

The June 9, 2015 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.

**Council Members:** Joe Harten  
Mark Kobasuk  
Cheryl McConnell  
Chuck Short (absent)  
Curt Tiettmeyer  
Daryl Zornes  
Solicitor: Doug Miller

#### Clock – Bicentennial Park

The current clock was installed by The Verdin Company about twenty years ago and is not functioning properly. Jim Verdin will attend the next meeting to talk about updating the clock.

#### Eastern Corridor

Mark Kobasuk attended the Eastern Corridor/Route 32 Component Focus Group Meeting on June 4, 2015. The Eastern Corridor proposed road (northern route) over the river and through the sod fields is dead. Segment 2 through the river valley has been abandoned. Mariemont's South 80 park is protected along with the sod fields to the west of Newtown.

Mayor Cosby thanked Village Council for their diligence in this matter, along with past council members and past mayors. He also thanked the Villages of Mariemont, Fairfax and Terrace Park for standing strong with us over the years fighting this unnecessary project. Mayor Cosby said it's been a long road; hopefully it's over and we can look forward to cooperating with ODOT to make minor improvements that could have major impact. Mr. Harten thanked Mayor Cosby for his tireless efforts on this issue.

#### 6840 School Street Property Report – Building and Zoning

Building and Zoning Commissioner Mike Spry visited 6840 School Street on 5.28.2015. Mr. Spry and Assistant Fire Chief Terry Timmers inspected the property inside and outside; Mr. Bill Murray was present. Mr. Spry declared the property unsafe and unsanitary, as the structure is not habitable. Section 109.4 of the International Code Council was quoted:

##### ICC Section 109.4 Unsafe Buildings

*Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.*

#### 6840 School Street Property Report – Fire Department

Assistant Fire Chief Terry Timmers emailed the following report to Mike Spry today 6.9.2015:

“As for the orders, we Little Miami Fire & Rescue are not going to fight the fire from the inside the structure, due to the amount of debris accumulated by home owner. The side and back yards needs to be cleaned up. This would hamper our efforts on trying to ladder the side and rear of the home for any type of rescue. I have called Hamilton County Dispatch and advised them of the condition of the home. I have also notified our neighboring departments, that this will be a defensive fire attack. If you need any further info, please let me know.” Thanks A/C Terry Timmers

Mr. Spry said, basically, the report says the Fire Department will only fight a fire at 6840 School Street from the outside. There would be no firemen entering the structure whatsoever.

Mr. Murray said he agrees that the house is a mess. Mr. Murray continues to work on removing his belongings from the property. He asked Council for time to remove his military collection items.

#### Website Slogan (Reported by Joe Harten)

Council agreed on the below website slogan, prepared by Mr. Harten. Becky will place the new slogan on the website.

Located along the Little Miami National Wild and Scenic River, the Newtown area has been inhabited for nearly 3,000 years. The Adena, Woodland, and Fort Ancient peoples left world-renowned sites and artifacts, while European pioneers settled here in the late 1700s. Now Newtown is a vibrant Midwestern village with well-kept homes, excellent parks, a link to the Little Miami Bike Trail, and a unique business district. Enjoy your visit to our website—and please see us in person soon!

Ordinance, Agreement w/MVCA

**Mr. Harten made a motion to have the Second Reading of AN ORDINANCE APPROVING AN AGREEMENT WITH MIAMI VALLEY CHRISTIAN ACADEMY TO CONSTRUCT A SPORTS COMPLEX AT SHORT PARK. Mr. Kobasuk seconded the motion.**

**Mr. Harten made a motion to have the Third and Final Reading of AN ORDINANCE APPROVING AN AGREEMENT WITH MIAMI VALLEY CHRISTIAN ACADEMY TO CONSTRUCT A SPORTS COMPLEX AT SHORT PARK at the 6.23.2015 Council meeting. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

Lake Barber – Progress on opening issues (Reported by Joe Harten)

Mr. Harten and Mr. Tiettmeyer recently met with Warren Walker, Duke Energy to discuss potential grant funds for projects such as Lake Barber. Removal or destruction of the bridge and repaving the walking path could possibly fall under one of the grants available. This grant program would not require a decision whether the lake would be public or private. Mr. Harten thanked Mr. Tiettmeyer for networking with Duke Energy. There is an application and grant writing process.

Mark Gillespie asked Ben Brandstetter to submit an estimate for the bridge to be removed or destroyed by a private contractor. Unfortunately, none of the twenty-two municipalities contacted by Mr. Gillespie were interested in removing the bridge. Ben was also asked to take a look at possibly resetting the bridge on the piers, as the bridge is in good condition and could be used as a fishing bridge.

A draft of the rules that will be posted at Lake Barber will be brought back to Council.

TIRC Meeting (Reported by Cheryl McConnell)

The TIRC Board held its annual meeting today. Mrs. McConnell, Mr. Spry and Ms. Everett attended the meeting. The existing CRA's and EZA's were approved for another year.

Website (Reported by Cheryl McConnell)

Our website currently does not have a search engine for the Council Minutes. Becky reached out to Chris McMahon to see what it would take to install a search engine. The process may be a little more time consuming for Becky to post the minutes. An estimate of \$500 was given to convert the existing minutes. More information will be presented to Council at a later date. Installing a search engine will make it much easier when searching for past or present issues.

Eastern Corridor / Route 32 Component Focus Group Meeting (Reported by Mark Kobasuk)

Mark Kobasuk attended the 6.4.2015 meeting held by the Ohio Department of Transportation. Copies of the map and slides presented at the meeting were shared with Village Council. ODOT's presentation redefined the concept of the road project and focused on existing roadways like Routes 32, 50 and 125; therefore, the road project is dead. The roadways would not be widened but improved through low impact solutions such as turn lanes, ramps and lights, etc. ODOT will now direct their efforts to improve the existing travel corridors within the valley and due to environmental issues; the Indian artifacts in the river valley, that road project cannot go forward. ODOT will go through the NEPA process, which consists of an evaluation of the environmental effects of a federal undertaking, including its alternatives. One of the study travel corridors ODOT is focused on goes right through Newtown and goes east into Clermont County. ODOT told Mr. Kobasuk they didn't have plans to put a road through Newtown, but they cannot rule it out. ODOT is focused on developing access for Anderson Township in the ANCOR area, which is something Newtown should explore to some extent. An easement is needed from Newtown in order to put the ANCOR connecting road in. Solicitor Miller said the ANCOR road is connected with the Martin Marietta Mining project. In litigation, it was their excuse the traffic would not be so bad on Newtown because of the ANCOR connector and any loads heading east of the village would use the ANCOR connector and not be coming through the village. Newtown can expect pressure from ODOT and Anderson Township to approve an easement. Mayor Cosby said the ANCOR connector road is tied to the Martin Marietta project and cautioned Village Council to not move forward on an ANCOR road until the mining process is done. Existing traffic that goes down Round Bottom Road doesn't warrant a connector. Mayor Cosby said before Council backs the ANCOR road, the type of development Anderson is proposing needs to be considered.

ODOT is expected to meet with Village officials in the next six months. We must remain vigilant and involved, as the heart of Newtown is now the ODOT study corridor.

Council Checklist

**Mr. Tiettmeyer made a motion to approve the 6.9.2015 Council Checklist for \$108,284.30, seconded by Mr.Zornes. All Aye. Motion Carried.**

Police Department Renovation and Change Orders (Reported by Curt Tiettmeyer)

Renovations are moving forward with construction of the new offices. Police Officer Kent Orso has been instrumental in researching a new phone system for the police department. After much consideration, it has been determined that it will be best for the Village to purchase one phone system for the police department and administration to share. A fiber optic line will connect the two buildings. Internet service will be included. Additional information will be brought back to Council at a later date. Mrs. McConnell asked Mr. Tiettmeyer to ask what it would cost to include internet service for the Moundview House.

Police Department Renovations Change Order No. 2

Mr. Tiettmeyer already agreed to the below change order, per the authority previously issued by Council. This change order is to clean and televise the sewer pipe underneath the Police Department (3536 Church Street).

Bruce Brandstetter had documents to prove the drain in the basement is not tied into the storm sewer. The storm sewer is 3' below the road and the pipe in the basement is 10' below; therefore, the two cannot be tied together. The plumbing inspector wants to make certain it is tied into the sewer, which was installed in the 70's.

**Mr. Tiettmeyer made a motion to approve Change Order No. 2 to John P. Tumlin & Sons Ltd. for an amount of \$920, seconded by Mr. Zornes. All Aye. Motion Carried.**

Police Department Renovations Change Order No. 3

Most of this change order is for lighting

**Mr. Tiettmeyer made a motion to approve Change Order No. 2 to John P. Tumlin & Sons Ltd. for an amount of \$11,055, seconded by Mr. Zornes. All Aye. Motion Carried.**

Ordinance Declaring 6840 School Street a Nuisance

The Ohio Revised Code Section 715.26 provides that any municipal corporation may provide for the inspection of buildings or other structures and for the removal and repair of insecure, unsafe or structurally defective buildings or other structures.

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 11-2015 AN ORDINANCE DECLARING THE REAL PROPERTY LOCATED AT 6840 SCHOOL STREET IN THE VILLAGE OF NEWTOWN AS A NUISANCE, INSECURE, AND UNSAFE, PROVIDING FOR THE REMOVAL OF WILD ANIMALS FROM THE PROPERTY AND THE SECURANCE OF STRUCTURES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Mr. Tiettmeyer worked closely with Solicitor Miller on the above ordinance for several reasons: 1) to not spend more of the Village's money than needed, recognizing anything spent may not be recovered and 2) to be able to continue to move the process along. The lender began the foreclosure process a year ago and we cannot sit here and wait for them to take action. After thirty days of adopting this ordinance, removal of the cats and raccoons and boarding up the structure to secure the building will take place until such action is taken by the lender. By the time the thirty days is up, we will know if the property went through the Sheriff's sale and if the property doesn't go to Sheriff's sale, we would board up the property immediately and will have an understanding of the cost before the thirty days is up. Thirty days begins after homeowner is served. While declaring this ordinance an emergency, Council is not obligated to give thirty days. However, Solicitor Miller recommends giving Mr. Murray the thirty days to remove his personal belongings and make repairs to the property, if he is able to do so. This ordinance gives Council authority with flexibility. Council can use their discretion whether extra time is given to Mr. Murray to remove his belongings. The mortgage company is Bank of America; if they fail to act by pulling the property from the Sheriff's sale, the neighbors and Village could contact the lender stressing the need to act and explain the health hazards. The Federal Reserve could also be contacted putting pressure on them to act responsibly for real estate they are in control of.

Mayor Cosby suggested hiring a company to board up the house, as he doesn't want the Maintenance Department employees subjected to the health hazards. Council agreed - Mr. Tiettmeyer said the Maintenance Department should be responsible for finding the right contractor to board up the house. Mr. Spry should also be consulted to make sure we are doing the right thing by boarding up the house.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Mr. Harten thanked Mr. Tiettmeyer and Solicitor Miller for working on this ordinance and moving forward with the process.

Resolution, 2016 Village Tax Budget

**Mr. Tiettmeyer made a motion to have the First Reading of a RESOLUTION ADOPTING THE 2016 TAX BUDGET FOR THE VILLAGE OF NEWTOWN.**

**Mr. Tiettmeyer made a motion to have the Second Reading at the 6.23.2015 Council Meeting, seconded by Mr. Harten. All Aye. Motion Carried.**

Council Minutes

**Mr. Zornes made a motion to approve the 5.26.2015 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

Martin Marietta Mining Issue (Reported by Solicitor Miller)

Martin Marietta had a conflict with the July 22, 2015 hearing date, so the matter is set for September 2, 2015 at 9:00am.

Unused Street Sign Posts

Mr. Tiettmeyer thanked the Police Department and Maintenance Department for removing the unused street sign posts. Several people called to say how much nicer the Village looks with the empty street sign posts removed.

Mr. Kobasuk made a motion to adjourn at 7:50pm, seconded by Mr. Tiettmeyer. Motion Carried.

Transcribed by Becky Fairley