

The August 25, 2009 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.

Councilmember's: Brian Burns Mark Kobasuk
Doug Evans Ken Pulskamp
Tracy Hueber (absent) Daryl Zornes

Mayor: Curt Cosby
Solicitor: Doug Miller
Fiscal Officer: Keri Everett
Police Chief: Tom Synan

Welcome and Picnic-in-the-Park

Mayor Cosby welcomed everyone and spoke to the 1st Annual Picnic-in-the-Park, held at Moundview Park, Sunday, August 23rd. The Village of Newtown Veterans Association sponsored the event. We had a great turnout and much fun was had by all! Mayor Cosby thanked Lynn Burger, Jan Burger Bell, Pauline Murrie, Barbara Broerman and everyone association with the Veterans Association for all of their efforts. We are looking forward to "Picnic-in-the-Park" 2010.

Moundview

Mayor Cosby read an email from a resident:

"Mark and I have lived in Newtown for 20 years now and were always curious about that building (house at Moundview Park). It's going to be a great asset for the village. (they toured the house at the picnic and were very impressed with the renovations.)

Executive Session

Mayor Cosby said we will have an Executive Session this evening for possible property purchase.

Resident Paul Frede: 3457 Drake Street. Mr. Frede asked council to check out the dieing tree in front of his house outside of his sidewalk. Mr. Frede asked who would be responsible for taking the tree down. Mayor Cosby asked Mr. Pulskamp to look into it and have Mike Spry look it up as well.

Mr. Frede spoke to Don Marcum's Pool Care property across from his business on Main Street. He said it has become an eyesore of a junk yard with old trucks and garbage against the fence. The fence is 6' on Main Street and Mr. Frede questioned if this was code to have a 6' fence on Main Street... He asked for this property to be addressed. Ms. Everett said Mr. Weber, Property Maintenance Inspector has been addressing this issue for the past few weeks. Mr. Marcum has promised Mr. Weber that the weeds and junk will be cleaned up in a few weeks. She said the code regarding the fence would need to be addressed. Mr. Frede thanked council and said told them they all were doing a great job!

Cincinnati Water Works Privatizing Our Water

Mayor Cosby asked if a councilmember would like to look into this issue and the ramifications it would be for the village. Mr. Burns said he would be happy to look into it.

Council Minutes

Mr. Zornes made a motion to approve 8-11-2009 council minutes, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Martin Marietta Mining Issue

Mr. Kobasuk came prepared to make a final motion on a Third Reading of a Resolution expressing opposition to the Martin Marietta Mining Project in Anderson Township. Solicitor Miller reminded Mr. Kobasuk a majority of council is required to pass a resolution. Ms. Hueber is absent and voted in favor of opposing the Martin Marietta Mining issue previously; therefore, Mr. Kobasuk tabled the motion was tabled until the 9/8/09 council meeting. Mr. Kobasuk stated he feels it is very important, as a village, to do everything we can to oppose this. Mr. Kobasuk said the overwhelming sentiment of the residents he has spoken with is adamantly opposed to the mine.

Weed Ordinance

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

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 13-2009 AN ORDINANCE PROVIDING FOR AND AUTHORIZING WEED CUTTING, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Police Department Cruisers

Mr. Pulskamp said the following resolutions are dealing with the police cruisers. He said this was discussed a couple of months ago; a letter of intent was done. Mr. Pulskamp said the new cruisers are to be delivered at the end of September. Mayor Cosby said these cruisers were budgeted for this year. Mr. Pulskamp said we will basically get two cars for the price of one. Ms. Everett said it totals \$52,136.98 and we only have \$50,000.00 budgeted. She said we have \$14,000.00 for radars and asked to have a Supplemental Appropriation ready for the next council meeting if council chooses to take the other \$2,136.98 from there. Ms. Everett said the entire

\$52,136.98 has to be in a line appropriated to buy the cruisers. Chief Synan said he thought that was supposed to have been done over a month ago and was already taken care of. Mr. Pulskamp said we can do that since we did get the radars through the grants. Ms. Everett said nobody came to her and asked her to do that for the cars. Chief Synan said he did. Mr. Burns asked if the \$11,000 coming back from Cincinnati State purchasing the cruisers goes back into the line of the \$50,000. Mr. Pulskamp said actually \$23,896 is coming back from Cincinnati State purchasing two of the cruisers. Ms. Everett said the \$11,948 for the two must be deposited into the General Fund and then we transfer it. Ms. Everett said we already appropriated the transfer but it was counting on selling the two cruisers. Mr. Evans asked if the cars were on the three-year plan. Mr. Pulskamp said correct. Chief Synan said deals have been worked out for next year and hopefully we will get a little more. Cincinnati State wanted to buy some of the old equipment; they negotiated they would buy us new equipment and pay for the labor. Chief Synan said the first year the police department did not spend anything on vehicle maintenance; the next year was about \$5,000. He said the only thing spent so far has been routine maintenance such as brakes and tires, which had been planned for.

Purchasing New Police Cruisers

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

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 30-2009 A RESOLUTION AUTHORIZING A CONTRACT WITH GOLLING'S ARENA DODGE FOR POLICE CRUISERS, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mr. Burns asked if Golling's was a state bid, Mr. Pulskamp said yes it is a state bid.

Roll Call for Resolution No. 29-2009

Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Mr. Pulskamp commented this was pushed back from what was originally going to be done. The original cars to be purchased were going to be 2009's and actually now we will be getting the first cars from the 2010 line. He said the cars should be more valuable at the end of the three years because they are a newer model.

Resolution, Police Cruiser Light Bars

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

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 31-2009 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH CAMP SAFETY EQUIPMENT, INC., FOR THE PURCHASE OF POLICE VEHICLE LIGHT BARS AND EQUIPMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Resolution, Police Cruiser Graphics

Mr. Pulskamp said last time the village paid almost \$800 per cruiser for graphics. Chief Synan and Lt. McBreen negotiated \$610.50 for graphics for the two new cruisers.

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

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 32-2009 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH VINYL GRAPHICS FOR THE PURCHASE OF VEHICLE SIGNS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Resolution Declaring Two Cruisers Surplus

This resolution declares the two cruisers being replaced as surplus once the new cruisers are placed into service. These two cruisers will be sold for \$23,896.00 to Cincinnati State.

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

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 14-2009 AN ORDINANCE DECLARING PERSONAL PROPERTY AS SURPLUS, AUTHORIZING ITS DISPOSITION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Police Department Ammunition Supply

The police department needs to replenish the ammunition supply for training purposes. Mr. Pulkamp said \$3,750 is budgeted; \$2,950 worth of ammunition will be purchased to replenish the supply.

Mr. Pulkamp made a motion to approve an amount not to exceed \$2,950 to Matre Arms and Ammunition Supply. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Maintenance Department

Mr. Pulkamp spoke to two trucks that need tires replaced; we will replace one set this month and one set next month. One set of tires will run \$560 and the other will run \$480; we are doing this under state bid, said Mr. Pulkamp. Lt. McBreen obtained pricing from state bid, which was \$200 to \$300 cheaper, said Mr. Pulkamp.

OPWC Resolution

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

Mr. Pulkamp made a motion to adopt RESOLUTION NO. 33-2009 A RESOLUTION APPOINTING CURT COSBY AS AN OFFICIAL REPRESENTATIVE FOR THE STATE CAPITAL IMPROVEMENT PROJECT FUNDING, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulkamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Brandstetter Carroll Inc. Update

1. Round Bottom Road Improvements

- Punch List work includes:
 - Five-section signal head at Valley Drive and Church Street
 - Mill and fill asphalt pavement at 3798 Round Bottom Road. Pavement is heavy in asphalt content.
 - Mill and fill pavement at the intersection of Riverhills and Olentangy Drive
 - Request to Cincinnati Bell to relocate pole at east side of Valley/Round Bottom Road intersection

2. SR 32 and Church Street II

- ELEX Electric P. O. received 7/27/09
- Poles are eight to twelve weeks on delivery

3. Gallenstein, Reserves of Ivy Hills

- Asphalt paving and curb repairs are complete. Punch List prepared on 8/25/09
- Fire hydrant issue remains
- Extended warranty on concrete work

4. OPWC / Issue II Grants

- Resolution passed (# 32-2009 above)
- Due September 18, 2009
- Potential projects include (updated cost estimates):

Drake Avenue Bridge Replacement.....	\$ 218,000
Ragland Road Reconstruction.....	\$ 750,000
Short Park Creek Storm Improvements.....	\$ 215,000
- 2009 Rating Sheet attached

Mr. Brandstetter said last year the village did a 20% match on Drake Street Bridge, 10% on Ragland Road, and 20% on the Storm Drain at Short Park. Drake scored the highest at 76 points, Ragland 47 points and Short Park at 54 points. Mr. Brandstetter said you get more points for the highest priority project. Mr. Brandstetter suggested bumping up the local match to 30 to 40% on Drake Street Bridge to receive funding. He said as long as the village is ready to go to bid by December 2010, we will get as many points as if we have done what was done in the past. Mr. Pulkamp said the Drake Street Bridge is the only bridge in the village rated "poor," and that has been two years ago. He said out of the three projects, Drake Street Bridge is the number one project that needs to be addressed. Mr. Brandstetter said the village will have a good idea by March 2010 of the amount of grant money to be awarded. Mr. Brandstetter said we could go ahead and put the project out for bid in May; bids are good for sixty days. Mr. Brandstetter explained the points: 10% match = 0 pts; 20% match=2pts; 30% match=4pts; 49.99% match=8 pts; 50% or higher match=10 pts. Mr. Brandstetter said 30-40% match would probably get the necessary grant money for the project. Mr. Brandstetter suggested that Meridian write a letter stating they would like to use the bridge as access to their property. Mr. Brandstetter said it would be best to delete one project; applying for three projects is one too many. He and Mayor Cosby talked earlier and said it would be better to delete the Short Park project. Mayor Cosby said we have done some clean out and improvement down there already.

Project Ranking (Council ranked)

- No. 1 Drake Street Bridge with 40% matching
- No. 2 Ragland Road Reconstruction with 20% matching

Mr. Brandstetter said the village will not receive a bill on the project until August or September 2010.

Mayor Cosby said we do need to start putting money away for some of the side streets we will never get matches for, i.e., Edith, Jefferson and Pine. He said to keep these two at projects for 2010, hoping that one gets funded and then at that point we would be able to put some money away for some of the side streets. Mr. Evans suggested keeping in mind grants for the parks.

Mr. Pulskamp made a motion to apply for the OPWC Issue II grants for Drake Street Bridge Replacement as the No. 1 project with the village matching 40%. And Ragland Road as the No. 2 project with the village matching 20%. Mr. Evans seconded the motion. All Aye. (Ms. Hueber-Absent) Motion Carried.

Brandstetter Carroll Inc. Update (continued)

5. Miscellaneous

- Improve signal timing at SR 32/Round Bottom Road/Valley Drive.
- ODNR NatureWorks/Short Park Restroom
 - Per grant agreement, project shall be completed by June 30, 2010

Discussion

No. 1 Round Bottom Improvements (above): Mr. Evans commented on a good size hole when coming from Valley to Round Bottom. Mr. Evans said this wasn't in the paving; it just came up but is close to the paving that was done. Mr. Pulskamp said that is a temporary patch; MSD was out doing work in that area. Mr. Evans asked to have Barrett do it right when done and make it smooth.

Ms. Everett told Mr. Brandstetter she needs a resolution for a final change order for Round Bottom Road. Mr. Brandstetter said they are at or under budget and want to close everything out. Ms. Everett said she is paying bills on their final amount that council has not approved. He said we would have approved it up to the grant amount. Ms. Everett said we need to get the final change order approved so we are paying the bill on that. Mr. Brandstetter said he will take care of it.

No. 5 Miscellaneous (above) Mr. Brandstetter spoke to the ODNR NatureWorks/Short Park Restroom. He said if the village is going to do the restroom we need to spend the budget of \$32,010. Mr. Brandstetter said to let ODNR know if we do not plan on doing the restroom so they can spend the funds on someone else. Mayor Cosby suggested waiting until the end of the year to see what the appropriations look like for 2010.

8-25-2009 Checklist

Mr. Evans made a motion to approve Checklist dated 8/25/2009 for \$41,789.42. Mr. Zornes seconded the motion. All Aye. (Ms. Hueber-Absent) Motion Carried.

Finance Meeting 8-18-09

The Finance Committee met Tuesday, August 18, 2009. Mr. Evans said the meeting went well. As far as our revenue declining, the village is not in as bad of shape as other villages, Mr. Evans said. Mr. Evans said R.I.T.A. is getting people that have not paid in the past and Ms. Everett is doing a good job. Mr. Kobasuk asked at what percentage we are ahead. Ms. Everett said she budgeted \$1.6 million, the amount of revenue the village would bring in. Mr. Pulskamp said that is total revenues, miscellaneous taxes, etc., not just income tax. Ms. Everett said we are at 55.11% as of June, which makes us up 5% based on what she budgeted the village would bring in. Ms. Everett said people have asked how we are doing mid-June 2009 to mid-June 2008. June 2008 we had \$958,060.31; June 2009 we had \$895,050.56, which is down; however, in 2008 we had already sold police cruisers for \$13,000 and we haven't sold them yet for 2009. That is why Ms. Everett said she doesn't care to compare to 2008 with the different circumstances. Ms. Everett said she is more concerned because she budgeted the village would get \$1.6 million and based our appropriations on that budget and that is why we need to keep an eye on. We don't want to go under what was estimated, Ms. Everett said. She said we need to make sure we get the revenue estimated and budgeted for and that the expenses stay down lower than appropriated. Mr. Kobasuk what the number for the Newtown Tax Revenue is for 2009 compared to 2008. Ms. Everett said it is running ahead working on June 30, 2009 numbers. In 2008, we had brought in \$649,155.56. This year we are at \$675,649.27. The Municipal Income Tax was up \$25,000 for the half year. Ms. Everett said if our revenue falls right around \$200,000 less than what was budgeted and expenses even, she would then come to council with cuts. Mr. Evans said the departments are doing a good job of watching expenses. Mayor Cosby said at mid-point we were below 50% of expenditures.

Picnic-in-the-Park: Mr. Burns spoke to the success of the Picnic-in-the-Park. He said it was a very positive event and looks forward to doing it next year.

Weed Ordinance Revision: Solicitor Miller said Mr. Weber and Ms. Everett have been working on revising the weed ordinance and he has put it in final form. It is complete and Mr. Miller will send it out. Mayor Cosby said he and Mr. Weber have talked about including a penalty fee. Mr. Pulskamp said he and Mayor Cosby have also discussed this and they want to incorporate it into the ordinance. He said most people receiving notifications of violating the weed ordinance are repeat offenders. Solicitor Miller said we would have to issue a criminal charge to the repeat offenders also. Solicitor Miller said as far as cutting the grass/weeds, we are only allowed to

charge the amount charged to cut it. Solicitor Miller asked to see the penalty fees being considered as soon as possible to allow him time to incorporate them into the revised ordinance.

Executive Session/Property Purchase

Mr. Pulskamp made a motion to enter into Executive Session at 7:47 p.m. to discuss property purchase. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Ms. Hueber-Absent) Motion Carried.

Mayor Cosby reconvened council at 8:02 p.m.; action to be taken as a result of Executive Session.

Mr. Pulskamp made a motion to authorize Mayor Cosby and Fiscal Officer Everett to cut a check to Solicitor Miller for possible property acquisition, amount not to exceed \$60,000. The \$60,000 will come out of the Property Purchase line. Mr. Zornes seconded the motion. All Aye. (Ms. Hueber-Absent) Motion Carried.

Mr. Pulskamp made a motion to adjourn at 8:03 p.m., seconded by Mr. Evans.

Transcribed by: Becky Fairley