

The September 9, 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.

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

Lake Barber – Bridge

Mayor Cosby talked with Ben Brandstetter today regarding the bridge for Lake Barber. The engineering work has been completed by BCI. At this point, there is no confirmation that a bridge has been ordered and paid for.

Round Bottom Road Storm Pipe Failure

Mayor Cosby said Ben Brandstetter was told by MSD they would not participate in the cost to repair or replace the pipes across from Hydro Systems. Ben has been unsuccessful reaching Gail Roma, owner/operator of One Shot/Liberty Station. MSD believes there is some responsibility with One Shot with their equipment going in and out during construction. Mayor Cosby will attempt to connect with Ms. Roma. Mr. Short talked about a preliminary estimate of \$18,000 he obtained from Dave to repair the collapsed pipe. This estimate is to dig up the pipe and replace the one section. It was suggested the Village would tax One Shot accordingly. Mayor Cosby said something will need to be done due to Round Bottom flooding during a heavy rain. Mr. Short will receive a more definite number from Ben on Friday.

Resolution, Contract w/Human Nature, Inc.

This contract is for planning services for the Lake Barber property.

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

Mr. Harten made a motion to adopt RESOLUTION NO. 23-2014 A RESOLUTION APPROVING A CONTRACT WITH HUMAN NATURE, INC. FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion.

Discussion

Mr. Harten explained this consultant will help with the planning of Lake Barber. This contract will be for work to be done in Phase I; amount not to exceed \$12,000. Nature Works would like to begin soon to get to and include a first public meeting of high level options and gathering input. Estimate time complete this phase is three to six months.

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

Ordinance, Door-to-Door Solicitation

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

Mr. Harten made a motion to adopt ORDINANCE NO. 12-2014 AN ORDINANCE REGULATING DOOR-TO-DOOR SOLICITATION. Mr. Tiettmeyer seconded the motion.

Discussion

This Ordinance includes both "Door-to-Door" and "Transient Vendor" applications. In the past, the Village operated off of two separate ordinances. The "Commercial Solicitors" applies to "Transient Vendor" application/permit. Solicitor Miller said the "Non-Commercial Solicitors" cannot be regulated. This "Door-to-Door" Ordinance may not exceed a period of three months; whereas, the past ordinance was for a six-month period.

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

MVCA / Short Park Update (Reported by Mr. Harten)

Mr. Kobasuk told Solicitor Miller to make sure the Indemnification section is clear that MVCA will be responsible if any environmental damage is uncovered or caused during the construction of the athletic campus. The Village of Newtown is not to be out any funds for any environmental issues. Mr. Harten asked Solicitor Miller to remove unnecessary restrictions regarding grades from Sections 3.2 and 14.1 ii. Mr. Harten asked if Section 4.8 requires MVCA to follow Newtown's requirements and go through the public bidding process for construction. Solicitor Miller said MVCA would be required to go through the public bidding process, as it is an agreement with Newtown. Solicitor Miller will add the existing public restrooms. Mr. Kobasuk said Section 5.5 should spell out that the Governing Board would include two members of Council and the Mayor so all three members are

subject to election by the voters. The two members of Council would be appointed to the Board by Village Council. Mr. Kobasuk said Section 5.2 gives MVCA first priority to schedule facilities 1 and 2; he asked if "during the school year" should be added. This would give the Village flexibility when a MVCA school event is not taking place. Mr. Tiettmeyer agreed it should be specific to school events. Solicitor Miller will change it where MVCA has no priority in scheduling when a school event is not taking place. For example, MVCA would not have first priority for a concert/art fair in July; the Governing Board would make the decision. Mr. Kobasuk is trying to protect the Village regarding legal fees and cap the amount at \$10,000 to negotiate and construct the Joint Venture Agreement between now and construction. Solicitor Miller said over a five-year period, the fees could very well reach or exceed \$10,000. Mr. Kobasuk feels it would be fairer to have the donation amount greater than \$50,000, as this number seems light over a five-year period. While Mr. Tiettmeyer agrees the "rent" amount is nominal, there are several things that bring value to the agreement: 1) MVCA is will be taking full responsibility for the maintenance of the park, which is a tremendous savings and 2) the fact they are improving the ground for all citizens to use. Mayor Cosby said, let's not lose sight that MVCA is a community partner investing a lot of money in the park, which is an upgrade to the citizens. In terms of mowing and tending to the fields, the cost avoidance is a large number. Mr. Tiettmeyer said it came out to over a quarter of a million dollars over twenty-five years. Solicitor Miller asked for clarification on MVCA: 1) paving the lower lot, 2) moving the basketball court and 3) moving the shelter.

Ordinance, Rules and Regulations in Village Parks

The Parks Committee has suggested new fees and regulations for the use of Village parks. The Rules and Regulations were last updated in 2011.

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

Mrs. McConnell made a motion to adopt ORDINANCE NO. 13-2014 AN ORDINANCE APPROVING AND ESTABLISHING RULES AND REGULATIONS IN THE VILLAGE PARKS. Mr. Zornes seconded the motion.

Discussion

Mr. Tiettmeyer asked about the implementation date. Mrs. McConnell said once the fees are approved by Council, the new fees will be implemented. Reservations that have already been made will be grandfathered in at the old rate. Solicitor Miller said the additional set of Park Rules, adopted in 2009 will remain in effect. These are general rules that deal with such things as motorbikes in the park, shooting weapons in the park. Once Lake Barber is up and running, Mrs. McConnell suggested to Solicitor Miller combining these two sets of rules. Solicitor Miller suggested shrinking the documents to fit on a couple of pages since the general rules are currently seven pages.

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

Moundview – Exterior Stairs (Reported by Cheryl McConnell)

The stairs have been completed and Building Commissioner Mike Spry approved the final inspection this afternoon. The final check for payment can be released to All Decked Out. The stairs should be stained soon; bids are being obtained.

Fire Department Demonstration Day – Fire Ops 101 (Reported by Mr. Kobasuk)

The LMFD Fire Board, Newtown Mayor and Village Council are invited to the Fire Department Demonstration Day, Saturday, October 25. The program will begin around 8 or 9am, ending at 2 or 3pm. Lunch will be provided. This will be an opportunity to witness various emergency situations and check out the firefighting apparatus and techniques. Mr. Thompson said the program is designed at the international level for locals to communicate more effectively. Representative Mike Thompson needs a head count for those interested in attending.

Checklist (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer made a motion to approve the 9.9.2014 Council Checklist for \$75,497.32. Mr. Harten seconded the motion. All Aye. Motion Carried.

Municipal Income Tax Collections (Reported by Curt Tiettmeyer)

The Village continues to be on a record-pace for this year. The amount collected through August is the highest ever. Mr. Tiettmeyer thanked the local employers for holding up the Village.

Council Minutes (Reported by Daryl Zornes)

Mr. Zornes made a motion to approve the 8.26.2014 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

Maintenance Department Open Positions: (Reported by Mr. Short)

Part-time employee Joe Rutter resigned yesterday; Fulltime employee Tony Baxter will be retiring November 1, 2014. Mr. Short read Mr. Baxter's letter informing the Village of his retirement. Street Maintenance Supervisor Ron Dickerson is also resigning; 9.10.2014 is his last day. Mr. Short read Ron Dickerson's resignation letter. Two positions will be advertised: 1) Street Maintenance Supervisor and 2) Full-time Maintenance Technician, replacing Ryan Meckstroth.

Mr. Kobasuk asked the date of Mr. Dickerson's resignation letter. Mayor Cosby said the letter is dated Wednesday, August 27, 2014, the day after the 8.26.2014 Council Meeting. Mr. Tiettmeyer asked why Council didn't find out about this until last week when Mr. Dickerson resigned one week earlier. Mr. Short said he notified Keri right away. Mr. Tiettmeyer said he found out when Joe Harten called him Tuesday, September 2, 2014. Mr. Kobasuk said he put two and two together when Joe called him Tuesday, September 2nd, after the Mayor had met with Joe. Mayor Cosby said he received a copy of Mr. Dickerson's resignation letter Wednesday, August 27, 2014. Mr. Tiettmeyer asked Mayor Cosby why it took a week to notify Council that this significant position in the Village was being vacated. Mayor Cosby said there is no excuse but he was caught up in a job last week. Mr. Tiettmeyer said it is disappointing that a week went by without informing Council sooner.

Mr. Short is actively searching landscape companies to assist with grass cutting and possibly snow removal. The maintenance of the village is a large issue with residents. Mr. Kobasuk asked if the entire Council should be engaged in planning. He said this is the perfect storm with everyone leaving. In an effort to not overwhelm Tony, since he is currently working solo, Mr. Short asked if everyone would call him with requests. Mr. Kobasuk suggested hiring a temporary service to bridge the gap to maintain the village. He said it's an obligation to keep the roads clear and the weeds and grass cut. Mr. Harten said this may be a good opportunity to make a change and share resources with other municipalities. Solicitor Miller suggested contacting the State Department of Rehabilitation. Mr. Tiettmeyer agreed with Mr. Harten to meet the immediate temporary need. Mayor Cosby said work at the cemetery may require some type of bond to cover damage to grave markers. Mr. Tiettmeyer will reach out to the City of Milford; they outsourced services for their cemetery and cut their expenses in half.

Mrs. McConnell asked which committee will review the resumes for the open positions. Mr. Short said in the past, he and Mayor Cosby interviewed the applicants and brought the selections back to Council. Mayor Cosby thought the entire Council could be involved during the Work Session. Mrs. McConnell agreed. Mrs. McConnell and Mr. Zornes will join Mr. Short and Mayor Cosby in reviewing resumes. Mr. Tiettmeyer said there should be additional interviews prior to Council meeting the applicant. Mrs. McConnell asked who would evaluate the needs for maintenance long-term. Mayor Cosby said Council could bring their points to the table. Mr. Short said Mariemont uses seasonal people to weed and mow.

Project Updates (Reported by Chuck Short)

- Water Works completed repair work in front of the Motz Building
- Railroad is schedule to repair the tracks on Church Street this month
- Ivy Hills curb repair should be completed by Rack Seven by the end of September
- The Village was awarded \$75,000 for the Storm Water Project, Edith/Jefferson/Pine Reconstruction and Ragland Road Drainage Project. The check will be received once the project is completed. The Storm Water grant is one of hopefully many grants. We should find out if the other grants will be awarded to the Village by the end of the year.

Cemetery Damage from Vehicle Accident (Reported by Chuck Short)

Fencing and one of the brick columns were recently damaged due to a vehicle accident. The person that ran into the fence and column has insurance; therefore, the damage will be covered under his insurance. An estimate from EME Fence to repair the fence is \$848. Mr. Short is will present bids from two cement masons to rebuild the brick columns. The Village pays up front and will be reimbursed by the person's insurance company. A copy of the accident report is submitted to their insurance company.

Maintenance Truck Damage (Reported by Chuck Short)

One of the dump trucks was backed into the new pick-up truck by one of the employees. Mt. Washington Motors said they could repair the truck Monday, 9.15.2014 for \$2,483.04. The snow package is due to be placed on the new pick-up truck also next week; therefore, it's important to repair the truck so the installation of the snow package will not be delayed.

Lake Barber (Reported by Chuck Short)

The walking path has been cleared – Mr. Short invited Council to take a look. Hamilton County Soil and Water will be out next week to test the water at Lake Barber.

Martin Marietta Issue (Reported by Solicitor Miller)

The Oral Argument will be heard September 11th at 10am in the Court of Common Pleas.

Mr. Kobasuk made a motion to adjourn at 8:10pm, seconded by Mr. Zornes. All Aye. Motion Carried.

Transcribed by Becky Fairley