

### Call to Order/Pledge of Allegiance/Attendance

The October 8, 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)                      Solicitor: Emily Supinger  
Daryl Zornes    Fiscal Officer: Keri Everett  
Chuck Short    Assistant to Mayor: Becky Fairley  
Terry Fairley  
Don Carroll  
Sarah Williams

The meeting was opened with the following Public Hearing:

**PUBLIC HEARING** – For a text amendment of the Newtown Zoning Code to add additional permitted uses in the Office Research Park Zoning District

Mayor Kobasuk said this is a minor text amendment to accommodate an existing business on Round Bottom Road. We are basically adding the term “landscape and tree service” business, excluding retail sales to the zoning code. No one from the public had any questions or comments on the text amendment to the zoning code.

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### APPROVAL OF COUNCIL MINUTES:

**Mr. Short made a motion to approve the 09.24.2019 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

### SPECIAL PRESENTATIONS

#### Forest Hills School District – 4.7 mill Operating Levy

Randy Smith, President of the Board of Education of the Forest Hills School District. The District has placed a 4.7 mill operating levy on the ballot for this coming November. Mr. Smith said there has not been an operating increase in seven years. The last operating levy has been stretched out to almost eight years. A tax rate of \$164 and some change will be assessed to property owners for every \$100,000 annually. This is Issue No. 14 on the November ballot.

BCI Engineering Update: Engineer Jeff McMullen

**October 4, 2019**

#### **1. Ragland Road Culvert (17053)**

- Final restoration in process. Per the Contractor, restoration will be complete 10/11/19.
- Mr. Yeager has requested concrete drive restoration instead of gravel.
- Final Change Order will be prepared to reflect as-built quantities.

#### **2. 2018 Street Program (18081)**

- BCI reviewing Onyx type seal coat.

Mr. Fairley, Streets Committee Chair, recommended to not move forward with the Onyx seal coating. It appears to be a glorified seal coat – the Village and the Crull residents deserve to have the section of the street on Crull repaved in the correct manner – correctly milling and paving. Mr. Mullen said Bruce Brandstetter has met w/JK Meurer but unclear on the outcome. Mayor Kobasuk said that is not acceptable that we need to go back to the mill and paving. Mr. Zornes looked at the streets in Anderson Township, as suggested by Mr. Brandstetter, these streets were treated with the Onyx seal coat ten years ago and have large cracks showing through. Mayor said Council seems to want the street re-milled and paved. Mr. Fairley said the streets in the Crull subdivision probably will not be on the schedule for paving for another twenty years so we must see this through and make sure the street is done correctly, as this is what the Village and taxpayers paid for. Mayor Kobasuk asked Mr. McMullen to tell Bruce and have him meet again w/JK Meurer. Council is willing to wait until 2020 spring to have Crull re-milled and paved to make sure it is done correctly since blacktop work usually stops in November. Mr. Fairley will discuss with Bruce at an upcoming meeting and discuss at the 10/22 Council Meeting.

#### **3. Sidewalk Inspection, River Hills Subdivision (18085)**

- Work is complete. BCI to prepare punch list and check final quantities.

Mr. Carroll said in regards to sidewalks, Adleta completed the crosswalk on Little Dry Run as well. Mr. Carroll advised Bruce a week ago that Adleta left road signs behind on the sidewalk on LDR. One of two of the signs remains.

#### **4. 2019 Paving Program (19032)**

- Paving complete. BCI processing pay request. Project cost slightly below the original contract.

5. **Little Dry Run Wall Lagging (19033)**

- Construction schedule to start the week of 11/11/19.
- Contractor to provide maintenance of traffic plan for Village approval.

6. **Crack Sealing (19007)**

- Council agreed on 9/24 to crack seal River Hills Subdivision only with Rack 7.
- Reserves of Ivy Hills will be addressed in 2020.

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

- Cost estimate to repair/crack seal/seal coat and alternate to mill and pave forwarded to Village on 9/20.
- Cost estimate for the Duke cost savings by not going thru Round Bottom Rd forwarded to the Village on 9/24/19.
- BCI to review, need a proposed specification for crack sealant so as to not be “tacky” for users.

8. **Plan Reviews/Meetings**

- Urban Grill site plan returned for more information.
- MVCA haul route for their athletic facilities.
- BCI meet with MVCA to discuss proposed widening of School Street intersection. A follow up sketch was provided.

Access/Haul Route for Construction Discussion

The proposed entry would run mostly on park land but it is shown on the diagram crossing onto the lot Newtown owns that abuts the park parking lot. This entry would not reach the ballfields; one would turn right before that. This would be a temporary route for construction, MVCA assures the Village they will repair any damage. MVCA will see that the park drive is cleaned up at least once a week on Friday. Solicitor Supinger talked w/Bruce today - a Temporary License Agreement and a resolution would be prepared to provide for the use permitted for the time-period, including the restoration. Once the solicitor and engineer authorize the proposed MVCA plans, the Mayor would be authorized to sign the legislation/agreement. Resident Dale Myers is opposed to the mess this would create as it would prevent the public from using this area during the construction phase thru the week.

9. **McCullough’s Run**

- Five-phase project:
  - Turpin Lane to Church St, apply for OPWC funds to clean channel and replace street pile wall along Jones Fish property. BCI to review wall options to street piles.
  - Clean from Church St. to River Hills. Review wooded area after leaves fall.
  - Clean channel from River Hills to east side of Ivy hills place. Obtain quotes for work in late 2019/early 2020. Rack and Ballauer estimated \$65,000 as reported Clean from Ivy Hills Blvd. to Corporate Line on Little Dry Run Rd.
- Village personnel to grade/fill outfall of public storm from Oyster Bay Lane and Court.
- Village personnel to also address drainage flume off of Little Dry Run.

10. **Thorndale Storm**

- Adleta work began w/o 10/7/19 and almost done with the catch basins.

11. **OPWC/MRF Applications**

- Church Street grant application submitted on 9/20/19.
- Legislation for OPWC Grant Application for Church Street due 11/15/19.

12. **Miscellaneous**

- a. Proposed 2020 paving to include Municipal Building Parking Lot, Mill and Pave on Harriett/Ragland and pavement repairs/crack seal Ivy Hills Place and crack seal Edwards Rd./Lake Barber parking lot.
- b. BCI update meeting with Terry Fairley on 10/3/19. 2020 budget items are on the agenda.
  - at 9/24 Council Meeting.
  - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leave fall.

Newtown Fill Update (Mayor Kobasuk)

Barry Franz, Diversified Engineering was not present – he did email notes to Mayor and Council prior to this meeting. The notes document his activities. In an effort to conserve fees, Mayor Kobasuk asked Mr. Franz to provide an update and attend when he has new information after he receives and reviews the survey. The visible garbage is a work in progress until the final topcoat is added – this topcoat is 2 feet of earth and clay and until then, the operators do not have to have the slope correct. The Health Commissioner (HCPH) indicated in a previous meeting they would push the operators to provide more screening, stated Solicitor Supinger.

Public Workshop – Newtown Comprehensive Plan “Plan Newtown” (Mayor Kobasuk)

A Public Workshop will be held on Wednesday, Oct. 23<sup>rd</sup> at 6:30-8:00pm in the Connections Café at MVCA on School Street. Newtown residents and business owners’ input are important and we urge everyone to attend to learn more about the plan for future Newtown. Council can expect a report sometime late January 2020.

Station No. 22 – Lighting (Mr. Zornes and Mr. Tiettmeyer)

October 2<sup>nd</sup>, Mr. Tiettmeyer, Mr. Zornes and Maintenance Supervisor Chuck Morgan met at the firehouse to assess the lighting. After hearing from Fire Chief Martin on a couple of items, Mr. Zornes will provide an update to Council. Replacing lighting will take place in 2020. Pole lights will be changed to LED lights. Chuck Morgan is comfortable he and the maintenance department can handle replacing the wall packs keeping the florescent lights as they are.

Maintenance Department 2020 Budget (Mr. Fairley)

A preliminary meeting for the 2020 Budget took place last week between Mr. Fairley and Chuck Morgan. After meeting with Mr. Brandstetter next week to discuss 2020 planning for streets and miscellaneous projects regarding the 2020 Budget, Mr. Fairley will call for another Streets Committee Meeting to wrap up the 2020 Budget for the Maintenance Department. Mayor and all of Council are invited!

2020 Budget (Mr. Tiettmeyer)

Mr. Tiettmeyer reminded Council to wrap up the employee-based benefits, salaries and health benefits done early as possible. Other appropriation requests are needed by year-end; however, the final appropriation approval cannot take place until the 2019 books have been closed which is usually done in January. The third quarter is now behind us, from a wage-tax perspective, we are running a little behind on a year-to-date basis from a year ago. We did make up a little ground from the month before but Mr. Tiettmeyer said it may be that a few capital expenses may need to be rolled back a little. From a normal operating perspective, the budget is good. We need to plan cautiously for next year.

Village Solicitor's Report (Solicitor Supinger)

In regards to the soccer issue, as of this afternoon, there has been no activity on the docket. Oral argument was June 2019 and we should hear something sooner than later. This magistrate inherited Magistrate Bachman's cases after he was unexpectedly removed.

Legislation

Resolution, contract w/Adleta Inc. – Storm Sewer Repairs

Adleta submitted the lowest bid for storm sewer repairs on Thorndale Lane and English Drive in an amount not to exceed \$12,000.

**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. 31-2019 A RESOLUTION APPROVING A CONTRACT WITH ADLETA, INC. FOR STORM SEWER REPAIRS ON THORNDALE LANE AND ENGLISH DRIVE. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Carroll-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution – Temporary License Agreement w/MVCA

Due to short notice of receiving the information/legislation for consideration, Council tabled this resolution until the 10/22 Council Meeting.

Ordinance Amending Zoning Code

The Newtown Planning Commission conducted a meeting on September 5, 2019 and voted to recommend an amendment to Chapter 2 (Definitions) and Section 26.1 (Principally Permitted Uses in the Office Research Park District) in order to permit Landscape and Tree Services Business as a principally permitted use in the Office Research Park zoning district; the Village of Newtown conducted a public hearing as to the proposed changes set forth in the attached Exhibit A on October 8, 2019.

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

**Mr. Carroll made a motion to adopt ORDINANCE NO. 12-2019 AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion.**

Solicitor Supinger explained that this text amendment change allows a business to expand his business, permitting Landscape and Tree Services Business as a principally permitted use in the Office Research Park zoning district.

**Roll Call: Mr. Carroll-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution, OPWC Application

The State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and the Village of Newtown is planning to make capital improvements to Church Street between Main Street and the north corporation line.

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

**Mr. Zornes made a motion to adopt RESOLUTION NO. 32-2019 A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLWORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Carroll-Yes. Motion Carried.**

New Business

Checklist

**Mr. Tiettmeyer made a motion to approve the 10/08/2019 Checklist in the amount of \$135,655.70. Mr. Carroll seconded the motion. All Aye. Motion Approved.**

Halloween Party

The annual Halloween Party will be held at Station No. 22, Newtown Firehouse on October 20<sup>th</sup> from 6-8pm for children 12 and under.

Mr. Short made a motion to adjourn; Mr. Zornes seconded the motion. Meeting Adjourned at 7:22pm.

Transcribed by Becky Fairley