

Call to Order/Pledge of Allegiance/Attendance

The October 08, 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

Public Hearing – Subdivision Regulations (Notice posted on door 10/03/2024)

Stefani Wright, 3345 Scioto asked if this would impact the parking in River Hills subdivision. Mayor Kobasuk explained that it would not impact parking as previously discussed.

Mr. Fairley made a motion to close the Public Hearing, seconded by Mr. Schwab. All Aye. Motion Carried.

Approval of Council Minutes

Mr. Schwab made a motion to adopt the regularly-scheduled 09/10/2024 Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report, submitted by CT Consultants Engineering October 1, 2024

1. **Church Street – Funded**
 - Design work is approaching completion.
 - CT met with City staff to review project and confirm bidding schedule.
 - i. Advertise for Bid – January 30, 2025
 - ii. Open Bids – February 21, 2025
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 \$350,000.
 - i. Recommending 30% request. Would leave the Village with 20%.
 - ii. OPWC application submitted on 9/27
 - 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 by the end of October.
 - 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 – Complete, Pending Punchlist Completion**
 - Council awarded the Contract to Ashcraft Contracting, Inc.
 - Contractor complete, pending addressing some settlement and receiving the certificate of occupancy from Hamilton County Health Department.
5. **Eastern Corridor Project – Project was not Awarded Funding**
 - 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.
 - The lowest score funded was 54. Newtown project was a 42.
 - i. The best way for this project to increase its score is by adding to the local share. 20% match receives 0 points. A 50% match receives 10 points. Additionally, the Status of the Project received 2 points which equates to initial request for construction and ROW funding). Point can be increased to 5 if the Construction and ROW drawings are complete.
 - The Village and ODOT do not need to move forward with the project. Please let us know if you would like us to setup a meeting with ODOT to review.
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 an intergovernmental agreement to that end that Council will need to consider.
 - CT is working on design drawings.
 - CT met with Emily to discuss obtaining an easement and the necessary documents. CT to prepare easement documents.
7. **MVCA Parking Lot**
 - CT met with task force on 9/25 and provided the following requirements to MVCA for addressing:
 - i. Move the bumper blocks back 30" from the property line
 - ii. Place a fence at the property line (owned and maintained by MVCA). Can be either a 4' wood split rail or a 4' white vinyl split rail.

- iii. Address ADA issues. This will require an as-built survey of the path (by MVCA) to confirm areas of the path that are in violation. Remove and replace. Provide a plan to the Village for review / approval prior to improvements being complete.
- iv. Provide an edge seal along the joint between the path and the MVCA parking lot
- CT meeting with MVCA (per MVCA request) on 10/3. CT to follow up with what was discussed at meeting.

8. Kinney Property Subdivision

- A list of Hamilton County Regulations recommended for adoption by the Village has been provided to the Village. These include:
 - i. Rules and Regulations of the Hamilton County Regional Planning Commission for Plats and Subdivisions of Land
 - ii. Access Management Regulations
 - iii. Rules and Regulations of the Hamilton County Soil and Water Conservation District
 - iv. Thoroughfare Plan
 - v. Rules and Regulations of the Office of the County Engineer
- CT has forwarded a summary of the major subdivision process to the Village for review.
- CT provided a memo outlining the requirements for the Kinney Subdivision to connect to W Jefferson or to connect to Church Street.

Officer Recognition and Medals of Merit

Newtown Police officers James Campbell and Dillon Mohammed and Hamilton County Sheriff Deputy Haze Erwin were awarded the Newtown Police Medal of Merit by Police Chief Tom Synan. This was in regard to officers being dispatched to a woman being attacked by a dog on 8/10/2024. For the officers' quick response and courage actions, Mayor Kobasuk, Village Council and the audience applauded the officers for their heroic efforts.

Marijuana Dispensaries

Council adopted an Ordinance 9/10/2024 extending the Moratorium on the issuance and processing of permits allowing retail dispensaries, cultivators, or processors of adult use marijuana within the Village. The Moratorium ended 9/30/2024 – the ordinance passed Ordinance No. 16-2024 extending the legislation by ninety (90) days to maintain the status quo until Council makes a decision. Solicitor Supinger said all medical marijuana are prohibited – this gives Council time to make changes.

Ms. Boone said she has talked to some residents in Ivy Hills that are not in favor of having a dispensary in Newtown and if Newtown goes in that direction to limit it to one (1) dispensary. Ms. Donohue said it is an important issue for the voters as 60% voted yes to legalize it and that it would be a source of tax dollars for the Village – Mr. Schwab said if we do allow a dispensary that it should be located out Round Bottom way.

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.

Ms. Wright, Scioto talked about the issue saying she was glad there was a moratorium as marijuana remains illegal at the federal level. She talked about the laundering of money at federal level.

Ongoing Issue w/Police and Council

Ed Wolfer, resident and business and property owner of 52 years, 3458 River Hills Drive. Mr. Wolfer brought up his FOIA – Solicitor Supinger told Mr. Wolfer she doesn't have answers to his questions. Mr. Wolfer brought up the lawsuit filed by Chief Synan against the Village of Newtown and Mayor Kobasuk – after further talking, Mayor Kobasuk told Mr. Wolfer to sit down that he was disrupting the council meeting.

Church Street Property – Subdivision of 19 Homes (John Henry Builders)

Louise Liming, 3311 Church Street talked about the potential John Henry Homes that have submitted a preliminary site plan for 19 homes on the Church Street property currently up for sale, owned by the Kinney family. She and a couple of residents are concerned if the builder uses West Jefferson as the entrance to the subdivision, instead of a curb cut off of Church Street.

Mayor Kobasuk invited John Henry Homes to Council for discussion – they will consider presenting once they meet with Village Engineers and have greater detail.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Newtown Landfill

The landfill is being capped as the vegetation has been removed, which is part of the capping process. There is a five-year plan to monitor the landfill. There will be a grassy slope when the capping has been completed.

Council Members Report:

September 2024 Finance Packet (Mr. Fairley)

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

Deferred Comp – Employees (Ms. Boone)

After attending an Employee Retention Round Table format with Chuck Morgan and discussing additional saving options for employees to participate in, Solicitor Supinger will construct a Resolution for a ROTH savings plan for the November meeting. The goal is to retain quality employees and offer options that benefit employees and their future.

CPR Training – Newtown Firehouse (Nov. 14) (Ms. Boone)

Training will be from 6:30pm to 8pm - Becky will place the info at newtownohio.gov

ATFD Report & Agreement (Mr. Drescher)

The majority of calls in Newtown were EMS calls in the Village of Newtown. A contract for fire/EMS service has been agreed upon

Police Department Report (Mr. Drescher)

Newtown Police Department sets the standard with going above and beyond - Lt. McBreen and Sgt. Vontz will receive a letter of accommodation for their efforts with the required reports with the Ohio Collaborative which develops leadership and skills. Officer Andrew Niederschmidt will be receiving a lifesaving award for assisting/saving an unconscious person involved in a reckless operation of a vehicle.

Maintenance Report for September (Ms. Quallen)

Ms. Quallen discussed the report presented - down trees have added work to the guys' daily schedule. Often, we have to call upon RAPTOR Inc., a non-profit organization dedicated to the conservation of birds of prey via rehabilitation, research and community service to retrieve injured birds of various kinds at our local parks. The following motion was made to show our appreciation:

Ms. Quallen made a motion to approve \$100 to RAPTOR Inc., Ms. Boone seconded the motion. All Aye. Motion Carried.

Planning Commission Update (Mr. Schwab) No Planning Meeting is scheduled at this time.

Parks Committee Meeting (Ms. Donohue)

Ms. Donohue and Ms. Boone toured our local parks with Chuck Morgan – looked at replacing benches at Short Park in the 2025 Budget. They discussed having events at Short Park – it's such a great location and wide-open space.

The septic system is just about completed at Moundview Park – Chuck will be getting quotes for painting the inside – it was last painted 9-10 years ago. The outdoor kitchen is not up to code and needs desperately to be cleaned up!

MVCA parking lot will be issued an extension on their temporary occupancy – they have not been in compliance with this project. The lights need to be moved back and ADA slope needs to be corrected.

Village Solicitor's Report (nothing to report at this time)

Legislation

Resolution, Amounts and Rates Budget Commission

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 34-2024 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Boone-Yes. Motion Carried.

Resolution, First Amendment Grant Agreement w/Hamilton County Board of Commissioners

The Village was awarded \$214,900.00 in grant funds by the Hamilton County Board of Commissioners for the McCullough's Run Remediation Project.

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

Mr. Schwab made a motion to adopt RESOLUTION NO. 35-2024 A RESOLUTION APPROVING A FIRST AMENDMENT TO A GRANT AGREEMENT WITH THE HAMILTON COUNTY BOARD OF COMMISSIONERS RELATED TO THE MCCULLOUGH'S RUN REMEDIATION PROJECT. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Boone-Yes. Motion Carried.

Resolution, Contract w/Capital Electric

Capital Electric Line Builders bid the lowest and best bid of \$211,466.00 for the Traffic Signal Upgrade Project. A \$50,000 grant and Street Fund will pay for this project.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 36-2024 A RESOLUTION APPROVING A CONTRACT WITH CAPITAL ELECTRIC LINE BUILDERS FOR THE TRAFFIC SIGNAL UPGRADE PROJECT IN THE VILLAGE OF NEWTOWN. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Boone-Yes. Motion Carried.

Ordinance, Amending 2024 Permanent Appropriations

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

Traffic Signal Upgrade Project: Fund 2011: Street Construction, Other Contracted Services \$296,466 and Park Fund Transfers In (Transfer In) \$60,000.

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 18-2024 AN ORDINANCE AMENDING 2024 PERMANENT APPROPRIATIONS FOR CALENDAR YEAR ENDING DECEMBER 31, 2024. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Boone-Yes. Motion Carried.

Ordinance, Subdivision Regulations

This ensures orderly and proper development of land within the Village. In consultation w/the Village Engineer, Council has determined that the Rules and Regulations of the Hamilton County Regional Planning Commission for Plats and Subdivisions of Land, revised 10/15/2015 and as the same may be amended from time to time. Council conducted a Public Hearing on 10/08/2024 regarding such subdivision regulations.

Solicitor Supinger added that this establishes a process allowing Village Engineers and Planning Commission to review and make best practices for developing of subdivisions.

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

Mr. Schwab made a motion to adopt ORDINANCE NO. 19-2024 AN ORDINANCE ADOPTING SUBDIVISION REGULATIONS FOR THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Boone-Yes. Motion Carried.

Ordinance, Anderson Township Fire/EMS Contract

Anderson Township has provided the Village of Newtown with fire protection and emergency medical services since January 1, 2016 pursuant to a contract between Anderson Township and the Village of Newtown, which is set to expire on December 31, 2024.

Anderson Township and the Village of Newtown have negotiated a new three (3) year agreement to continue these services and Village Council desires to approve the new agreement with Anderson Township for the provision of fire protection and emergency medical services.

Mr. Fairley acknowledged the great relationship the Village has with Anderson Township and thanked Mayor Kobasuk and Mr. Drescher for working with them on the agreement.

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

Mr. Drescher made a motion to adopt ORDINANCE NO. 20-2024 AN ORDINANCE APPROVING AN AGREEMENT WITH ANDERSON TOWNSHIP FOR THE PROVISION OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES TO THE VILLAGE OF NEWTOWN. Ms. Boone seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Ms. Donohue-Yes, Mr. Schwab-Yes, Ms. Boone-Yes. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to approve the 10/08/2024 Council Checklist for \$492,549.57. Mr. Drescher seconded the motion. All Aye. Motion Carried.

Mr. Fairley made a motion to adjourn at 7:20pm, seconded by Mr. Schwab. All Aye. Motion Carried.

Transcribed by Becky Fairley