

## Call to Order/Pledge of Allegiance/Attendance

The December 11, 2018 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.

|  |                |                                   |
|--|----------------|-----------------------------------|
| <b>Council Members:</b> Curt Tiettmeyer (Vice Mayor) | Terry Fairley  | Solicitor: Emily Supinger         |
| Daryl Zornes   | Don Carroll    | Fiscal Officer: Keri Everett      |
| Chuck Short  | Sarah Williams | Assistant to Mayor: Becky Fairley |

## APPROVAL OF COUNCIL MINUTES:

**Mr. Short made a motion to approve the 11.13.2018 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Short made a motion to approve the 12.03.2018 Special Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

## SPECIAL PRESENTATIONS

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

### 1. Ragland Road Culvert (17053)

- Easement Status
  - Update on Yeager easement.

### 2. 2018 Street Program (18081)

- Duke completed work on 10/28/18.
- Widening and storm work completed week of 11/5/18.
- Paving completed week of 11/12/18.
- There are several issues that JK Meurer will address Spring of 2019. Most notably the paving on Crull and puddle at Plum and Leonard.

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

- On 9/5/18, ODOT indicated their preference that the Village proceed with construction of storm project.
- BCI is coordinating schedule with OPWC. Utility coordination in Dec. Bid in January. Contracting in February 2019.

### 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
  - Village to mail individual letters in December after new legislation is passed on 12/11 due to two corrected addresses.
  - Plans, specifications submitted to the Village on 10/11/18 with estimate on 10/15/18.
  - Property Owner has until 5/30/19 to complete work on their property.
  - Check for completion/remark defective sections in Spring
  - Discuss bidding schedule with Emily Supinger

### 7. Plan Reviews/Meetings

- MVCA entrance, School Street at Church Street.
- The Motz Company, new site to combine offices.
- Barrett Company drive entrance opposite Ivy Hills Place.
- Cincinnati Bell Fiber Optics

## 8. Miscellaneous

- BCI and Terry Fairey met on 11/18/18.
- BCI to investigate concrete lagging as an alternative to wood – cost difference is being investigated (The Village plans on setting aside \$10,000 this year and next year for this project.) Mr. Fairley said the thinking is concrete would be more of a permanent solution vs. wood which deteriorates over 20-25 years.) He said Bruce seemed to think we could do the project in increments.
- Updated Pavement Plan reviewed on 11/28/18.
  - Edith, Pine and East Jefferson are next on the plan to pave, \$100,000 budget
  - BCI to meet with Fred Schlimm to discuss County MRF and District OPWC Funds (Church Street, Little Dry Run, Debolt, Valley and Round Bottom). This will help determine Village budgeting.
  - BCI to discuss planned paving of SR 32 with ODOT.
  - BCI to research “last year paved” of the various street to be shown on street.
- Recommend annual crack sealing including Lake Barber Trail

### Executive Session – explanation for audience

Mayor Kobasuk explained Council will meet in Executive Session – ORC 121.22(G)(2) to discuss the purchase of property, which deals with an easement for Mr. Harvey Yeager. The project seems to be moving in the right direction – we will be able to put the Ragland Road Project out to bid once this issue has been resolved.

### 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

### Planning Commission Meeting (Reported by Mayor Kobasuk)

Planning Commission recently met and unanimously recommended the retention of McBride Dale Clarion to do a comprehensive Plan and Zoning Code Update. The proposal was emailed to Council Members. The last Comprehensive Plan Update was done in 1998. It's important to have a Master Plan for zoning issues. The 2018 Village Budget had \$30,000 appropriated, which was not spent. The Master Plan will be about \$57,000; therefore, the \$30,000 and additional will need to be appropriated for 2019. Perhaps Council can discuss approving the funds in January, after everyone has read the proposal.

Mr. Carroll said he has been a proponent of moving this project forward and had asked Mr. Tiettmeyer to add \$35,000 to the 2019 Budget. The Phase 3 Code Update will probably be an additional \$10,000 to \$15,000 and would take place in 2020. We will need input from residents and businesses in the community. Hopefully, we will see some visioning come out of this, not just an update to the zoning code. We hope to incorporate in this update various needs that might happen around the Eastern Corridor Project and multi-use bicycle/pedestrian paths – include those things in the vision in this plan so as we work through some of the Eastern Corridor issues with ODOT, we have some sense of what we might like them to do and where to enhance the walkability and the connectivity of the village.

Solicitor Supinger said the Comprehensive Plan/Master Plan is kind of the cornerstone of the village's zoning and growth pattern. From a legal standpoint, because zoning is a derogation of private property rights, zoning laws are strictly construed against the municipalities, in favor of the property owner being able to use their property however they want. Having the Comprehensive Plan can help the decision makers in making a decision regarding a zoning application. Having the Comprehensive Plan updated can also support that decision, should there be legal challenges.

### EmergiTech Annual Maintenance Agreement

**Mr. Zornes made a motion to approve the annual EmergiTech Mayor's Court/Police Records maintenance agreement for \$3,967.06. Mr. Short seconded the motion. All Aye. Motion Carried.**

### Planning Commission (Reported by Don Carroll)

In addition to the discussion regarding the Master Plan, Planning Commission also looked at a site plan for 7202 Main Street, Mojave Event Center. Rezoning of this property was approved at the last meeting. Their site plan is in two phases: Phase 1) includes developing the property; Phase 2) includes demolishing the small white building in front of the larger building. The project is expected to begin January-February 2019 and is expected to take twelve months to complete the project.

#### Eastern Corridor (Reported by Don Carroll)

After meeting with ODOT and attending committee meetings working on the Eastern Corridor, priorities for the Village of Newtown were realized as feedback from the Public Hearings was considered. Mayor Kobasuk attended the recent ANCOR meeting. A summary of the feedback from the Public Hearings was distributed to Council. Most of the feedback was positive from the proposals presented for the Newtown section of the corridor. Most of the negative feedback was in regards to the grading at the railroad track on Church Street. Apparently, the residents do not want this changed. In addition to the adjustment of the grade crossing on Church Street, additional westbound lanes on SR32, additional southbound turn lanes on Round Bottom Road, reconstruction of the intersections at both ends of Valley at Round Bottom and Church Street were also looked at. Significant approval ratings for all were realized, excluding the grade crossing on Church Street. Additional studies are needed for possible roundabouts at Valley/Round Bottom Road and Valley/Church Street. We are looking at right turn signals with ODOT for both eastbound and west-end of Valley to help with traffic flow. A right turn signal synced with the left turn signal on Church Street would help with traffic flow. The intersection at Valley/Round Bottom is still be evaluated to determine if this would be feasible. The cost would be \$3500 to \$4000 project. Mr. Carroll will submit the information to Mr. Fairley for the appropriate committee consideration for possible approval in January. The highest priority that came from the study was the flow of traffic off of Round Bottom onto SR32. A lot of research remains to be done, in terms of cost and grants. ODOT is aware that Council will want input in terms of the impact of whatever the proposals are to the Village and the historic nature of the Village, etc. A copy of the Draft Public Feedback Summary may be obtained from the Village office.

Signal timing at Little Dry Run and SR32 has been initiated since the new controllers were put in place. ODOT is supposed to look at the cycle; the rush-hour cycle is not expected to change.

Speed limit signs – At the eastern end of SR32 to the corporate limits, a reduction in speed was approved, from 50mph to 45mph. ODOT should install the new speed limit signs within the next month.

#### Short Park Concepts of Improvements (Reported by Sarah Williams)

BCI submitted 4 conceptual plans for Short Park, which were reviewed by Council this afternoon at a Parks meeting. Concept 3, minus the dog park is the preferred plan. In addition to the soccer fields, improving the walking trail, lighting and paving are priorities to be addressed. Pat Hoagland, ASLA with BCI Inc. will be working on cost ideas and possible grants that would pertain to the Village. The community will be involved at some point.

#### Ragland Road Project – Follow-up to 10.18.2018 Meeting

At the 10.18.2018 Council Meeting, Mr. Fairley announced to the residents he had been told he could no longer be a voice for the residents impacted by the flooding. It had been suggested that Mr. Fairley recuse himself because of a potential conflict of interest. As such, Mr. Fairley said he was somewhat disappointed because of the recusal; therefore, he wrote a letter to the Ohio Ethics Commission stating his case with the scope of the project. On November 18, 2018, Mr. Fairley received a response to his letter and is pleased to announce to the residents, the Ohio Ethics Commission determined that Mr. Fairley is not prohibited from participating in the project. Mr. Fairley stated for the public, he is officially un-recusing himself from the project. Mayor Kobasuk thanked Mr. Fairley for the clarification.

#### Open House – local businesses (Reported by Becky Fairley)

Since WinterFest in the Village no longer takes place on the second Saturday in December, several local businesses decided to have extended hours having an Open House for the public. Along with Doscher's Candies, Doug Wessling and Newtown Shirt (Chicka Sport), all located on Main Street had their first Christmas Open House with extended hours from 10am to 7pm. The day will include shopping, refreshments, caroling and a visit from Santa Claus.

Owners of Doscher's Candies, Chip and Robin Nielsen had commissioned local artist, Kate Albert, located in Madeira to do a rendering of some of the historic district, including Doscher's, the Newtown Municipal Building, Newtown Police Department. The rendering is Mayor Kobasuk and his wife attended the Open House earlier in the day – at 4pm, Terry and Becky Fairley attended the unveiling of the rendering showing an aerial view of some of the historic district. A numbered print was purchased for the Village Municipal Building. The Open House was really nice; unfortunately, the surrounding businesses closed before we had a chance to make it over to visit them.

#### Village Solicitor's Report (Emily Supinger)

As a follow-up to Doscher's, Solicitor Supinger reported that Doscher's collaborated with a distillery in Sycamore Township to create a peppermint schnapps, which she highly recommends sampling.

## NEW LEGISLATION

### Resolution, Repairing, Constructing Sidewalks, Curbs and/Gutters

This resolution replaces Resolution No. 27-2018, adopted 10-18-2018, which had an error in Exhibit A. The corrected version is attached to the below resolution.

**Mr. Fairley made a motion to suspend the rules, seconded by Mr. Short. All Aye. Motion Carried.**

**Mr. Fairley made a motion to adopt RESOLUTION NO. 31-2018 A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND/OR CONSTRUCTING SIDEWALKS, SIDEWALK AREAS, CURBS, AND/OR GUTTERS IN THE VILLAGE OF NEWTOWN, OHIO. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

### Ordinance, Revising Fees for Building Permits and other services

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 24-2018 AN ORDINANCE REVISING FEES FOR BUILDING PERMITS AND OTHER SERVICES RENDERED BY THE VILLAGE OF NEWTOWN BUILDING DEPARTMENT AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

### Ordinance Approving Temporary Appropriations for 2019

**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. 25-2018 AN ORDINANCE APPROVING TEMPORARY APPROPRIATIONS FOR THE EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN FOR FISCAL YEAR 2019. Mr. Zornes seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

### Resolution Amending Resolution No. 29-2018

On November 13, 2018, Council authorized the purchase of two (2) 2019 Dodge Charger AWD Police Cruisers at a cost not to exceed \$53,580 from Greve Chrysler Jeep Dodge. Council has since been advised that the cost of acquiring the vehicles will be \$56,455.00.

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

**Mr. Zornes made a motion to adopt RESOLUTION NO. 32-2018 A RESOLUTION AMENDING RESOLUTION NO. 29-2018 AUTHORIZING A CONTRACT WITH GREVE CHRYSLER JEEP DODGE FOR THE PURCHASE OF TWO POLICE CRUISERS. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

## NEW BUSINESS

### Checklist

**Mr. Tiettmeyer made a motion to approve the 12.11.2018 Checklist for \$329,554.29. Mr. Short seconded the motion. All Aye. Motion Approved.**

### Executive Session

Mayor Kobasuk called for an Executive Session, under O.R.C. 121.22(G)(2) to discuss the purchase of property for public purpose and the compensation of a public official O.R.C. 121.22(G)(1).

**Mr. Tiettmeyer made a motion to enter into Executive Session at 7:07pm, under O.R.C. 121.22(G)(2) to discuss the purchase of property for public purpose and compensation of a public official O.R.C. 121.22(G)(1). Mr. Carroll seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes. Motion Carried.**

**Mr. Carroll made a motion to reconvene at 7:29pm, seconded by Mr. Zornes. All Aye. Motion Carried.**

Ragland Road Easement – remains a work in progress. A meeting with Mr. Yeager will take place 12/19/2018.

Ordinance, Rate of Pay for Officer Luck

Effective, Dec. 3, 2018, Village Council confirmed the appointment of Police Officer Tanner Luck as a full-time police officer. This ordinance approves a par rate of \$32.30 per hour, effective Dec. 3, 2018.

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

**Mr. Zornes made a motion to adopt ORDINANCE NO. 26-2018 AN ORDINANCE APPROVING THE RATE OF PAY FOR OFFICE LUCK AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes. Motion Carried.**

Mr. Carroll made a motion to adjourn at 7:31pm; motion seconded by Mr. Zornes. Motion Carried!

Transcribed by Becky Fairley.