

The November 4, 2015 Special Meeting of the Newtown Village Council was called to order at 7:00pm by Mayor Curt Cosby, 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	

Resolution Withdrawing from LMJFR District

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. 45-2015 A RESOLUTION ORDERING THE WITHDRAWAL OF THE VILLAGE OF NEWTOWN, OHIO AS A MEMBER OF THE LITTLE MIAMI JOINT FIRE AND RESCUE DISTRICT, 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.

Resolution Directing County Auditor Levy Tax

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. 46-2015 A RESOLUTION DIRECTING COUNTY AUDITOR TO LEVY A TAX OUTSIDE OF TEN MILL LIMITATIONS AS AUTHORIZED BY A VOTE (5705.25(D)), DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

For clarification, Mr. Kobasuk stated that this will not collect anymore millage than residents currently pay. This millage has been determined at 9.92 mills.

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

Solicitor Miller talked today with Alan Abes, attorney for the LMFD. Mr. Abes asked for a waiver of conflict so he could continue to represent the Fire District. Mr. Abes works for Dinsmore & Shohl, whom the Village has retained in the past for other business. Mr. Kobasuk said Mr. Abes is a good and honorable attorney.

Mr. Kobasuk made a motion to waive the conflict of Alan Abes with Dinsmore & Shohl to represent the Little Miami Joint Fire District, given the law firm's prior representation of the Village of Newtown. This motion authorizes Mayor Cosby to sign a conflict waiver letter. Mr. Harten seconded the motion. All Aye. Motion Carried.

Ordinance, Removal of Noxious Weeds – 6840 School Street

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. 18-2015 AN ORDINANCE PROVIDING FOR THE REMOVAL OF NOXIOUS WEEDS AND LITTER ON THE REAL PROPERTY LOCATED AT 6840 SCHOOL STREET IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion

Solicitor Miller said the way this works is Council makes a finding that there is trash and litter on the property. Mr. Murray is given notice having five days to remove the weeds, fifteen days to remove the litter and then the Village can go in and remove the trash and litter.

OHIO REVISED CODE Section 731.51: Litter includes any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

Sgt. Vontz drove by Mr. Murray's property located at 6840 School Street. From the street, Sgt. Vontz observed a large amount of leaves, hazardous growth and items on the porch such as old furnishings. There are large piles of debris with rusted items on the side of the house.

Mr. Murray said he just wants to remove the remainder of his personal items. Solicitor Miller is working on an agreement that will allow Mr. Murray to remove the remainder of his personal items from the property. In speaking with Mr. Murray's attorney today, he indicated Mr. Murray may just want to divest himself from the property to the Village of Newtown. This would allow the Village to do what needs to be done without any time constraints. If Mr. Murray releases his interest in the property and the bank releases their interest, the Village of Newtown can then demolish the residence at the Village's expense, stated Mr. Kobasuk. This would not be done until Mr. Murray is given time to remove his belongings. Solicitor Miller will do a title search. The timeframe given to Council by Solicitor Miller was by the end of the year. Mr. Tiettmeyer said while Mr. Murray will be provided a reasonable time to remove his belongings, Council cannot allow this to be drawn out for months and months. A schedule for Mr. Murray to remove his belongings in a timely manner is being worked out between Solicitor Miller and Mr. Murray's attorney.

Ordinance No. 18-2015 Roll Call:

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

Mr. Harten made a motion to adjourn at 7:16pm, seconded by Mr. Kobasuk. Motion Carried.