

The July 8, 2014 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.

<b>Councilmembers:</b>	Joe Harten	Chuck Short
	Mark Kobasuk	Curt Tiettmeyer
	Cheryl McConnell	Daryl Zornes
	Solicitor: Doug Miller	Fiscal Officer: Keri Everett

#### Public Hearing – 2015 Village Budget

The 2015 Village Budget was briefly discussed; no comments were made from the public.

#### MVCA / Short Park Venture (Reported by John Russell)

Resident/Past Mayor John Russell spoke to Council giving a little history on Short Park. He and wife Sandy moved into the Village of Newtown in 1974 and have seen a few negatives that impacted the community, but mostly positive changes over the past forty (40) years that have moved the Village forward. Mr. Russell said what we know as “Short Park” today was then the Village dump, an abandoned gravel pit. In days gone by, garbage was collected on Mondays and dumped in the gravel pit. After garbage collection was contracted, landscapers were allowed to fill the pit with debris. The Village acquired a grant from ODNR in the mid-80’s to construct the park, known today as Short Park. Mr. The Newtown Elementary School was one of the positives in the community consisting of Newtown residents and children from Turpin Hills, which was a brand new community at the time. Loss of the school is the biggest negative Mr. Russell has seen over the years and he is definitely in favor of allowing MVCA to enhance Short Park!

Mr. Russell served twelve (12) years as an elected official (eight as mayor) and recalls never putting an issue on the ballot that was not required by law. Mr. Russell said personally, he feels Mayor and Village Council were elected by the community as a whole and should consider the community as a whole as their constituents. He said the fact that different council members live in one area or the other should not color their decisions on how to vote and Council should represent the community as a whole. Mr. Russell is happy that the Village is moving forward with good leadership that educates themselves on issues. His only concern is this issue should not be placed on the November ballot, as it should be a decision by Council.

Mr. Kobasuk asked Mr. Russell why he did not want the issue on the ballot and make it a democratic process. Mr. Kobasuk believes the people elected Council Members to do the basic day to day business in the Village. If Council does not place this issue on the ballot, it will cause an additional delay if the residents end up putting the issue on the ballot. It makes sense to control the process. Mr. Kobasuk said the residents that live close to the park would accept the decision better if the people decide by a confirmed vote of the Village.

Mr. Russell said it is his opinion Council has a much broader view of issues and that is how it should be handled. He believes in the proper process, which is thirty days after an Ordinance is enacted; the issue could be placed on the ballot with the proper amount of signatures.

#### Forest Hills School District Facilities Update (Reported by Randy Smith)

Mr. Smith is a Newtown resident and member of the Board of Education and the legislative liaison. The Forest Hills Board of Education is moving forward on potentially getting a facilities plan on the November 2014 ballot. Two plans will be submitted to the county auditor for consideration. The first plan will cost about \$100 million dollars and involves renovating both Anderson and Turpin high schools as well as Nagel Middle School. Additionally, five of the elementary schools would be renovated and a new elementary school would be built – this would replace Wilson Elementary. If this plan goes before the voters, it would have a millage of 4-5 mills.

The other plan under consideration is to renovate both high schools as well as Nagel Middle School and build four new elementary schools, eliminating two of the current buildings. This plan would cost about \$173 million and if put before voters would be about 7.5 mills. A recent survey shows the voters are more in favor of the first plan (\$100 million dollars).

#### Engineering Services Update (Reported by Engineer Ben Brandstetter)

##### 1) Lake Barber

- Geotech Report was received and reviewed with Contech on June 27<sup>th</sup>
- Two options for foundation design were provided and Jim Baily, Evans Landscaping was consulted on the type that they would be best at installing, as far as installation technique
- BCI completed the Stream survey of modeling the stream bank

2) Round Bottom Road Storm Pipe Failure

- Tele-Vac completed a video of the existing pipe from the last inlet to the stream outlet. The existing pipe between structures 1 and 2 contained too much sediment to complete video.
- Tele-Vac will return July 10 to use alternative means of gaining access to pipe and will also complete a video from structure 2 to 3 which also has a failure at Ready Lines driveway.
- A copy of the first video was sent to Lynn Bauer with MSD to keep him abreast of the progress.

3) ANCOR Development Review

- BCI received communication from Anderson Township on June 12<sup>th</sup>. A copy of current plans were also provided.

4) 2014 OPWC Grant Application (Edith / Pine / Jefferson)

- Agenda for 6.17.2014 Public Meeting at Edith/Pine will be provided to obtain citizen contact information.
- Schedule of activities:
  - June 2014
    - Public Meetings for all projects. Gather support letters, photos, insurance reports and documentation of flooding
    - Collect and prepare documentation on maintenance, call outs, work orders, etc. by Village
    - BCI to discuss other funding sources: HCSWD, GCWW (waterline on Edith/Pine/Jefferson), ODOT (SR 32 Storm)
    - Prepare and update MRF applications
  - July 2014
    - Prepare draft applications
    - Update cost estimates
    - Fine tune other funding sources
    - Compile and summarize information collected
    - Final applications shall include not only summaries, but backup data for storm Calculations and geotechnical report
  - August 2014
    - Review draft applications by Fred Schlimm in first week
    - Update Village Council at 8.12.2014 meeting. Discuss funding and project priority\
  - September 2014
    - Finalize local funding and priority at 9.9.2014 Council Meeting
    - Pass required resolution on 9.9.2014
    - Submit application by 9.19.2014
- Current estimates:

▪ SR 32 Storm Drainage – East	\$ 415,000.00
▪ Edith/Pine/Jefferson	\$ 875,000.00*
▪ Ragland Road Area Drainage	\$ 415,000.00**

\*2013 Application Estimate does not include GCWW water

\*\*2013 Application Estimate

Lake Barber Update (Reported by Joe Harten)

Mr. Harten and Mr. Dickerson met today with one of the consultant's funding experts at the lake to discuss potential options. A recommendation will be brought back to Council within the next month.

MVCA – Short Park

Mayor Cosby asked Solicitor Miller if he had begun discussions with MVCA's attorneys. Solicitor Miller said he did speak with the attorney last week and they are hopeful to have a draft by the next Council Meeting.

Moundview 2<sup>nd</sup> Floor Renovation Update (Reported by Cheryl McConnell)

The recent IBI final inspection was approved. We are waiting on an exterior rear door. There is \$4,800 left to pay on this job and are waiting on John with Chris Hollon Construction to wrap up the project. DER Development Co. LLC submitted a bid of \$2,160 to remove existing locksets from four doors and replace with matching master security system locks. DER will furnish and install four (4) Schlage locksets similar to the lever style at the Newtown Municipal Center. These keys will not be able to be duplicated.

**Mrs. McConnell made a motion to approve \$2,160 to DER Development to purchase handles, locksets to match the other Village-owned properties. Mr. Harten seconded the motion. All Aye. Motion Carried.**

**Mrs. McConnell made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.**

All Decked Out has submitted the lowest and best proposal for the Moundview Exterior Field Stair Replacement in the amount of \$15,000. The stairs and lower deck will be replaced with pressure-treated wood. The \$15,000 includes a \$1,000 contingency for any unforeseen issues. All Decked Out will submit drawings to Building Commissioner Mike Spry for approval. The money will come from the Park Fund and the Contingency to pay for the \$15,000 project vs. the \$5,000 that was expected to pay for this job.

**Mrs. McConnell made a motion to adopt RESOLUTION NO. 19-2014 A RESOLUTION ACCEPTING A PROPOSAL FOR REPLACING THE EXTERIOR FIELD STAIRCASE AT MOUNDVIEW PARK AND AUTHORIZING A CONTRACT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Harten-Yes, Ms. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Eastern Corridor Update (Reported by Mark Kobasuk)

Mr. Kobasuk spoke to the recent article "It's do or die for Eastern Corridor." At the request of the Federal Highway Administration, the state is spending nearly \$1 million on a mediator to find consensus between Mariemont and Newtown and a dozen state and federal agencies on controversial highway relocation. A report is expected by month's end and the final report due December. Mayor Cosby, Mr. Kobasuk, Mr. Short and Doug Evans will be interviewed by the mediator. Mr. Kobasuk will invite Police Chief Synan to attend the meeting Thursday, July 17<sup>th</sup> at 10am at the Municipal Center to give a traffic report. The Newtown CPC will meet Monday, July 14<sup>th</sup> at 6pm at the Newtown Fire House; at which time, Mr. Kobasuk will inform them of the meeting with the mediator.

SR 32 – ODOT Signs (Reported by Chief Synan)

Lt. McBreen spent about two weeks measuring the signs on SR 32 and working on a plan for ODOT to approve. A second plan was submitted meeting specific requirements and was approved by ODOT. A rough estimate to replace the signs is under \$2,000 to replace the signs according to ODOT's specifications. The amount of signs will be decreased.

Ordinance, Second Reading Placing Short Park / MVCA Issue on Ballot

Mr. Kobasuk explained his logic for the ordinance with the following reasons: 1) He believes the park should be decided by the vote of the people by placing the ordinance on the ballot. 2) Ohio law has safeguards built into where property cannot be leased without a two-thirds vote of Council. (State Statute 721.03) Although this is not technically a lease. Mr. Kobasuk doesn't believe the decision should be made on a 3-3 vote with the mayor breaking the tie, as it is not a good precedent. 3) Mr. Kobasuk said it is the process. The citizen's petition could delay the process by a number of months. If Council takes the initiative and places the issue on the ballot, there will be a final resolution in November. If Council does not, the citizens can place it on the ballot if they obtain enough signatures.

Mr. Short said he feels it is a huge decision for a six-member Council to make for a twenty-five year period.

Mr. Harten said he doesn't believe the lease analogy is appropriate in any way. He said he is probably the one guilty of referring to it as a "lease" because it is the easiest concept for people to understand, rather than talking about a joint venture. The park issue has never been constructed as a lease, based on the advice of Solicitor Miller.

Mr. Tiettmeyer said speaking of technicalities; the motion refers to the agreement as a "stadium." Clear discussion did take place regarding this but this is not a stadium. People hear the word "stadium" and think we are putting something like Paul Brown stadium in their back yard. Mr. Tiettmeyer said we are trying to put in a "football field" for a high school. He suggested Mr. Kobasuk's motion be changed to reflect that it is a "football field" with bleachers. Mr. Kobasuk asked Mr. Tiettmeyer if he would vote for his ordinance if he changed it to say "football/athletic field." Mr. Tiettmeyer said he would think about it. Solicitor Miller said minimal changes are allowed between readings. Mr. Kobasuk asked Solicitor Miller to make the change to the final reading of the ordinance for the next meeting.

Mayor Cosby said he, Mrs. McConnell and Mr. Harten went door-to-door in different areas of the village talking to residents about the issue. About forty-four residents signed an Opinion Poll in favor of the proposed athletic campus and the majority believed this decision should be made by Village Council and not placed on the ballot.

Mrs. McConnell said when Mr. Baker, MVCA went back to talk to those residents that were originally opposed, 50% (7 of 14 people) contacted changed their minds and signed to that effect that they were now in favor of the proposed athletic campus. Mrs. McConnell said she believed the misinformation that was originally out there caused a lot of turmoil and anxiety about what was going to happen. Mrs. McConnell acknowledged change is hard and said Council understands that there are concerns. Planning and Zoning will control concerns such as lights, noise and traffic.

**Mr. Kobasuk made a motion to have a Second Reading on AN ORDINANCE DETERMINING TO SUBMIT A QUESTION TO THE ELECTORS OF THE VILLAGE OF NEWTOWN AT THE NOVEMBER 4, 2014 GENERAL ELECTION, DIRECTING THE FISCAL OFFICER TO FILE A COPY OF THIS ORDINANCE WITH THE HAMILTON COUNTY BOARD OF ELECTIONS AND ORDERING THE HAMILTON COUNTY BOARD OF ELECTIONS TO PLACE THE ISSUE ON THE BALLOT.**

Solicitor Miller will make the above change to the ordinance prior to the third reading.

Resident Jim Madden spoke to Council telling them the public elect them to make decisions. He said, Council understands the financial impact better than the general public. The community is not informed enough to vote on an issue not knowing and understanding the impact it would have on the Village should we lose Miami Valley Christian Academy. Mr. Madden said while he has a lot of faith in Village Council, the Council should not shuck the responsibility of making the final decision. He said it is his opinion that this issue should not be placed on the ballot.

#### Checklist

**Mr. Tiettmeyer made a motion to approve the 7.08.2014 Checklist for \$140,120.24, seconded by Mr. Short.**

#### Discussion

At the 5.27.2014 Council meeting, Mike Thompson, LMFR presented Council with a \$3,548 quote from Quality Hydrant to replace the fire hydrant on Debolt Road. Village Council approved \$2,280.90 at the 6.10.2014 Council meeting to cover the underground repairs. At that time, Council thought LMFR would be responsible for the above ground repairs per the agreement in place with LMFR. Ms. Everett was told by a LMFR representative that this damage predated the Village joining the fire district; therefore, LMFR would not be responsible for the above ground repair. Check #12850 will be placed on hold until Ms. Everett looks further into it with LMFR.

**All Aye. Motion Carried.**

#### Resolution, Final Reading of 2015 Tax Budget

**Mr. Tiettmeyer made a motion to have a Third and Final Reading RESOLUTION NO. 20-2014 A RESOLUTION ADOPTING THE 2015 TAX BUDGET FOR THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

#### Ordinance, Final Reading Amending Income Tax Code

The Village of Newtown has adopted an income tax code that, among other provisions, provides for a credit, not exceeding the amount due the Village of Newtown, against the municipal income tax for taxes paid to another municipality.

**Mr. Tiettmeyer made a motion to have a Third and Final Reading of ORDINANCE NO. 07-2014 AN ORDINANCE AMENDING INCOME TAX CODE OF THE VILLAGE TO PROVIDE FOR ADDITIONAL CREDITS FOR LOCAL TAXES PAID AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

#### Resolution, Approving New Expenditure Line

This is for a new Expenditure Line in the TIF Fund, an increase in appropriations and reconcile the budget and amend the appropriations for the calendar year 2014. *This TIF is on Meridian Bioscience.*

**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. 21-2014 A RESOLUTION APPROVING A NEW EXPENDITURE LINE, AN INCREASE IN APPROPRIATIONS AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2014, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

#### Discussion

This resolution is for the TIF Fund payment of \$6,500 to Forest Hills School District.

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

Ordinance, Hydro Systems TIF

December 13, 2011, Village Council passed a resolution consenting to the execution of an Enterprise Zone Agreement between Hydro Systems Company and the Board of County Commissioners. Subsequent to approval, Village Council established a tax increment financing plan for the Real Property. The tax increment financing plan was approved by the Ohio Department of Taxation on February 28, 2014.

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE 08-2014 AN ORDINANCE SUBORDINATING THE HYDRO SYSTEMS TAX INCREMENT FINANCING APPROVAL TO THE COMMUNITY REINVESTMENT AREA PLAN FOR THE SAME PARCEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Solicitor Miller explained: Both the Enterprise Zone Agreement and the Tax Increment Financing (TIF) are tax exemptions. Therefore, there are two tax exemptions on the same property and taxes are not supposed to be paid on the EZA. On the TIF, taxes are paid which are service payments, in lieu of taxes and those come to the Village of Newtown. By statute, HCDC's EZA comes before the Village's TIF agreement for their 50%. This Ordinance recognizes the statutory scheme that their tax exemption comes ahead of the TIF.

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

NOR COM – Council Chamber Sound Quality (Reported by Curt Tiettmeyer)

The new goose-neck microphones will be installed in the next few weeks.

Council Minutes

**Mr. Zornes made a motion to approve the 6.24.2014 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

Ordinance, Final Reading, Governmental Electric Aggregation

**Mr. Zornes made a motion to have a Third and Final Reading of ORDINANCE 09-2014 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRIC VILLAGE AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Ordinance, Final Reading, Governmental Natural Gas Aggregation

**Mr. Zornes made a motion to have a Third and Final Reading of ORDINANCE NO. 10-2014 AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS VILLAGE AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Edith, Jefferson, Pine Resident Meeting (Reported by Chuck Short)

Mr. Short will meet on the 11th with Bruce Brandstetter and Dave Lorei regarding Edith, Jefferson, Pine and the Ragland Road Drainage projects.

Maintenance Department Update (Reported by Ron Dickerson)

Repairs to both dump trucks were done in-house. The purchase of the flail mower tractor has come in handy thus far. Mr. Dickerson thanked Son Rise Church for their community involvement in helping to upgrade the basketball court at Short Park. He also thanked John Butcher with Madison Tree Service for recently treating an Ash tree at Moundview Park and one at Short Park free of charge.

Martin Marietta Issue (Reported by Solicitor Miller)

Solicitor Miller talked about Martin Marietta's brief he recently emailed to Village Council. This was a response to our original brief; a reply will be filed with co-counsel.

Executive Session

**Mr. Tiettmeyer made a motion to adjourn and enter into Executive Session at 8:15pm to discuss dismissal, demotion, compensation of a public employee for investigation of charges or complaints against a public employee. Mr. Kobasuk seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

The Council meeting reconvened at 9pm. There will be no action taken at this time, as a result of the Executive Session.

Mr. Kobasuk made a motion to adjourn, seconded by Mr. Harten. Motion Carried.

Transcribed by Becky Fairley