

The September 22, 2015 meeting of the Newtown Village Council was called to order at 6:00 p.m. Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

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

ZONING PUBLIC HEARING – Church Street and Center Street

On June 10, 2015 and July 30, 2015, the Village of Newtown Planning Commission held a public hearing to consider the application of Little Miami Investment Corporation (the “Applicant”) for a proposed amendment to the zoning map of the Village of Newtown. Application includes the real property located at 3627 Church Street. Planning Commission also considered the zoning on the properties located at the entrance to Short Park, 3623 Church Street, 3625 Church Street, 6834 Center Street and 6838 Center Street which are adjacent to and across the street from the parcels set forth in the application.

Mr. John Russell, Planning Chair and Building and Zoning Commissioner Mike Spry talked about the zone change. At this time, there was no opposition to the zone change.

MVCA Agreement: PUBLIC SIGNING OF AGREEMENT W/MIAMI VALLEY CHRISTIAN ACADEMY took place at 6:30pm

Council proceeded with the regularly-scheduled Council Meeting.

Lake Barber (Reported by Joe Harten)

Several versions of the ordinance establishing rules and regulations for Lake Barber were presented to Council. Once Council determines whether the lake will be private or public, the appropriate set of rules will be adopted tonight.

Ordinance Restricting Access to Lake Barber

Mr. Kobasuk talked about the reasons he will make a motion to restrict Lake Barber to Village residents and non-residents working in the Village of Newtown. The Village currently doesn’t have the facilities for a public park and feels it would be a nice benefit to the residents. Council can always revisit the private vs. non-private issue.

Mr. Kobasuk made a motion that Lake Barber and its grounds shall be restricted to use by Village of Newtown residents, and non-residents who are employed in the Village of Newtown, and their invited guests. Mr. Short seconded the motion.

Discussion

Mr. Harten said he feels this is ill-timed and an unnecessary restriction that the Village is not in a position to enforce. He believes this will become difficult for the administrative staff to manage and delays the inevitable opening to the public for the park and access to necessary funds for park improvements.

Mr. Tiettmeyer agrees that it may very well be inevitable, but feels Council owes it to the residents to start the lake out private for their enjoyment, as a resident or a non-resident employed in the Village. It also gives Council the opportunity to take the time to implement proper procedures over the next year.

Mrs. McConnell reiterated her reasons why she believes Lake Barber should be open to the public. She also agrees keeping the lake private will be very cumbersome to the administrative staff. Mrs. McConnell said having the lake private will make the Village ineligible for any kind of public funding grant money. Replacing the 1.4 mile walking path is estimated to cost around \$100,000. Mrs. McConnell said she doesn’t like the image it presents to our neighbors, surrounding communities and business owners. She believes a private park sends a message that others are not welcome to our Village and feels this would be an unfortunate decision.

Mr. Kobasuk said he has spoken to a number of Village residents and they support having Lake Barber restricted to them. Mr. Kobasuk said he stands with the residents and thinks Council should make it restricted to Village residents and non-residents working in the Village of Newtown.

Mr. Tiettmeyer said one point of clarification on the funding, Mrs. McConnell is correct from a government perspective of asking for any grants. However, we have already applied for a grant from Duke Energy that would assist with the removal of the old bridge and make necessary repairs to the walking path.

Vote to above motion

Roll Call: Mr. Harten-No, Mrs. McConnell-No, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.

Ordinance, Rules and Regulations for Lake Barber

Mr. Harten made a motion to have the Third and Final Reading adopting ORDINANCE NO. 13-2015 AN ORDINANCE APPROVING AND ESTABLISHING RULES AND REGULATIONS FOR LAKE BARBER IN THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. (This version restricts the lake to Village residents, and non-residents employed in the Village of Newtown.) 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.

Ordinance Increasing Pay Rate for Newly Appointed Cemetery Sexton

This ordinance was written appointing Charles Morgan as the Cemetery Sexton. However, the Cemetery Sexton position will remain part of the Street Commissioner's title. John Knuf will be the Street Commissioner and Cemetery Sexton. Charles Morgan will not be the Cemetery Sexton.

Ordinance Increasing Rate of Pay for Charles Morgan

Mr. Harten made a motion to adopt ORDINANCE NO. 14-2015 AN ORDINANCE INCREASING THE PAY RATE FOR CHARLES MORGAN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion: Sections 1-4 will be revised to read:

Section 1. Effective October 1, 2015, the hourly rate of pay for Charles Morgan is hereby increased to \$19.20 from the previous rate of pay of \$16.75.

Section 2. Will be deleted in its entirety since Charles Morgan will not be the Cemetery Sexton.

Section 4. The reason for the emergency is to provide for the immediate increase in the hourly rate of pay for Charles Morgan.

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

Ordinance, Approving a Zone Change (First Reading)

Mrs. McConnell made a motion to have a First Reading of AN ORDINANCE APPROVING A ZONE CHANGE FOR PROPERTIES ON CHURCH AND CENTER STREET IN THE VILLAGE OF NEWTOWN. Mr. Harten seconded the motion.

Mrs. McConnell made a motion to have the Second Reading at the 10.13.2015 Council Meeting. Mr. Harten seconded the motion. All Aye. Motion Carried.

Newtown Business Association - Economic Development Committee (Reported by Cheryl McConnell)

The Economic Development Committee met again 9.15.2015. They are continuing their work on the development of a Welcome Packet for new businesses coming into the Village. Joe Motz is heading this committee. Building and Zoning Commissioner Mike is creating a "frequently asked questions" section for people coming into the Village. Mike is also working on a Gantt flowchart for an expected timeframe for those coming in and having their questions answered.

Planning Commission (Reported by Cheryl McConnell)

The Newtown Planning Commission will meet Tuesday, October 6th at 7pm.

LMFR Fire Board Meeting Update (Reported by Curt Tiettmeyer)

In Mr. Kobasuk's absence, Mr. Tiettmeyer attended the September 16th Fire Board meeting. A consulting firm was selected to evaluate the operations.

Checklist

Mr. Tiettmeyer made a motion to approve the 9.22.2015 Checklist for \$146,706.36. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Donohoo, Cupp and Associates

Mr. Tiettmeyer made a motion to approve an amount not to exceed \$5,000 for Donohoo, Cupp and Associates to provide an Annual Cost Analysis and Budget Comparison Report for the proposed provision of fire services. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Police Department Renovation (Reported by Curt Tiettmeyer)

Due to plumbing issues, the project will not be back on schedule. The building will not be 100% complete until March 2016. The majority of the work will be done in two phases. Phase I should be completed in November and that includes the front half of the building on the first floor and the basement. Phase II will go into 2016 and involves the chief's office and the meeting room, which are in the rear of the building.

Resolution, Change Order No. 5 w/John P. Tumlin & Sons Ltd.

The amount of this change order is \$1,320 and is for faucets, relocate domestic water line, delete 1" backflow preventer and furnish and install 3" backwater valve on sanitary sewer elevation being lower than the top of the closest sanitary sewer manhole cover, as directed by the Plumbing Inspector.

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 36-2015 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH JOHN P. TUMLIN & SONS LTD. DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten 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, Change Order No. 6 w/John P. Tumlin & Sons Ltd.

The amount of this change order is \$2,640 and is to furnish and install plywood floor underlayment in the foyer and training room.

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 37-2015 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH JOHN P. TUMLIN & SONS LTD. DISPENSING WITH THE SECOND AND THIRD READINGS 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.

Storm Water Utility Fee (Reported by Curt Tiettmeyer)

This was discussed at the 7.28.2015 Council Meeting. Brandstetter Carrroll will make a presentation to Council at a later date. The funding model is still being developed and will be explained at a later date.

Resolution, Contract w/Cincinnati Museum Center

The Village of Newtown wishes to approve entering into a loan agreement with the Cincinnati Museum Center for the loan of a partial mammoth tusk. The tusk has been restored and is on display at the Cincinnati Museum Center.

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. 38-2015 A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT WITH THE CINCINNATI MUSEUM CENTER, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten 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.

Council Minutes

Mr. Zornes made a motion to approve the 8.11.2015 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Ordinance, Appointing Street Commissioner/Cemetery Sexton

The start date for John Knuf will is October 1, 2015.

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

Mr. Zornes made a motion to adopt ORDINANCE NO. 15-2015 AN ORDINANCE APPOINTING A STREET COMMISSIONER AND CEMETERY SEXTON IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten 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, Establishing Salary for Maintenance Supervisor / Street Commissioner

John Knuf will serve the Village of Newtown as the Maintenance Supervisor / Street Commissioner and Cemetery Sexton.

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

Mr. Zornes made a motion to adopt ORDINANCE NO. 16-2015 AN ORDINANCE ESTABLISHING THE SALARY FOR THE NEWLY HIRED STREET COMMISSIONER, WAIVING THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. 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.

Vehicle Damage (Reported by Daryl Zornes)

A passing vehicle was damaged by one of our lawn mowers. Damage was \$1100; Mr. Zornes made the suggestion to pay the claim out right, instead of filing a claim with the insurance company. Everyone agreed to pay the claim.

Adleta Construction (Reported by Chuck Short)

The 200' portion of the drainage pipe of the Round Bottom Road project was crushed all the way to Ready Line and has been replaced. Mr. Brandstetter is consulting with MSD regarding the possibility of them causing the problem.

Issue 10 (Proposed Tax Levy) Fire and EMS Services - November 3, 2015 Ballot

Mr. Tiettmeyer asked Solicitor Miller to speak to what is allowed. Solicitor Miller said Village funds are not allowed to be used in support for or against the levy. The Village can distribute factual information. Council members are allowed to say if they support the levy.

Solicitor Miller suggested to Mr. Kobasuk that he prepare a resolution for the 10.13.2015 Council Meeting, expressing Council's intention that there would not be any more money collected from a homeowner than what they are paying now, should the levy pass. Solicitor Miller will prepare the resolution.

Mr. Kobasuk made a motion to adjourn at 7:30PM, seconded by Mr. Short. Motion Carried.

Transcribed by Becky Fairley