

Call to Order/Pledge of Allegiance/Attendance

The August 27, 2019 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.

Council Members: Curt Tiettmeyer (Vice Mayor) Terry Fairley Daryl Zornes
Don Carroll Chuck Short Sarah Williams
Fiscal Officer: Keri Everett Assistant to Mayor: Becky Fairley
Solicitor: Matt Fellerhoff

APPROVAL OF COUNCIL MINUTES:

Mr. Short made a motion to approve the 08.13.2019 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Jason Rahe, Great Parks of Hamilton County

Mr. Rahe, Director of Conservation and Parks on the eastside of I-71. On a personal behalf, Mr. Rahe is the great-great grandson of Dr. Charles Louis Metz. Dr. Metz was a medical doctor in the late 1800's, as well as an archaeologist. He excavated the Hahn, Turner and Turpin Farm archaeology sites in the late 1800's. Two weeks ago, the Metz family had a family reunion. Mr. Rahe thanked the Village of Newtown for hosting the 100 members (direct descendants) of Dr. Charles Metz. In addition to visiting the Newtown Municipal Building (American Indian Artifacts), they also visited Camp Denison and different sites throughout Madisonville. Mr. Rahe thanked Becky and Terry Fairley for making themselves available on Saturday, August 17th, making it possible for the Metz family to visit Newtown. Madisonville rehabbed Dr. Metz' original home; they called him Mr. Madisonville for his many accolades. Please see the below Proclamation, prepared by Mayor Mark Kobasuk.

Proclamation

Honoring Dr. Charles Louis Metz (January 1, 1847 to December 20, 1926)

RESOLVED, by the Mayor of the Village of Newtown that:

WHEREAS, Dr. Charles Louis Metz will be honored here today by family and friends for his lifetime achievements in medicine, civil affairs, and archeology and for his foresight of native cultural preservation for this area; and

WHEREAS, He was born in 1847 in Cincinnati, studied medicine, and became this community's doctor until his passing in 1926. He became the husband of Amelia Molly Berger in 1870, and this marriage was blessed with 9 children; and

WHEREAS, His passion for medicine began at Camp Dennison during the Civil War and led him to become a doctor in 1871. During his 55-year medical career his practice extended to areas as far as sixty miles away. With his horse and buggy, Dr. Metz delivered 3357 babies to the area; and

WHEREAS, Dr. Metz' goals were to respect his country, his profession and himself. He organized and led the promotion of the first high school, library and fire department in Madisonville; Dr. Metz was a health officer, member of the school board and a council member. He was a member of the hook and ladder company as well as the volunteer physician for the local school community; and

WHEREAS, Dr. Metz was a world-known archeologist who made this region celebrated for pre-historic antiquities. His work, exhuming over 7000 skeletons and 10000 artifacts, were on display at The World's Fair of 1893 and are currently displayed in museums worldwide. The archeological methods he developed in this area helped to preserve the historical importance of the mound builders. These same methods are still being used today; and

WHEREAS, Dr. Metz was a devoted Roman Catholic. He was an idealist. He was a dreamer of dreams. He loved art, music, literature, history, people, his community and his country.

Mark G. Kobasuk, Mayor
Village of Newtown, Dated this 13th day of August 2019

1. Ragland Road Culvert (17053)

- All pipe 54" pipe is installed.
- Restoration is in process. Fill is an issue.
- Consider doing final milling and paving in 2020.

Mr. Fairley said as long as the residents have a decent surface to drive over and explain we are withholding the permanent surface until paving 2020 – waiting will allow time for settling. Council agreed waiting would be best. Mr. Brandstetter said the entire cost will drop substantially with delaying the street paving until 2020. A little more pipe needs to be installed; once everything dries, topsoil will be brought in and grading will take place so the project should be completed in three weeks. Maintenance will increase a bit due to installation of additional trash racks. Mr. Brandstetter suggested maintaining the pipe and trash racks should become weekly routine for Newtown Maintenance.

- Pipe out of an existing inlet full of "mud" and too low to cross sanitary sewer. New pipe and inlet installed, \$7,200. Based upon contract unit prices. New catch basin was installed.
- Tree removal and yard drainage discussion.

Mr. Fairley made a motion to approve the \$7,200 over run for the new pipe and inlet installed at Harriet and Ragland Road. Mr. Short seconded the motion. All Aye. Motion Carried.

2. 2018 Street Program (18081)

- BCI made JK Meurer aware of the Villages' position on Crull.

3. Sidewalk Inspection, Riverhills Subdivision (18085)

- BCI to remark sidewalks prior to construction.
- As of 8/26, project will begin 9/16/2019.
- This project is weather-driven and should take 3-4 weeks beginning week of Sept. 16.

Mr. Fairley made a motion to approve \$1,530.72 to Adletta for a change order to the sidewalk reconstruction program for work on Center Street at Church Street. Mr. Short seconded the motion. All Aye. Motion Carried.

Mr. Carroll told Mr. Brandstetter he assumed the pedestrian crosswalk at Ivy Hills Blvd./Little Dry is still a part of this project. Mr. Brandstetter said yes, it is! Mr. Carroll also asked if another bid had been obtained for the work on the storm water troth. Mr. Brandstetter said not yet, they will get to it!

4. 2019 Paving Program (19032)

- Paving complete.
- Several property owners have drainage questions on Jefferson.
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Five to six residents on Jefferson Street have questions about the drainage after the paving of the road. Mr. Brandstetter received an email from several residents stating they were told the drainage problems would be solved after the paving of the road. Mr. Brandstetter said BCI did not commit to that statement, nor did Mr. Fairley. He said Mr. Fairley responded appropriately to the emails. He thanked Mr. Fairley and said no one guaranteed the drainage would be solved. The solution would cost \$1 million to curb/gutter the roads on Edit, Pine and Jefferson. Mr. Brandstetter will communicate with Mayor Kobasuk after meeting tomorrow w/Peg. Mr. Fairley said everyone on Edith Street is very happy with the paving of the street thus far and believes the majority on Jefferson and Pine are as well. He feels the drainage is working as it was designed to – it never was to eliminate the drainage, only supplement.

5. Little Dry Run Wall Lagging (19033)

- Construction is scheduled for the winter. The contract completion date is 2/1/20.
- Contractor to provide maintenance of traffic plan for Village approval.

6. Crack Sealing (19007)

- Rack 7 has been contacted concerning Riverhills Subdivision and Reserves of Ivy Hills. BCI will coordinate with a preconstruction site visit/schedule.

7. Duke Gas Permits, Round Bottom Rd (19086)

- BCI to provide an estimate to repair and crack and seal the rest of the trail, trim overhead honeysuckle at south west corner.

8. Plan Reviews/Meetings

- Plans submitted for Brain Brew site on 8/23/19.

9. Drainage/Concrete Repairs/Pavement

- Four quotes have been received, seven requested. Adleta is the lowest at \$12,000.
- Summary submitted.

10. Mini Planning Grant

- Village was not awarded a Mini Planning Grant for Short Park.

11. McCullough's Run

- BCI to review in the field in more detail and prepare a work scope to obtain quotes **over the next two weeks**. It is anticipated work will be completed late fall or winter 2020 for best pricing.

12. OPWC/MRF Applications

- **BCI recommends that a grant application be submitted for Church Street from SR 32 to north corporation line. This is due to condition, age and traffic count.** Detailed estimate attached. They will try to sell it as a lot of truck/bus traffic, which has increased substantially. Truck traffic here is construction-driven stated Mr. Brandstetter. Traffic counts will be researched by BCI.
- **MRF application due on 8/30/19. Legislation not required.**
- **OPWC application due 9/20/19. Legislation required by 11/15/19.** Prefer to submit with the application and request legislation at the 9/10/19 Council Meeting.
- **OPWC funding is not likely in 2020.** Note attached comparative photos with Camargo Road.

Newtown Landfill

Mayor Kobasuk said we need to get engineering review of Newtown Fill's plans, as it seems they are taking the toe of the landfill right to the right-of-way and putting a drainage ditch in the right-of-way. The Village controls the right-of-way. Mr. Brandstetter said BCI will review the plans – council agreed.

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? *(There were no participants)*

Mayor and Council Member Reports:

Lake Barber Landscape Plan Proposals: (Mayor Kobasuk)

RFP's (Requests for Proposals) for a landscape plan for Lake Barber were sent to three local companies. This plan is needed to restore the area when Duke Energy installs the new pipeline. One proposal was received from Evans Landscaping for \$500.00, which would be passed onto Duke Energy. The plan would be to restore an area that is 700' long x 50' wide along the walking trail. Duke has restrictions as to what can be planted – plants cannot affect the pipeline so no deep-rooted plants. Mayor Kobasuk talked with Gilb Landscaping and thought they would submit a proposal but they did not, nor did Kaegi Landscaping. Mayor Kobasuk asked Council for a motion to support this proposal received from Evans Landscaping.

Mr. Tiettmeyer said he would like to contact the landscape designer that did work at St. John Fisher Catholic church. He believes it is a conflict with Evans because he is one of the property owners that surrounds the lake. Mayor Kobasuk said all we are trying to do is get a proposal to restore the area and three RFP's were sent out. He would like to move ahead with the Evans proposal. Mayor Kobasuk said Evans is highly competent to do this work – they did a nice job cleaning the culvert, stated Mayor Kobasuk. Mr. Tiettmeyer said there is cleaning the culvert, then there is landscape design. He said cost is not the issue; the issue is having it done right. Mayor Kobasuk said Duke will pay for it in the end and he would like to move ahead. After more discussion, Council took a vote on the below motion:

Mr. Short made a motion to approve and move forward with the proposal of \$500 submitted by Evans Landscaping. Mr. Fairley seconded the motion. Roll Call: Mr. Carroll-No, Mrs. Williams-No, Mr. Zornes-No, Mr. Tiettmeyer-No, Mr. Fairley-Yes, Mr. Short-Yes. Motion Failed.

Employee Appreciation Lunch

In the past, Council has approved \$200 for an Employee Appreciation Lunch for Administration and the Maintenance Department. (An amount has already been approved for the Police Department.) This amount has been approved for the last few years but no luncheon was planned.

Mr. Short made a motion to approve \$200 for Administration and the Maintenance to have a special luncheon. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Village Solicitor's Report (Solicitor Matt Fellerhoff)

At the last Council meeting, an initial opinion regarding how to alter current issues going on at Newtown Fill had been given by Solicitor Fellerhoff. After several discussions, Strauss Troy agreed to take a harder look and discovered more documents and additional legal opinions the Village had paid for in the past. These legal opinions agreed with Strauss Troy's initial conclusion that the Village could not do anything because regulation of a landfill is preempted by state law. Strauss Troy took a look at those opinions and ran through the law again to make sure there wasn't a change in the law and came back with a consistent opinion that frankly, the law supersedes any Village Zoning Code. Even if the Zoning Code were to apply the date the landfill went in would have been grandfathered. The regulations that currently exist really not would have affected this business significantly. There is a requirement in state law that requires screening when debris is put within 500' of an occupied building, which is not owned by the owner/operator. The screening is only to screen the building from the landfill and that would not affect the concerns raised by the citizens. At the moment, there is not a building occupied that is close enough to the landfill. Generally, there is very little the Village could do; however, there were additional meetings that occurred – the Mayor Kobasuk and other representatives met with the owner of the landfill. Earlier discussions raised concerns about how the toe of the slope came down right to the property line. Our belief is the owner is supposed to provide drainage around the landfill. The way it appears, which has been discussed with the engineer, is that the toe slip comes right to the property line and the expectation from the landfill owner is that the drainage occurs on the right-of-way which is not the landfill owner's property. Solicitor Supinger is preparing a letter that addresses our concerns to Hamilton County Public Health, which has the ability to enforce this. There is also a provision in the permit that requires a surveying of the property on a more frequent basis, which we don't believe has been followed, which will also be addressed in the letter. We will certainly can keep on Hamilton County Public Health to ensure property enforcement. Other issues will be addressed in the letter that is being prepared by Solicitor Supinger. Solicitor Fellerhoff said we can stay in touch with Hamilton County Public Health to make sure the code is properly enforced. Mayor Kobasuk is hoping the Landfill will redo their plan.

Legislation

CRA – BRAIN BREW VENTURES 3.0, INC.

Mr. Doug Hall, Eureka Ranch, inventor and CFO of Brain Brew Ventures 3.0., Inc. updated Mayor and Council on the progress of bringing Brain Brew's operation from Kentucky to Ohio, located at 3851 Edwards Road. They are expanding their business, exporting scientifically brewed whiskey all over the world, stated Mayor Kobasuk. The project cost is \$1.5 million. Eureka Ranch has resided in the Village of Newtown 26 years.

Certain Village staff and officials have investigated the CRA Commercial Application of Brain Brew and have recommended a fifty-percent (50%) exemption for ten (10) years on the assessed value of the improvements to the property set forth in the Application to the Newtown Council on the basis that Brain Brew is qualified by financial responsibility and business experience to create and persevere employment opportunities in said Community Reinvestment Area and improve the economic climate of Newtown.

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 28-2019 A RESOLUTION APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT WITH BRAIN BREW VENTURES 3.0, INC. FOR A PROJECT TO BE LOCATED AT 3851 EDWARDS ROAD IN THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

New Business

Checklist

Mr. Tiettmeyer made a motion to approve the 08/27/2019 Checklist in the amount of \$109,816.82. Mr. Short seconded the motion. All Aye. Motion Approved.

Mr. Short made a motion to adjourn at 8:05pm; motion seconded by Mr. Carroll. All Aye. Motion Carried.

Transcribed by Becky Fairley