

## Call to Order/Pledge of Allegiance/Attendance

The January 22, 2019 meeting of the Newtown Village Council was called to order at 6:30 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

**Council Members:** Curt Tiettmeyer (Vice Mayor)  
Daryl Zornes  
Chuck Short

Terry Fairley  
Don Carroll  
Sarah Williams

Solicitor: Emily Supinger  
Fiscal Officer: Keri Everett  
Assistant to Mayor: Becky Fairley

## APPROVAL OF COUNCIL MINUTES:

**Mr. Short made a motion to approve the 01.08.2018 Council Minutes, motion seconded by Mr. Zornes. All Aye. Motion Carried.**

## Police Department – Part-time Police Officer

**Mr. Short made a motion to hire Randall J. Bryant, as part-time police officer to serve the Village of Newtown. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

Mayor Kobasuk administered the Oath of Office, swearing-in Randall J. Bryant to serve the Village of Newtown as a part-time police officer. Everyone congratulated and welcomed Mr. Bryant.

## SPECIAL PRESENTATIONS

BCI – Project Status Update (Engineer Bruce Brandstetter reported the below:)

### **1. Ragland Road Culvert (17053)**

- Easement Status
  - Update on Yeager easement.

### **2. 2018 Street Program (18081)**

- Punch list work to be addressed in the Spring of 2019. Including paving on Crull and puddle at Plum and Leonard.

### **3. SR 32 East Storm (17042)**

- BCI has coordinated a schedule with OPWC. BCI to advertise by March to allow for priority to be finalizing Ragland Rd storm.

### **4. ODOT SR 32 Safety Grant**

- BCI coordinating with ODOT on Stage 1.

### **5. Burger Farm**

- Meeting held on 11/13/18.

### **6. Sidewalk Inspection, Riverhills Subdivision (18085)**

- Schedule
  - Questions are being answered as they come, remarking is needed.
  - BCI will remark sidewalk, schedule depends upon weather conditions.
  - Property Owner has until 5/30/19 to complete work on their property.
  - Check for completion of defective sections in Spring.

### **7. Plan Reviews/Meetings**

- MVCA entrance, School Street at Church Street. MVCA will do “informal” traffic counts. May request a traffic signal.
- The Motz Company, meeting on 1/18/19.
- Barrett Company drive entrance opposite Ivy Hills Place.
- Cincinnati Bell Fiber Optics plan review.

### **8. 2019 Projects**

- BCI and Terry Fairley met on 1/9/19 with follow up meeting scheduled for 1/22/19.
- 2019 project work summarized for 1/22/19 meeting to include paving program, crack sealing, curb ramps/crosswalks, miscellaneous storm and wall lagging replacement on Little Dry Run.

Rumpke Representative Mr. Gleason, Rumpke asked Mayor and Council if they would consider changing the day of the week for garbage pick-up. Mayor and Council said they would take it under advisement, but feels changing the pick-up day would not be in the best interest of Newtown residents/business owners. Rumpke lost Batavia Township's business; hence, the reason for the inquiry.

Citizen Participation (Two-minute limit for each speaker) (Read by Mayor Kobasuk)

We have reached that point in our meeting where a citizen may express an opinion, make a statement, address a concern, or ask a question on any subject that is not otherwise on the agenda. This will allow the statement to be entered into the official meeting record. This portion of the meeting is not for Council to provide responses to citizen comments. If you have a concern or request information, please be sure to leave your contact information with the staff before you leave the meeting. A member of the staff will contact you regarding your request. Please state your name and where you live when addressing Council. Is there anyone present that would like to bring an item, not otherwise on the agenda, before Council? *No Participants.*

## MAYOR / COUNCIL REPORTS

Vice Mayor 2019 (The O.R.C. requires one statutory vice-mayor that needs to be determined in January of each year.)

**Mr. Short made a motion to appoint Mr. Tiettmeyer as Vice Mayor for 2019; Mr. Carroll seconded the motion. All Aye. Motion Carried.**

SR 32 Speed Limit Change (Report by Mr. Carroll)

Per Tommy Arnold, ODOT, the 45 mph speed limit signs should be installed within the next two weeks.

Parks Committee (Report by Mrs. Williams)

The Parks Committee will meet 1/24/2019 at 5pm; in the training room at the police department.

Council Work Sessions/Committee Meetings

Mr. Fairley asked if it was redundant for the Committees to be having additional meetings, plus having two Council Meetings each month. 2016/2017, Council had decided that the second council meeting of the month would be devoted as a Work Session, in lieu of additional committee meetings. For planning purposes for the 2019 Budget, Newtown Council Chairs of each committee have been having separate committee meetings over the past month. Mr. Tiettmeyer said the recent committee meetings have made things so much better, as far as planning for the final appropriations. He complimented Mr. Fairley on his efforts in his recent Streets/Maintenance Committee meeting, Mr. Zornes for Safety and the recent Parks meeting. These committee meetings will hopefully taper off once the budget has been finalized. Mayor Kobasuk said his preference would be that the second Council Meeting each month would be dedicated as a Work Session. Fairfax Council handles business in this manner. He reminded each Council Chair that they are personally responsible for taking and transcribing their committee meetings.

Village Solicitor's Report (No report by Solicitor Emily Supinger)

Below is an update on two legislative items.

In December, the Ohio General Assembly passed a firearm bill, which eliminates the ability of municipalities to regulate firearms by Ordinance, in any way, shape or form. Mrs. Supinger will report back to Council, once the implications of the bill have been determined. Communities have nine months to come into compliance with the new law.

Last year, the Village adopted a small cell and wireless facility ordinance to regulate the structures within the rights-of-way. Ohio Municipalities spent a year and a half coming to terms with legislation that everyone could live with. Following the adoption of this ordinance by villages and cities throughout the state of Ohio, the FCC adopted rules that pre-empt in large part those ordinances and even state statute. This is currently being litigated in several federal courts across the country – this is another issue where the implications of the FCC administrative rules are being studied. Council will be updated at a later date.

Cincinnati Soccer Club Conditional Use Appeal

Mr. Carroll asked Solicitor Supinger for an update. Solicitor Supinger said the appeal was filed in December – the Village has forty days from the date of the filing to file the record in the case, which is tomorrow and will be filed with the court tomorrow. A briefing schedule will be established at the February 1<sup>st</sup> Case Management Conference. Typically, it takes seventy-five days to brief a case with both sides; afterwards, the court will set an oral argument. Therefore, we are probably looking ninety days out before the courts take the matter under consideration.

Ordinance, Easements for Storm Water Improvements

Solicitor Supinger explained that easements from several property owners had to be obtained in order to do the Ragland Road project. A total of eight easements have been obtained and finalized. Village Engineer Bruce Brandstetter addressed specific concerns from three property owners, which resulted in the creation of three side-letter agreements. These letters outlined for these property-owners certain aspects of how the construction would be done and how things would be replaced, etc. The next step is for Council to accept the eight easements, which will then be recorded with the Hamilton County Records office, by Solicitor Supinger. Brandstetter Carroll Inc. will now begin the bid preparation work prior to the project going out to bid.

**Mr. Fairley made a motion to suspend the rules, motion seconded by Mr. Short.**

**Mr. Fairley made a motion to adopt ORDINANCE NO. 04-2019 AN ORDINANCE ACCEPTING EASEMENTS FOR STORM WATER IMPROVEMENTS, APPROVING AGREEMENTS WITH PROPERTY OWNERS, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Mr. Fairley thanked Mayor Kobasuk, Solicitor Supinger and Bruce Brandstetter for their perseverance and dedication involved in obtaining the final easements. Mr. Yeager is an honorable man and this project should be a win-win for residents and the Village.

**Roll Call: Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

NEW BUSINESS

Checklist

**Mr. Tiettmeyer made a motion to approve the 1/22/2019 Council Checklist for \$183,945.68. Mr. Carroll seconded the motion. All Aye. Motion Carried.**

**Mr. Zornes made a motion to adjourn at 6:58pm; motion seconded by Mr. Short. Motion Carried!**

Transcribed by Becky Fairley.