

Call to Order/Pledge of Allegiance/Attendance

The March 11, 2025 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 (excused)
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 approve the regularly-scheduled 02.11.2025 Council Minutes and 02.18.2025 Special Council Minutes. Ms. Quallen seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report, submitted by Verdantas, previously CT Consultants Engineering March 6, 2025

1. Church Street - Funded
 - Design complete.
 - Schedule:
 - ▶ Project opened on 2/21.
 - ▶ JR Jurgensen was the low bid at \$332,151.70.
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.
 - ▶ Recommending 30% request. Would leave the Village with 20%.
 - ▶ OPWC application submitted on 9/27.
 - Not recommended for funding through D2. Sent to the Small Gov't Commission. Anticipate hearing results by 4/1.
 - The project would resurface Little Dry Run from SR 32 to the Village Corp Limit. Verdantas submitted proposal on 2/17. Awaiting approval.
 - Tentative Schedule:
 - ▶ Advertise for Bid – 4/24/25
 - ▶ Open – 5/22/25
 - ▶ Award – Mid – July
 - ▶ Completion -11/1/25
3. McCullough's Run – Construction Completed
 - Seeding and mulching is the only item remaining to be completed in the spring.
 - A new easement configuration addressing the width at Church St has been approved by Adam Hater at Jones Fish Hatchery for final approval.
4. Drywell at Round Bottom Rd and SR32 – Design Phase
 - Village received funding from Hamilton County Storm Water District in the amount of \$150,000
 - VDT has completed preliminary plans and will have the County review.
 - VDT to prepare easement documents upon approval from the County.
 - Proposed Schedule:
 - ▶ Advertise for Bid – April 16, 2025
 - ▶ Open – April 30, 2025
 - ▶ Award – May 6, 2025 (?) Next Tuesday after open
 - ▶ Completion – October 1, 2025

5. MVCA Parking Lot

- VDT met with task force on 9/25/24 and provided the following requirements to MVCA for addressing:
 - ▶ Move the bumper blocks back 30" from the property line
 - ▶ 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.
 - ▶ 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.
 - ▶ Provide an edge seal along the joint between the path and the MVCA parking lot
- VDT met with MVCA on 2/6/25. MVCA provided an updated set of plans and VDT commented on 2/10/25. Awaiting updated plans.

6. Kinney Property Subdivision

- A list of Hamilton County Regulations recommended for adoption by the Village has been provided to the Village. These include:
 - ▶ Rules and Regulations of the Hamilton County Regional Planning Commission for Plats and Subdivisions of Land
 - ▶ Access Management Regulations
 - ▶ Rules and Regulations of the Hamilton County Soil and Water Conservation District
 - ▶ Thoroughfare Plan
 - ▶ Rules and Regulations of the Office of the County Engineer
- VDT has forwarded a summary of the major subdivision process to the Village for review.
- VDT provided an updated opinion of the width of W Jefferson on 12/19. The applicant proposed a 20' wide asphalt pavement with curb on the north side only. Based on the existing conditions and improvements to the area, we believe that this would be acceptable
- Updated plans and submission for Planning Commission approval were received the week of 2/24. VDT to provide comments to Village by 3/7.

7. Pavement Condition Ratings:

The roadways in the Village with the four lowest pavement condition ratings (PCR) in the 2023 inventory are as follows:

- Little Dry Run - PCR 58
 - ▶ MRF approved. OPWC Small Gov't Pending (see above). Slated for late summer, early fall construction
- Round Bottom Road - PCR 63
 - ▶ Suggest applying for MRF and OPWC Funding in 2025. Do not anticipate getting both, but could reapply for OPWC the following year if MRF is received in 2025 and use as matching for additional points. Please confirm that you would like VDT to submit for funding.
- Main St (Round Bottom to East Corp Line) - PCR 66
- Ragland Road - PCR 71

Mr. Fairley made a motion to have Verdantas apply for funding for repaving of Round Bottom Road. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Audience Participation (3-minute limit)

Ongoing Issue w/Police and Council (Ed Wolfer)

Ed Wolfer, resident and business and property owner of 52 years, 3458 River Hills Drive. Mr. Wolfer asked Councilman Drescher if he voted against Doug Evans (Evans Landscaping) being awarded the job (McCullough's Run) \$265,000 at the Jones Fish Hatcheries because of Mr. Evans being a convicted felon. Mr. Drescher said yes that is correct.

Mr. Wolfer said Mr. Drescher asked Mr. Wolfer during a phone conversation why he didn't get a lawyer or get with the Ohio Attorney General. Mr. Drescher said yes, they did talk on the phone multiple times when Mr. Wolfer was talking about the Safety Committee. Mr. Drescher told Mr. Wolfer he was tired of him being disrespectful. Mr. Wolfer's time expired and was asked to be seated several times by Mayor Kobasuk.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Berm Cleaning SR 32: The cleaning of the berm by ODOT may take place this Wednesday thru Friday (8:30am to 2:30pm).

Townhomes – Main Street: For internal reasons with the developer, the townhomes have been delayed.

Newtown Landfill: The landfill should be capped this year,

Marijuana Issue (Mayor Kobasuk)

The moratorium expires on 3/29/2025 – if Council doesn't extend the moratorium tonight, a special meeting would need to be called to allow more time for Council to make a decision.

Electric Aggregation: More information will be received from Energy Alliances - rates are going up and we may need to go back to Duke Energy if better pricing cannot be achieved. The recommendation is to renew the Energy Alliance Aggregation agreement.

Flock Cameras

Chief Synan explained the opportunity to collaborate with Anderson Township to have several cameras that would cover all entrances to Anderson Township, which in turn it would cover Newtown. Two cameras would be \$3,000 to lease – if we enter into a contract by March 28th, \$1,300 would be saved; therefore, \$6,000/year for an ongoing lease for the flock cameras. The company would cover all maintenance, repairs, technical support – no user fees. Solicitor Supinger will prepare a Resolution for the next meeting, after reviewing the agreement. A motion is sufficient for tonight to realize the \$1,300 savings.

Ms. Quallen made a motion to approve \$6,000 for six Flock Cameras, Mr. Drescher seconded the motion. All Aye. Motion Carried.

Council Members Report:

Finance Report/2025 Budget (Mr. Fairley)

There isn't much data available since the official Budget has not been approved. This year so far, we are about 4% off from where we were this time in 2024. We have a lot of time to make this up – Mr. Fairley told everyone to reach out to him or Keri if they had any questions.

Mr. Fairley made a motion to approve the February 2025 Finance Report, seconded by Mr. Drescher. All Aye. Motion Carried.

Maintenance Report for February (Ms. Quallen)

Council received the report prior to the meeting and no one had any questions. Chuck Morgan has returned to work – Josh did a great job in Chuck's absence.

Planning Commission Update (Mr. Schwab)

Planning Commission did not meet in February – Planning will meet March 27th which will be a Public Hearing regarding a requested zone change from a residential two-family to planned village. Temporary signage recommendations will also be discussed.

Hamilton County Public Health - Annual (DAC) Meeting

Mr. Schwab attend the DAC, the Hamilton County District Advisory Council meeting – this was the annual meeting where they re-elect officials. There was a decline in fatal overdoses reported – from 308 to 170 in Hamilton County were discussed.

Safety Services Reports (Mr. Drescher)

ATFD Report & Police Update Mr. Drescher gave an overview of each respective reports provided by ATFD and Newtown Police.

GOVDEALS (Mr. Drescher)

Mr. Drescher discussed GOVDEALS.COM for equipment that is surplused – this is an action site that sells surplused items. The Maintenance Department has an old pickup truck they can't seem to get rid of – last year they tried with the sealed bid process – no one reads the newspaper these days. The GOVDEALS.COM is no cost to the Village – the buyer pays all fees and taxes if you set it up that way. This cuts costs in advertising surplused items for sale, selling items to everyone with the internet. They pay Hamilton County then Hamilton County would pay the Village. Solicitor Supinger said this just requires an annual Ordinance of Council to approve using internet auctions to dispose of surplus materials.

Solicitor's Report

Solicitor Supinger suggested tabling the second reading of the Ordinance Amending the Zoning Code since the Planning Commission is continuing the discussion at the March meeting. Solicitor Supinger said per Gerry Stoker, this is not ready for a Public Hearing or a decision at this time.

HB 315 - Video Policy, Cost Recovery (Solicitor Supinger)

January 2025, Governor Mike DeWine signed HB 315 which allows public entities to charge a fee associated with producing police video footage – typically body cam footage but could include cruiser cam footage if requested. This law is a reaction to a lot of police departments spending a lot of staff time reviewing and editing and providing body cam footage to requestors. Sometimes these requestors are folks that run a YouTube channel or something similar and they just like to put interesting police interactions on their YouTube channels. There have been situations where people have become disgruntled with a police officer and requested their bodycam footage. The problem is with the footage, time will be spent watching the entire video and determine whether or not anything needs to be redacted or obscured because there is a whole list of exemptions in the Ohio Public Records Act of things that cannot be shown on video footage.

This new law would allow a municipality to have a fee for their actual time spent. The time is also related to the link of the video itself. If the video is 15 minutes long and it takes someone two hours to go through and redact, you can only charge that person actual time for 15 minutes so it's the link of the video and not the amount of the actual time spent.

Solicitor Supinger said most of the police chiefs she works with had specifically requested this when the law went into effect so she included it in the legislation, a revised policy but it is up to council for consideration. The fee is up to \$75 an hour, up to a maximum of \$750 total. Time can also be charged if the solicitor is required to review the video, as well as time should a third-party vendor be required for digital redactions. The rule of paying would need to apply to everyone, no favors because we are a statutory Village, we have to follow the letter of the Ohio Revised Code for procedures.

Public record requests are free if they can be provided electronically. If paper is required, there is a charge per piece of paper.

Marijuana Moratorium (Solicitor Supinger)

The moratorium expires 3/29/2025 – if someone submitted an application, we would have to analyze it under the current zoning code which could be difficult to process the application without approving the moratorium tonight due to the unclarity of this matter in the current zoning code. The state of what the law is going to look like is currently unclear.

Chief Synan agreed with Solicitor Supinger that the challenge with the law is it is not clear – it's optional and not mandatory. It's up to us and we have to be fair – we know what normal business is. If someone habitually requested same copies over and over – that was be excessive. Chief Synan said he is a strong proponent of public records and feels people should have access.

Legislation

Ordinance, Second and Final Reading Appropriations

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

Mr. Fairley made a motion to have a Second and Final Reading of ORDINANCE NO. 04-2025 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN DURING THE FISCAL YEAR ENDING DECEMBER 31, 2025. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. All Aye. Motion Carried.

Ordinance, Amending the Zoning Code – Second Reading TABLED

Mr. Schwab made a motion to table the Second Reading of AN ORDINANCE AMENDING THE ZONING CODE OF VILLAGE OF NEWTOWN. Ms. Quallen seconded the motion.

Second and Final Reading, Ordinance, Mayor's Court Computer Fund

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 05-2025 AN ORDINANCE INCREASING THE MAYOR'S COURT COMPUTER FUND AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.

Ordinance, American Legal Publishing's Ohio Basic Code

American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption for municipalities in Ohio.

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

Mr. Schwab made a motion to adopt ORDINANCE NO. 06-2025 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2025 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO AND DECLARING AN EMERGENCY. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.

Ordinance, Extending the Moratorium

On January 9, 2024, Village Council passed Ordinance No. 4-2024 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 Village extended the moratorium on September 10, 2024 and December 10, 2024, which is not set to expire on March 29, 2025 and Council desires to extend the moratorium for an additional ninety (90) days in order to continue its review of the laws related to adult-use marijuana and determine whether to prohibit, limit, or regulate adult-use marijuana operators in the Village.

Mr. Fairley made a motion to suspend the rules, seconded by Mr. Schwab. Ms. Donohue-Nay; therefore, rules were not suspended.

First Reading of an Ordinance Extending the Moratorium

Mayor Kobasuk read the First Reading of AN ORDINANCE EXTENDING THE MORATORIUMS 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.

First Reading of an Ordinance, Prohibiting Adult-Use Cannabis Operations

On November 7, 2023 Ohio voters approved State Issue 2 adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes, which became law on December 7, 2023 and has been codified as Sections 3780.01 through 3780.99 of the Ohio Revised Code (the "Act") and Section 3780.25 authorizes the legislative authority of a municipal corporation to prohibit or limit the number of adult use cannabis operators within its jurisdiction.

Mayor Kobasuk read the First Reading of AN ORDINANCE PROHIBITING ADULT-USE CANNABIS OPERATIONS, INCLUDING CULTIVATORS, PROCESSORS AND DISPENSARIES IN THE VILLAGE OF NEWTOWN PURSUANT TO CHAPTER 3780 OF THE OHIO REVISED CODE.

Resolution, Amending the Public Records Policy

Newtown Council adopted a public records policy on September 25, 2007, as set forth in Resolution 28-2007 and due to changes in Ohio law related to public records, Village Council desires to amend its Public Records Policy.

Ms. Donohue thought we should have a First Reading, as this is the cost of doing business.

Mayor Kobasuk read the First Reading of a RESOLUTION AMENDING THE PUBLIC RECORDS POLICY FOR THE VILLAGE OF NEWTOWN.

2nd and Final Reading, Resolution, Agreement w/Verdantas

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. 04-2025 A RESOLUTION APPROVING AN AGREEMENT WITH VERDANTAS FOR PROFESSIONAL SERVICES. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.

Resolution, Engineering for Little Dry Run Improvements Project

Newtown Council wishes to approve an agreement with Verdantas (formerly CT Consultants) for professional engineering services related to the Little Dry Run Improvements Project. The agreement for professional engineering services between the Village of Newtown, Ohio and Verdantas related to the Little Dry Run Improvements Project in the amount of \$28,250 is accepted and approved and the Mayor and Fiscal Officer of the Village of Newtown are authorized and directed to execute the agreement on behalf of the Village.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 05-2025 A RESOLUTION APPROVING AN AGREEMENT WITH VERDANTAS FOR ENGINEERING SERVICES RELATED TO THE LITTLE DRY RUN IMPROVEMENTS PROJECT. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.

Resolution, Church Street Improvements Project

The Village of Newtown advertised for bids for the Church Street Roadway Improvements Project and after reviewing the submitted bids, the Village Engineer has advised that the bid submitted by John J. Jurgensen Company in the amount of \$332,151.70 is the lowest and best bid – Council desires to enter into a contract w/John J. Jurgensen Company for the Church Street Improvements 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. 06-2025 A RESOLUTION APPROVING A CONTRACT WITH JOHN R. JURGENSEN COMPANY FOR THE CHURCH STREET ROADWAY IMPROVEMENTS PROJECT IN THE VILLAGE OF NEWTOWN. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.

Resolution, Electric Aggregation Agreement

That the Mayor and Fiscal Officer are hereby authorized to enter into an Opt-Out electric agreement with a supplier to be named later for electric supply to the Village of Newtown Electric Aggregation Program.

That the Mayor and Fiscal Officer may enter into an Opt-Out electric aggregation Master Service Agreement with an electric supplier recommended by Energy Alliance, Inc. The Mayor and Fiscal Officer may further execute subsequent agreements as needed with regard to stabilize or reduce electric costs, but then report to Village Council about executing such agreement and the rate obtained at the earliest practicable time thereafter.

That the agreement may consist of an optional “Opt-In” renewable energy rate.

That any qualifying resident, businesses and other electric consumers within the Village limits of Newtown can request, at any time and without cost, to “Opt-Out” or exit the program by contacting Energy Alliances, Inc. or the chosen supplier.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 07-2025 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN ELECTRIC AGGREGATION AGREEMENT WITH AN ELECTRIC SUPPLIER RECOMMENDED BY ENERGY ALLIANCES, INC., THE VILLAGE’S ENERGY AGGREGATION CONSULTANT AND TO ENTER INTO SUBSEQUENT AGREEMENTS WITH REGARD TO THIS PROGRAM TO STABILIZE AND REDUCE COSTS AS NEEDED. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.

New Business

Hamilton County Storm Water District

The Hamilton County Storm Water District is offering the same levels of service and fees in the 2026 program year as were offered to Co-Permittee Jurisdictions in the 2025 program year.

Mr. Schwab made a motion to approve Hamilton County Storm Water District Level of Service (LOS) and Estimated Service Fees for 2026. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes. Motion Carried.

Council Checklist

Mr. Fairley made a motion to approve the 03.11.2025 Council Checklist for \$233,784.11, seconded by Mr. Schwab. All Aye. Motion Carried.

Mr. Fairley made a motion to adjourn at 6:52pm, seconded by Mr. Drescher. All Aye. Motion Carried.

Transcribed by Becky Fairley