

Call to Order/Pledge of Allegiance/Attendance

The September 10, 2024 regularly-scheduled meeting of the Newtown Village Council was called to order at 6:00 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

Council Members: Terry Fairley
Jerry Schwab
Peg Quallen
Jeff Drescher
Tracy Boone
Sarah Donohue

Solicitor Emily Supinger
Fiscal Officer Keri Everett
Assistant to Mayor Becky Fairley
Police Chief Tom Synan

Approval of Council Minutes

Mr. Schwab made a motion to adopt the regularly-scheduled 08/13/2024 Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report, submitted by CT Consultants Engineering September 3, 2024

1. Church Street – Funded

- Design work is approaching completion.
- CT will meet with Village staff to review plans in the upcoming month and discuss when bidding will occur.

2. Little Dry Run – MRF Funded, Seeking OPWC Funding

- The County has approved Municipal Road Funds in the amount of \$175,000. A 50% funding match was applied for- the total project estimate is \$337,000.
 - i. Recommending 30% request. Would leave the Village with 20%.
- CT has evaluated the possibility of OPWC funding and has determined it warranted.
- The application for OPWC is due September 27, 2024.
- The project would resurface Little Dry Run from SR 32 to the Village Corp Limit.

3. McCullough's Run – Under Construction

- Mobilization began July 28 with work being scheduled to complete October 4, 2024.
- The Village has asked for additional observation time and we currently are set for twice a week to visit the site.

4. Moundview Park Sanitary Sewer – Awarded

- Council awarded the Contract to Ashcraft Contracting, Inc.
- The Contractor is working to obtain the appropriate permits through the County.
- Once the permit is issued, a schedule for completion of the project will be issued.

5. Eastern Corridor Project – No Update

- OKI Application was submitted by the deadline on June 7.
- OKI received 18 applications that totaled \$74M in requests. They have \$29M in this round available for funding projects.
- It is anticipated that priority projects will be announced at their September meeting.
- If OKI funding is not received, the Village and ODOT do not need to move forward with the project.

6. Drywells at Round Bottom and SR32 – Design Phase

- CT met with Hamilton County Garage and have preliminary approval to place a dry well on their site and Hamilton County is preparing a intergovernmental agreement to that end that Council will need to consider.
- CT is working on calculations for sizing of the dry well.

7. General Engineering

- Staff has reviewed plans associated with the MVCA parking lot and prepared to review any information provided by MVCA to correct the issues identified.
- Staff reviewed drainage calculations for proposed condominiums on Main Street
- Staff reviewed preliminary plan documents for a proposed 20 lot subdivision and associated connection to Jefferson Avenue and attended the planning commission meeting at which the plans were approved.

MVCA – Walkway Issues

Tom Rhodenbaugh, Board of Directors with Miami Valley Christian Academy was present to speak to Council's displeasure of their recent project of the walking trail located next to MVCA's newest parking lot for additional parking. The walking trail has a slope that needs to be corrected to make the trail ADA compliant, per Solicitor Supinger. Mr. Rhodenbaugh acknowledged the project was poorly done – all Village Council members told Mr. Rhodenbaugh the walkway was not acceptable and must be corrected. They told Mr. Rhodenbaugh that he and MVCA would require quality of a project to be better and they should do the same for this public improvement pathway. Mayor and Council directed Mr. Rhodenbaugh to meet with Village Engineers, CT Consultants to determine items that must be done to meet requirements to correct the work that is clearly inadequate and bring the pathway into compliance for public improvements.

Light poles with conduit were also installed into the asphalt of the pathway that is on Village property, which also needs to be corrected. After meeting with CT Consultants, Mr. Rhodenbaugh will come back to Council. Mayor Kobasuk said with it being Village property, CT Consultants will direct MVCA but items must be corrected.

Mayor Kobasuk told Mr. Rhodenbaugh that there were rumors MVCA has purchased land elsewhere for the relocation of the High School. Mr. Rhodenbaugh said MVCA is not buying land right now – they have rapidly outgrown the current situation and would like to continue to grow and to do that they will need property. A committee has been formed to review the financials and even see if this could happen – they are searching and seeking property but nothing in place at this time. Whether it be elementary or high school, moving 300-400 students off of the current campus would probably help the current traffic situation. Mr. Rhodenbaugh said on his way here this evening, he had to sit in traffic ten minutes due to the volley ball courts. Mr. Rhodenbaugh said most people leave for work around the same time, but leave at different times. 70-80% of the traffic is packed through Newtown and if MVCA is 20%, MVCA is an asset to the Village, stated Mr. Rhodenbaugh. The last few days have been better with officer assistance and commuters have probably adjusted their work schedules. Based on the Village's request, MVCA staggered the start times and drop-off times mid-year 2023-2024. Preschool was moved back at least half an hour. Mayor Kobasuk told Mr. Rhodenbaugh that after tonight's Executive Session, he and Greg Beasley will be informed via email.

Audience Participation (3-minute limit - *per person*)

Mayor Kobasuk stated: This is a point in the 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 need information, please talk to the Village staff. Please state your name and where you live when addressing Council.

Samantha Bonar, 3724 Church Street spoke to the school traffic stating it backs up in front of her home two times a day.

Becca Kinney, 6802 Jefferson Street works on Church at Meridian in the Motz Building and often walks to work since it is quicker to walk than sit in traffic 25 minutes in the morning. Ms. Kinney said she doesn't speak for Meridian but as an effort of assist with the traffic issue, there are several departments within the company with staggered start times.

Cheryl Morgan, 3401 Church Street once again spoke about the speeding on upper Church Street (by Jefferson Street) – she said this has been brought to everyone's attention since 2021. Ms. Morgan recently witnessed an officer pull over six cars in two hours in one day. She asked that the police department pay more attention to the area as cars drive over 45mph. Ms. Morgan brought up speed cushions – Mayor Kobasuk said Council does not get involved in police issues.

Her neighbor Ms. Liming, 3311 Church also spoke to the speeders and wondered if a crosswalk would help – she has witnessed cars not even stopping.

Chief Synan said the police department will do enforcement and install the speed sign again. Chief Synan said according to the stats from the last few postings of the speed sign, the problem does not warrant speed bumps – council could consider calming devices – depends if we are looking at more enforcement or permanent solutions - there will always be someone speeding. Mayor Kobasuk said we will have CT Consultants look into speed cushions.

Ms. Morgan brought up her concern of the development of the John Henry homes (19 plats) on the 6.9 acres on Church Street. This adds to the traffic concern stated Ms. Morgan. She is curious what this will do to the residents on West Jefferson that already don't have parking and have to park on the street and it is a one-way road.

Mayor Kobasuk said the development of the 6.9 acres was approved by the Planning Commission – Council does not get involved – the approval was unanimous by the Planning Members. The homes will be in the range of \$700,000 – Mayor Kobasuk will invite John Henry Homes to answer questions of concerns by residents regarding using West Jefferson as the entrance to the new subdivision. Solicitor Supinger said we had a previous traffic study for another project that would have had a lot more traffic - where the Village Engineer also found the offset with Edith Street would be problematic. Residential traffic tends to be very minimal and not disruptive as opposed to a commercial operation. Mayor Kobasuk said it's a preliminary site plan and will ask CT Consultants to come to a Council Meeting.

Ongoing Issue w/Police and Council (Mr. Wolfer spoke from 6:55pm to 7pm)

Ed Wolfer, resident and business owner, 3458 River Hills Drive. Mr. Wolfer talked again about Chief Synan's many lies Chief Synan has told and talked about his Facebook page talking about Batman door lights and where Chief Synan says he has the brain of a 15-year-old. Mr. Wolfer talked about the 35 lies he believes was on the warrant accusing him of a meth lab – he also asked the audience if anyone knew what “stolen valor” meant. Mr. Wolfer once again said Spencer Bischoff (Detective) is a liar - He talked again of the 50 lb. machine gun Chief Synan is quoted in an article where he said he carried this 50 lb. machine gun.

MAYOR CLOSED AUDIENCE PARTICIPATION AT 7PM

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

CT Representative Change

William Brock is no longer with CT Consultants – he will be missed. Frank and Eric will be the contacts for Newtown.

Newtown Landfill

The landfill is being capped as the vegetation has been removed, which is part of the capping process. A drainage ditch along SR 32 for stormwater will be installed – when finished it will be a big grassy mound.

Newsletter (Fall 2024)

Please send suggestions to Mayor Kobasuk or Becky Fairley.

Council Members Report:

August 2024 Finance Packet (Mr. Fairley)

Mr. Fairley made a motion to accept the August 2024 Finance Packet presented and discussed - Ms. Quallen seconded the motion. All Aye. Motion Carried.

Maintenance Report for September (Ms. Quallen)

Ms. Quallen discussed the report presented and made the following motion:

Ms. Quallen made a motion to hire Joshua Queen as full-time Maintenance Technician, pending background and drug test results. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Mr. Drescher thanked Newtown Maintenance for attending and participating in the funeral procession of an Indian Hill Service Worker who unexpectedly passed away. He had 25 years of service with Indian Hill – Mr. Drescher appreciated their involvement.

ATFD Report (Mr. Drescher)

The majority of calls in Newtown were EMS calls in the Village of Newtown.

Police Department Report (Mr. Drescher)

Chief Synan spoke to recent stolen cars – He thanked Ms. Boone for roleplaying at a recent training. The officers and Hamilton County Deputy involved in the recent dog attack will be recognized at the 10/08/2024 Council Meeting. Officers will attend a mandatory training that is one-day held at Xavier University – fees will be reimbursed from a state-funded law enforcement fund. Total fee is \$1,000 and each officer receives five credits for the training.

Mr. Drescher made a motion to approve \$1,000 for the training to be held at Xavier University for the police officers – Ms. Boone seconded the motion. All Aye. Motion Carried.

Planning Commission Update (Mr. Schwab)

On 8/22/2024 at 6pm – as stated by Mayor Kobasuk earlier – this involves the 6.95 acres next to St. John Fisher Catholic church. Planning Members approved the preliminary site plan unanimously – issue will be discussed at the next meeting.

Parks Committee Meeting (Ms. Donohue)

Members will meet at 5pm on Tues. 10/08/2024 prior to the Council Meeting. Ms. Donohue and Ms. Boone will tour the parks with Chuck Morgan, Maintenance Supervisor.

Village Solicitor's Report

Solicitor Supinger presented a piece of legislation – Moratorium on Adult-used marijuana expires at the end of September. She prepared an ordinance for Council's consideration that extends the ordinance by ninety (90) days to maintain the status quo until Council can make a decision. Solicitor Supinger will prepare a timeline for further discussion. Mayor Kobasuk asked the Ohio General Assembly issued any guidance.

Solicitor Supinger explained the following for council to give an idea of their options:

In December 2024, when this first went into effect, the General Assembly had proposed certain changes to the law – those never picked up any steam. There was a decision made not to make any changes to the law as written. In the interim, the Department of Cannabis has put together their licensing process that is in place with facilities currently open around Newtown.

Under the Statute, Municipalities much like the medical marijuana – municipalities and townships have the ability to prohibit adult-use marijuana operators within the jurisdiction – has the ability to limit the number that would be within the jurisdiction or it can allow it and regulate it under its Zoning Code like any other business. Other communities have asked – what is the upside – what's the tax benefit – she explained that in communities that have dispensaries – all cannabis products are taxed an additional 10%. Of that 10%, 3.6% is allocated to go back into the communities that have dispensaries on a pro rata basis of what they have within their community. There is a mechanism in which to send some of that tax revenue back to jurisdictions that have those businesses within their communities. 3.6% is put into a large pot then distributed back into the communities based on the percentage of dispensaries within those communities. The ordinance prepared (below) is keeping the status quo for an additional ninety (90) days to give Council time to figure out what they want to do. Solicitor Supinger spoke to other communities stating that Anderson Township is allowing dispensaries but limited it to two within the township. Other communities have prohibited it and the City of Cincinnati allows dispensaries without limiting a number. Ms. Donohue said Mt. Caramel, Anderson Township, Mt. Lookout, Fairfax and Milford are allowing dispensaries.

Moratoriums are prohibitions on private property rights are generally disfavored – the moratoriums should reflect what a reasonable time period it is for the community to review and make a decision. Getting to almost the same result, Solicitor Supinger said Council could prohibit them until we allow them – allowing time to consider and change our mind in the future and that would basically be doing the same thing just continually extending a moratorium.

Mayor Kobasuk asked Solicitor Supinger to construct a memo to Council and list what some of the other communities are doing. Mayor Kobasuk said the Smoke (Vape) Shop in Newtown caused a lot of consternation with the bright lights. Ms. Donohue said that is like fake marijuana – Solicitor Supinger said they are not the regulated substances that fall within the Adult Use Marijuana law.

Solicitor Supinger introduced Andrew White, an Associate with Strauss Troy – he is interested in our local government law practice area.

Legislation

Ordinance, Extending Moratorium

On January 9, 2024, Village Council passed Ordinance No. 04-2024 imposing a moratorium on the issuance or processing of any permits related to the cultivation, processing, or relating dispensing of marijuana for adult use and the moratorium is set to expire on September 30, 2024. Council desires to extend the moratorium for an additional ninety (90) days.

Mr. Schwab made a motion to suspend the rules, seconded by Ms. Boone. All Aye. Motion Carried.

Mr. Schwab made a motion to adopt ORDINANCE NO. 16-2024 AN ORDINANCE EXTENDING THE MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Ms. Boone seconded the motion. Roll Call: Mr. Schwab-Yes, Ms. Boone-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Donohue-No. Motion Carried.

Ordinance, Tabled- Regulation Operating Golf Carts

Section 4511.215 of the Ohio Revised Code authorizes municipalities to adopt regulations that would permit and regulate the operation of golf carts and utility vehicles on public roads within its jurisdiction. This would have been the Third and Final Reading – Council decided to table the adoption of this Ordinance to give Solicitor Supinger and Chief Synan more time to consider giving exception to a few streets in the Village regarding the speed limit.

AN ORDINANCE TO PERMIT AND REGULATE THE OPERATION OF CERTAIN GOLF CARTS AND UTILITY VEHICLES IN THE VILLAGE OF NEWTOWN, OHIO.

Ms. Quallen made a motion to table this Ordinance for further examination of several streets.

Roll Call: Mr. Fairley-Yes, Ms. Boone-Nay, Mr. Drescher-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes. Motion Carried.

Ordinance Amending 2024 Permanent Appropriations

Council desires to amend 2024 permanent appropriations for the calendar year ending December 31, 2024.

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 17-2024 AN ORDINANCE AMENDING 2024 PERMANENT APPROPRIATIONS FOR CALENDAR YEAR ENDING DECEMBER 31, 2024. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Ms. Boone-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, 2020 Tahoe Surplus

The Village-owned 2020 Chevrolet Tahoe (VIN No. 1GNSKDEC4LR216325) is no longer needed for municipal purposes. Council desires to declare the vehicle as surplus and authorize the Chief of Police to advertise and sell the vehicle.

Mr. Drescher made a motion to suspend the rules, Mr. Schwab seconded the motion. All Aye. Motion Carried.

Mr. Drescher made a motion to adopt RESOLUTION NO. 33-2024 A RESOLUTION DECLARING A 2020 CHEVROLET TAHOE TO BE SURPLUS AND AUTHORIZING THE CHIEF OF POLICE ADVERTISE AND SELL THE VEHICLE. Ms. Boone seconded the motion. Roll Call: Mr. Fairley-Yes, Ms. Boone-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to approve the 9/10/2024 Council Checklist for \$304,394.25. Mr. Drescher seconded the motion. All Aye. Motion Carried.

Executive Session

Mr. Fairley made a motion to convene at 7:45pm and enter into Executive Session under Section 121.22(G)(2) of the Ohio Revised Code to discuss the sale of public property. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Ms. Boone-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes. Motion Carried.

Council reconvened at 8:07pm – no action was taken.

Ms. Quallen made a motion to adjourn, seconded by Mr. Schwab. All Aye. Motion Carried.

Transcribed by Becky Fairley