

Public Hearing – Zone Change (Jones Fish Hatcheries & Distributors) 3411 Church Street. The Public Hearing was advertised and took place at 6:30pm.

**Call to Order/Pledge of Allegiance/Attendance**

The June 27, 2017 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

**Council Members:** Curt Tiettmeyer (Vice Mayor) Chuck Short (absent) Solicitor: Emily T. Supinger  
Daryl Zornes Cheryl McConnell Fiscal Officer: Keri Everett  
Joe Harten (absent) Terry Fairley Assistant to Mayor: Becky Fairley

Public Hearing – 2018 Village Tax Budget. The Village is required by the state of Ohio to adopt a Tax Budget for the calendar year 2018. The Public Hearing was advertised and took place at 7:00pm. The budget is on file in the Fiscal Officer’s office at the Municipal Building. The third reading will take place tonight on the Tax Budget. No inquiries from the audience were made.

Village Administrator

Mayor Kobasuk introduced and welcomed Jerry Thamann as our new Village Administration. Mr. Thamann brings 35 years of public service from previous positions with the City of Springdale, City of North College Hill and the Village of Lockland. Mr. Thamann said he is looking forward to serving the Village and thanked Mayor Kobasuk and Council for the opportunity.

**Approval of Council Minutes**

**Mrs. McConnell made a motion to approve the 06.13.2017 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Special Presentations**

Bruce Brandstetter, BCI presented the following Project Status Report on Engineering Services:

1. Ivy Hills Boulevard Storm Line
  - Trash Rack – Mike’s Welding (3,850.00) recommended by BCI
  - Status of “As Requested” cleaning at culvert
2. McCullough Run Drainage/Clusters (Photos presented)
  - Adjacent property owners have expressed concern for maintenance of the channel
  - Issues include existing retaining wall, creek maintenance and upstream maintenance by Anderson Township/ Hamilton County (Photos presented)
  - Course of Action
    - Clarify maintenance responsibility
    - Share upstream concerns w/Anderson Township/Hamilton County
    - Move forward w/trash rack and periodic maintenance at Ivy Hills Blvd
    - Replace timber lagging as required
    - Repair stone wall (uncertain if in right-of-way)
    - Clarify responsibility (Bruce will legal issues and property rights w/Jerry Thamann and Solicitor Supinger)

Mayor Kobasuk asked Mr. Brandstetter if he thought Hamilton County would assist with the retaining wall at Little Dry Run Road where you can see the timbers driving back by the County Club since the road is heavily traveled. Mr. Brandstetter said the timbers are part of the road which was constructed w/OPWC money about twenty-five years ago. The county wouldn’t participate with replacing the timbers since it is a maintenance item.

3. SR 32 East Storm

- Schedule

Field Survey	Complete
Preliminary Design	Complete
Final Design	Complete
Grant Agreement	July/August
Advertise	July
Council Approval	August
- \$64,500 in MRF funds was awarded

- Coordinate w/future SR 32 pavement widening. Tim with BCI and Lt. McBreen presented to ODOT in Columbus for a safety grant to improve SR 32. ODOT's biggest concern was if there was enough room in the right-of-way. The issue w/the storm drainage is to make sure the catch basins are installed in a property location.
- Recommend ROW survey by ODOT Pre-Qualified surveyor from west of Little Dry Run to east Corp line. Proposals will be submitted at the next Council Meeting. Mr. Brandstetter said the cost will be in the \$5,000-\$10,000 range.

#### 4. Street Paving Program

- Pre-Construction meeting held 6/21/2017
- Concrete scheduled towards end of July. Paving to follow
- Private lanes Lake Forest Drive and Legends Lane: Offer to property owners to have contractor pave at the Village contract unit price - Mr. Thamann sent a letter to the home owners. (Oyster Bay is also a private street and those property owners paid five years ago to pave their street.) Mr. Brandstetter said the backend of Legends Lane was paved by the property owners about four years ago. Front half which is mostly adjacent to Ivy Hills Blvd. did not participate in the paving four years ago. Municipalities typically send out letters notifying the residents that will be impacted of the timeline of the paving project. The paving contractor will post notices going door-to-door a few days prior to the paving.
- Schedule progress meeting

#### 5. Ragland Road Culvert

- A 25 year and 50 year storm protection have been proposed. The 50 yr involves tearing out the box culvert replacing it with a pipe – Ragland Road is a dead-end and will need to be shut down. A temporary drive may need to be considered. More detail will be discussed with Mr. Thamann and Mr. Fairley and report back to Mayor and Council.
- Start easement process, BCI to solicit survey proposals.

#### 6. ODOT SR 32 Safety Grant

- BCI and Village attended meeting w/ODOT in Columbus in May (approval for survey discussed earlier)
- Right-of-Way survey, per Item 3 above will help address an ODOT question. Will be needed when funded by ODOT
- Anticipate decision from ODOT by end of July
- If project is not funded, BCI will find out ways to enhance next application

#### 7. Miami Valley Christian Academy Plan Review

- Revised plans were reviewed on 5.12.2017
- MVCA will be providing additional plan revisions to the Village for further review
- Environmental Engineer Barry Franz' report for additional discussion regarding landfill

#### 8. Miscellaneous

- Coordinating on other miscellaneous storm issues. Visited SR 32, Burger drainage problems today (6/27/2017) photos presented. This has been an ongoing problem for a while. Mr. Brandstetter said Burger Farms needs to control how the water is coming off; they have submitted a new grading plan with storm retention. The erosion in the ditch needs to be addressed in the right-of-way – it is on the southside of SR 32 from 8 mile creek up to Burger's driveway to the land. A better ditch needs to be cut through within the public right-of-way. This project was not part of the storm drainage project that included the grant – that pipe crosses underneath SR32 and drains under the driveway to Valley Asphalt. BCI will come up with a short-term solution before they do the final grading, since after seeing the video, Mr. Brandstetter said the issue is a safety hazard. Mr. Brandstetter and Mr. Thamann will discuss with Burger Farms and report at the next Council meeting.
- Storm Water Utility Billing questions – info has been forwarded to Jerry Thamann
- Grants
  - Follow up with ODOT SR 32 Safety Grant as needed
  - MRF due August – typically last Friday
  - OPWC due September 15, 2017
  - BCI to attend Integrations Committee Meeting for OPWC on 6/29/2017
- Meeting w/Jerry Thamann on 7/7/2017

#### SR 32 East Storm Surveyor

**Mr. Fairley made a motion to approve an amount not to exceed \$10,000 for a (ROW) right-of-way survey west of Little Dry Run to east Corp line, by an ODOT pre-qualified surveyor. Proposals will be submitted at the 7.25.2017 Council Meeting. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

Ivy Hills Blvd. Storm Line – Trash Rack

**Mr. Fairley made a motion approve \$3,850.00 to Mike’s Welding for trash racks for the Ivy Hills Blvd. Storm Line. Mr. Zornes seconded the meeting. All Aye. Motion Carried.**

ANCOR Connector between SR 32 and Broadwell (Presented by Kevin O’Brien)

The ANCOR Area outside of the Village of Newtown has been a heated topic in Anderson Township and surrounding communities for over eight years. Martin Marietta owns quite a bit of the property located within the ANCOR area and plans on underground mining this area. The mine is slated to operate for 50-75 years and after that the property will be unusable for another 25-50 years after the closure of the mine. 500 or more acres of prime vacant developable land within Hamilton County. An operating underground mine expected to have about 200 paying jobs – virtually no property taxes will be collected. Virtually no local economic activity for existing businesses – no tax base for our schools or businesses in the Village of Newtown. Definitely something worth our continued efforts to stop the mining! Poor planning and poor choices by some by any measurement given the potential. A recent plan by the Port of Cincinnati to create up to 12,000 jobs on 500 acres in the Greater Cincinnati area was presented. Mayor Kobasuk stated for the record, Newtown Council has passed a resolution twice opposing the Martin Marietta Mining project. Newtown has spent a fair amount of money with prior solicitor Doug Miller in legal proceedings but the Ohio Supreme Court denied taking the case so we are left with Hamilton County Commissioners deny approval to tunnel under the road, stated Mayor Kobasuk. Mr. O’Brien suggested Council continue their opposition to the mining and help the County Commissioners with tools to enact legislation to strengthen their argument against the mining project.

Citizen Participation (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?

**PUBLIC COMMENTS/PARTICIPATION**

Clusters Drainage Issue

Tom Blythe, 3425 Oyster Bay Court. Mr. Blythe thanked Mr. Brandstetter for meeting with the residents of the Clusters. Mr. Blythe talked to Council about the severity of the flooding of creek as it is eroding the banks and the roadway (Little Dry Run). The water is coming down from Anderson Township – Mr. Blythe asked Council to help them work with Anderson Township and Hamilton County to solve the problem for the homeowners, which will also be a problem for Newtown and Anderson down the road due to erosion. After more discussion, it was decided that Mr. Blythe will work with Village Administrator Jerry Thamann.

Peter Cosentino, 7716 Oyster Bay Lane. Mr. Cosentino is President of the Clusters HOA. Tom Blythe has been designated as a trustee to interface more directly. Mr. Cosentino has lived in his residence for six years and has seen a rising in the creek as well as the level of its rise, which has been dramatic in past three storms. The debris produced from the rising of the waters almost clogged the main drain going into Ivy Hills Golf Club, which is the holding pond. Potential flooding and erosion remains a concern for the residents of the Clusters. Mr. Cosentino’s property backs up to the creek and is three houses down from Ivy Hills Blvd. and is very concerned with how quick the water rises six to eight feet in fifteen to twenty minutes. The Shepherd’s, owner of the bridge, installed railroad pylons in an attempt to trap some of the debris, which then causes more flooding. The water is coming from Anderson Township and the residents of the Clusters feel they are stuck with this flooding and erosion problem. After more discussion, Mr. Thamann and Mr. Brandstetter will meet with Anderson Township to discuss the problem. Pictures and a video were presented.

Soccer Activity

Melissa Meyers, 3401 Madison Street. Ms. Meyers asked Council to review the Zoning Code regarding the soccer games that are taking place on the property next to St. John Fisher Church, in the field south of West Jefferson Street on Church Street behind the Sticksel property.

Mrs. McConnell, Mr. Stoker and Mr. Russell met with A.M. Kinney, owner of the property and his engineer to discuss the use of the six acres. Mr. Kinney’s intent going forward is to use the property for non-profit. Newtown Planning Commission previously approved a lot split of two acres and a six acre split, which is being used for soccer practice and games. Planning Commission had no idea the extent of the practice and games that has been realized. Mrs. McConnell explained that at this time one of the issues they do have a right to address this is that active recreation is part of permitted use for this area. If all requirements are met, they are using “active recreation” that is open to the public as part of the permitted use. Mrs.

McConnell told Ms. Meyers that all concerns regarding safety, traffic and whether West Jefferson is an appropriate avenue have been brought forward. A Public Hearing will take place at the Municipal Center on August 24<sup>th</sup> at 6pm for the property owner to present their plans. Their goal is to create a parking area on the property. Mrs. McConnell said the question in her mind is, "where is the appropriate access?" Additional discussion will take place at the August 24<sup>th</sup> meeting, which will be advertised and is open to the public. Contiguous property owners will be notified in writing of the meeting. Property owners should attend the meeting to ask questions and express any concerns.

#### **ADMINISTRATOR'S REPORT**

1) Mr. Thamann brought to Council a purchase request from Maintenance Supervisor Chuck Morgan for street barricades for the annual 5K Run/Walk and WinterFest events. Three proposals were obtained with the best quote coming from First Star Safety LLC for \$2,108 for (16) type-1 barricades and for (4) type-3 barricades.

**Mr. Zornes made a motion to approve \$2,108 to First Star Safety LLC for the purchase of the above mentioned barricades. Mr. Fairley seconded the motion.**

2) Mr. Thamann is working with Solicitor Supinger on updating the Personnel Policy Manual and Purchase Order procedure.

#### **LEGISLATION**

Jones Fish Hatcheries & Distributors, Inc. Zone Change (Reported by Cheryl McConnell)

**Mrs. McConnell made a motion to adopt ORDINANCE NO. 19-2017 AN ORDINANCE APPROVING A ZONE CHANGE FOR PROPERTY LOCATED IN THE VICINITY OF 3411 AND 3433 CHURCH STREET IN THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Ms. McConnell-Yes. Motion Carried.**

2018 Village Tax Budget

**Mr. Tiettmeyer made a have the Third and Final Reading adopting RESOLUTION NO. 21-2017 A RESOLUTION ADOPTING THE 2018 TAX BUDGET FOR THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Ms. McConnell-Yes. Motion Carried.**

Park Rules

Solicitor Supinger emailed a draft of the Park Rules to Council for review. Council is asked to forward suggestions to Ms. Supinger by July 19<sup>th</sup>. Discussion will take place at the 7.25 Council Meeting since the 7.11 Council Meeting is cancelled due to the absence of several council members.

#### **NEW BUSINESS**

Council Checklist

**Mr. Tiettmeyer made a motion to approve the 06.27.2017 Council Checklist for an amount of \$80,807.85 seconded by Ms. McConnell. All Aye. Motion Carried.**

Audio Visual Equipment

Due to the ongoing issues with the existing audio/visual system, an estimate from Tri-State Visual was obtained to simplify the touchscreen wall controls and replace the HDMI Switcher. Tri-State Visual has done a nice job with correcting issues with the projector so we are confident they will correct the existing problem.

**Mr. Tiettmeyer made a motion to approve \$4,521 to Tri-State Visual, Mr. Fairley seconded the motion. All Aye. Motion Carried.**

Mr. Fairley made a motion to adjourn at 8:08pm. Meeting adjourned.

Transcribed by Becky Fairley.