in the new building by mid-November. Douglass McDonald, President and CEO of the Cincinnati Museum will be invited to the Grand Opening. Mr. McDonald is also a resident of Newtown.

2013 ELECTION ~ Polling Location

November 5th is Election Day – To find your polling location, please visit (www.boe.hamilton-co.org) and click on “Where Do I Vote?” Voting will take place this year in the current Town Hall located at 3536 Church Street.

Resolution, Change Order No. 9 w/ D.E.R. Development Company (Total \$9,944)

Change Order is on file at the Village Office.

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. 26-2013 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.

Discussion

The change order is for brick restoration to the building. Light parging of approximately 1840 square feet of masonry.

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

Municipal Center Chair Purchase

Forty new chairs for visitors are needed for the new council chambers. The chairs are stackable and commercial grade.

Mr. Tiettmeyer made a motion to approve the purchase of (40) forty chairs for the new council chambers for \$4,933.60. Mr. Harten seconded the motion. All Aye. Motion Carried.

Municipal Center Security System

Proposals from three companies were obtained. Mr. Tiettmeyer presented a proposal from Mr. Lock for both surveillance and security for the interior and exterior of the building. The Village of Newtown currently uses Mr. Lock for security on other buildings.

Mr. Tiettmeyer made a motion to approve a security system for the new Municipal Center for \$5,574. Mr. Kobasuk seconded the motion. All Aye. Motion Carried

Maintenance Department (Reported by Mr. Dickerson)

In an effort to prepare for the Fall and Winter seasons, brakes have been repaired on the GMC truck. Trees in the S-curve have been removed since the last meeting.

Pedestrian Crosswalk

Lt. McBreen continued the discussion from the 8.13.2013 Council meeting. A quote for \$9,971 was received from A & A Safety. This quote doesn't include the curb cut. After more discussion,

Mr. Short made a motion to approve an amount not to exceed \$10,000 to finalize plans for the crosswalk. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Resolution, State Capital Improvement Project

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

Mr. Short made a motion to adopt RESOLUTION NO. 27-2013 A RESOLUTION APPOINTING CURT COSBY AS AN OFFICIAL REPRESENTATIVE FOR THE STATE CAPITAL IMPROVEMENT PROJECT FUNDING, 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.

Eastern Corridor Update

Mr. Short and other village officials attended a meeting at ODOT yesterday. Mr. Kobasuk said Mayor Cosby did a nice job presenting to ODOT. Turpin Fisher spoke passionately about their family farm of 235 years. Madisonville Community Council and Terrace Park also made a presentation. Mayor Cosby said the board gave zero feedback.

Town Hall Meeting ~ Wednesday, September 25th at 7:00pm

A Town Hall meeting will take place to bring the public up to date on the Eastern Corridor and the impact it will have on the residents and business owners in the Village of Newtown. The meeting will take place at Miami Valley Christian Academy, located at 6830 School Street, in the Cafetorium.

Little Miami Fire Board Update (Reported by Mr. Kobasuk)

Discussion regarding a fire levy continued. Mr. Kobasuk asked for an executive session at the end of the council meeting to discuss pending litigation.

Planning Commission: Planning Commission will meet 8.29.2013 at 7:00pm.

Resolution – Lake Barber, HA HA, Inc.

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

Mr. Harten made a motion to adopt RESOLUTION NO. 28-2013 A RESOLUTION ACCEPTING AND AUTHORIZING AN AGREEMENT WITH HA HA, INC., DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion.

Discussion

Mr. Kobasuk asked Solicitor Miller to state for the record, the economic value the village is receiving from Doug Hall, Ha Ha. Inc. and Mr. Evans, B.E.E. Holdings.

Solicitor Miller explained: Doug Hall, Ha Ha., Inc. is basically giving to the village the area that will be used for the parking lot (209' x 154'). This property is adjacent to the village's acreage. Mr. Hall committed several years ago to donate \$20,000 to Newtown for purchase of the 75 acre lake property. Mr. Hall has asked that the Village of Newtown give up the right of first refusal on the portion of the property that used to be lake property Mr. Hall acquired from Mr. Zicka so he could sell that property with his other property if he ever sold his property or conveyed it. Mr. Hall wants a privacy fence on the parking lot property and the right to construct a boat house on the property. A local high school's rowing club uses the lake.

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

Resolution – Lake Barber, B.E.E. Holdings Ltd.

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

Mr. Harten made a motion to adopt RESOLUTION NO. 29-2013 A RESOLUTION ACCEPTING AND AUTHORIZING AN AGREEMENT WITH B.E.E. HOLDINGS LTD., DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion

Solicitor Miller explained: The agreement settles the argument over who owns the building on the property. Mr. Evans, B.E.E. Holdings Ltd. claims the building is his since the Village consented to the construction of the building under his permanent easement for recreational purposes that the Village just can't kick him out. The Village's position is that the building is on our land and belongs to the Village. Therefore, this long-term lease has been agreed upon. Mr. Evans has agreed to pay Newtown \$1,000 a year beginning July 2014, to lease the house and dock. Mr. Evans has agreed to pay nearly \$290,000 to build a parking lot and a pedestrian bridge over a small creek. The agreement is for 25 years and may be renewed twice for 10 year periods at lease payments to be negotiated in the future. The agreement also includes an easement across Mr. Evans' property to allow safety and maintenance vehicles access. Mr. Evans has also agreed to pay current and past-due property taxes. Mr. Evans will continue to have the right to operate motorized Sea Doos. There are pre-existing rights for both Mr. Doug Evans and Mr. Doug Hall. There are no restrictions for either, as far as being able to use the lake for recreational purposes.

Mr. Spry and Mr. Brandstetter will be consulted regarding the pedestrian bridge. A building permit will need to be obtained from the Village and will be ADA compliant.

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

Skate Park – Insurance

Mr. Zornes talked to Greg Hennecke, Risk Management Representative with the Hyland Group regarding insurance for a potential skate park. Mr. Hennecke said the skate park would be required to be inspected daily for liability reasons. It would create a liability to staff the park with Village personnel. Mr. Hennecke offered to attend a meeting for further discussion.

Executive Session

Mr. Kobasuk made a motion to enter into Executive Session at 8:05pm to discuss imminent litigation, seconded by Mr. Zornes. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-absent. Motion Carried.

Mayor Cosby called the meeting back to order at 8:10pm. At this time, there is no action to be taken.

Mr. Short made a motion to adjourn at 8:11pm, seconded by Mr. Kobasuk.

Transcribed by Becky Fairley