

Call to Order/Pledge of Allegiance/Attendance

The January 28, 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:	Don Carroll (Vice Mayor)	Solicitor: Emily Supinger (not present)
	Daryl Zornes	Fiscal Officer: Keri Everett (not present)
	Chuck Short	Assistant to Mayor: Becky Fairley
	Curt Tiettmeyer	
	Terry Fairley	
	Sarah Williams	

APPROVAL OF COUNCIL MINUTES:

Mr. Short made a motion to approve the regularly scheduled 01.14.2020 Council Minutes. Mr. Zornes seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS:

Chris Jones, PACE Financial – Residential PACE (Property Assessed Clean Energy)

Last year, the Village established an energy special improvement district (ESID), which allows for commercial entities in the Village to obtain financing for energy improvements on their property. This allows the costs to be financed through a special assessment against the property. Gardner Publications, located in Newtown, first petitioned to create the ESID, which approved basically the Commercial Plan (Commercial PACE). The Village is currently in the same Energy SID (ESID), referred to as the Eastern Communities ESID, along with Anderson Township. Commercial property owners would come before the ESID for approval of their project, then come before Council for approval or leveling of the special assessment, if they want to use PACE financing.

The ESID (Energy Special Improvement District) did approve the residential plan, which allows each of the local governments to then approve the Residential PACE program. Residential PACE allows homeowners to finance energy efficiency, renewable energy and other eligible improvements on their homes using private sources of capital. PACE programs are typically enabled through state legislation, and authorized at the local government level. Municipalities may directly administer residential PACE programs, or through public-private partnerships with one or more PACE providers.

Property Assessed Clean Energy (PACE) financing is a dynamic and rapidly growing mechanism to finance energy efficiency and renewable energy projects in Ohio. Through PACE, special assessments are used to repay and secure upfront funding for improvements that save or generate energy. PACE financing leverages the security of special assessments to open up new sources of capital, allow for better financing terms, and incentivize development in an economical and environmentally conscious way. PACE requires minimal upfront investment from a property owner. Local governments can use PACE as an incentive tool without foregoing tax revenues or pledging its credit. The use of special assessment financing in Ohio spans over one hundred years. The application of special assessment financing to energy improvements through PACE has more recently transformed them into engines for growth around the state.

PACE financing in Ohio involves public-private cooperation between a property owner, a lender, a municipal corporation or township and an energy special improvement district (ESID), whose legislation was passed in 2009, with an amendment in 2010. This allowed local governments to establish the ESID and allowed multiple local governments to essentially join in the same ESID. The lender makes a loan to the property owner for the property owner to undertake solar photovoltaic, solar thermal, geothermal, wind, biomass, gasification and energy efficiency projects. The loan can take a variety of forms, and the lender can be either a public or private entity. From this point of view, PACE is not substantially different than other forms of financing. But PACE's innovation is in how this loan is secured and repaid.

PACE allows the municipal corporation or township to levy special assessments on the property in installments sized to repay the loan and associated financing costs. In order to levy these special assessments, Ohio law provides for the creation of an ESID. The ESID provides for the PACE project by working with the property owner to develop a plan for the project. The municipal corporation or township where the property is located is automatically part of the ESID when it approves the ESID's formation or the addition of property to it.

Once levied, the special assessments are added to the property owner's tax bill. The special assessments are collected by the county with the rest of the property taxes and settled under its normal processes. The amount of the special assessment for that period is transferred to the lender to repay the loan as provided for in the financing documents. If any current special assessments are not paid, then a lien is placed on the property by operation of law for the amount of the unpaid special assessment. This lien has the same priority as unpaid property taxes, which is the highest priority in Ohio, and is ahead of a first mortgage lien position. The special assessments are tied to the land, rather than the property owner. Special assessments can stay with the property upon conveyance.

The ESID can grow to support other projects in the same municipal corporation or township, or it can extend to contiguous municipal corporations and townships. Most major metropolitan areas in Ohio are already supported by regional ESIDs to allow for projects in their areas.

Property-owners would have the opportunity to finance certain types of improvements through a special assessment as opposed to traditional financing. There are pre-approved qualified contractors as part of the program. If the homeowner elected to do it, they would apply through the contractor. At this time, the program administrator for the entire state of Ohio is this Toledo Port Authority, who would administer the special assessment.

There is one PACE lender, Renovate America that does residential; they have been approved by the Toledo Port Authority as its approved lender. Bricker & Eckler assists with the legal aspect of the program creation. The Port Authority at that point and time would determine whether the improvement is a qualified improvement and whether the term for the repayment is appropriate based on the life of the particular type of improvement. On its behalf, the local government would assign the ability to administer to the Toledo Port Authority and then the homeowner would make the improvements. The Village would then place the special assessment on the tax rolls. program is pretty new, only in a couple of counties in Ohio thus far. The Toledo Port Authority is working with Hamilton County Auditor's official working to get in a place a system where the auditor would collect the taxes and remit them directly to the Toledo Port Authority, as opposed to the local jurisdiction, who would then in turn send it to the Port Authority. So far, Hamilton County Auditor has indicated they are not willing to do that – that the special assessment that is collected would have to come to the Village, who would then have to send that money to the Toledo Port Authority. As long as the Village does this, there would be no risk to the Village in terms of a default on a payment. The Toledo Port Authority who is issuing the bonds would bear this risk. The upside to the homeowner, the financing would not be reported to their credit at all. It does act the same as a home equity loan. Minimum investment is \$2500.

At Mayor Kobasuk's request, Mr. Jones will forward Village Council more information for consideration. If Council approves, they will adopt legislation for the program.

Engineer Bruce Brandstetter, BCI (Project Status Update)

The following was submitted and presented to Mayor and Council:

January 24, 2020

1. **Ragland Road Culvert (17053)**
 - Visited the site on 1/12/2020 to review wall/driveway.
 - Follow up meeting with David Yeager on 1/26/2020.
 - Contractor is preparing a list of "extra" work they did for Mr. Yeager.
2. **2018 Street Program (18081)**
 - JK Meurer has agreed to address the Villages' concerns in the Spring of 2020.
3. **Sidewalk Inspection, River Hills Subdivision (18085)**
 - Agreeing to final quantities per property with Adleta. BCI will then finalize the assessments.
4. **Little Dry Run Wall Lagging (19033)**
 - Work is starting on 1/27/2020. Traffic seems lighter and is running smoothly thus far. Public was notified via email and signage
 - Scheduled for two weeks. May go into a third week depending upon weather.
5. **Plan Reviews/Meetings**
 - BCI reviewing SR32/Round Bottom Rd. plans for right-of-way access for the Duke gas main.
9. **McCullough's Run**
 - Five-phase project:
 - Turpin Lane to Church St, apply for OPWC funds to clean channel and replace sheet pile wall along Jones Fish property. BCI to review wall options to sheet 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.
 - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leaves fall.
 - 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.
10. **MRF/OPWC Applications**
 - Applications are due late August and Mid-September 2020.
11. **Miscellaneous**
 - BCI met with Terry Fairley on 1/16/2020. Reviewed current projects and discussed 2020 projects.

- State Capital Funds are recommended by the County for funding by the State. Amount of award will be lower than requested.
- **County Engineer has asked for a meeting on 2/12/2020 to discuss lower Ragland Rd.**
- Feb/March, Eric Beck will be new Hamilton County Engineer – Ted Hubbard will resign then Eric run will Fall 2020

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?

PUBLIC COMMENTS/PARTICIPATION (No participants)

MAYOR AND COUNCIL MEMBER REPORTS:

Council Committees (Reported by Mayor Kobasuk)

Council Committees were not discussed at the 1.14.2020 Council Meeting – most members will retain their chair of committees. Mr. Short and Mr. Fairley would like to switch committees – Mr. Fairley will become HR Committee Chair and Mr. Short would become the Street Committee Chair. The Street Committee takes the most time, stated Mayor Kobasuk. Solicitor Supinger has vetted that it is perfectly acceptable for Mr. Fairley to Chair the HR Committee - there would be no issue with him chairing this committee from an ethics standpoint so long as he refrains from engaging in discussions, deliberations, or votes involving (1) performance evaluations for Becky, (2) the review or recommendation of compensation adjustments for Becky; (3) review or recommendation of benefits that would benefit Becky disproportionately. Below is an ethics opinion that is right on point:

The Ethics Commission opinion concerns a council member (married to an employee) who was also the chair of the finance committee, which made salary recommendations to Council (much like the Village’s HR committee). The opinion provides: *In the instant situation, R.C. 2921.42 (A)(1) and 102.03 (D) would not, per se prohibit a city council member who is married to a city employee from serving as the chairman of the finance committee; however, the council member is, as described above, prohibited from participating in matters before city council and the finance committee which would affect his spouse's individual employment relationship or provide a definite and direct personal pecuniary benefit for his spouse which is not identical to and in common with all other city employees who are not subject to a collective bargaining agreement.*

Newtown Fill: Barry Franz, is working on this issue and report to Council in February. Plans have been revised – the drainage ditch will be on the Landfill’s property. A slope variance has not been requested by the owners, stated Mayor Kobasuk. HCPH is coming out tomorrow to assess the mud issue brought to their attention by Chief Synan. Mr. Franz will also call the owners about the mud – it is not acceptable for the trucks not to be washed prior to getting on the road, stated Mayor Kobasuk.

Short Park Revitalization Grant (Reported by Mayor Kobasuk)

Mayor Kobasuk and Mr. Carroll met with State Representative Tom Brinkman on the Short Park grant – Mr. Brinkman was fairly optimistic, barring a huge project coming in that would dilute everyone’s possible funding. Mayor Kobasuk sent a letter to Senator Steve Wilson on 1/27/20 at Mr. Brinkman’s suggestion. Mr. Carroll agreed Mr. Brinkman seemed optimistic for the \$100,000 and additional \$67,000, barring a large request coming in that the governor would control.

PLAN Newtown Public Open House (Reported by Mr. Carroll)

The Public Open House was held on 1/22/2020 - McBride Dale Clarion presented the Newtown Comprehensive Plan to the community for input. The meeting was sparsely attended with three or four residents – a few Planning Commission members were present, along with some of the members of the Master Plan Steering Committee. The next step is to take the plan to the Planning Commission at its 2/27/20 meeting. At which time, we expect to have a recommendation from Planning to Council for consideration at the 3/10/20 meeting. McBride Dale Clarion will attend the council meeting – potential zoning changes will be reviewed – the process would take five or six months. Mayor Kobasuk said when it comes to Council, it will be a Public Meeting.

Hamilton County Commissioners in Newtown - March 19 at 6:30pm at Newtown Municipal Center

In 2019, the Board of County Commissioners began holding evening meetings every third Thursday, with a different jurisdiction hosting the BOCC each month. March 19th, 2020, the Village of Newtown will be hosting. Mayor Kobasuk said all are welcome!

Finance Committee & Appropriation Readings

Mr. Tietmeyer reminded everyone of the Finance Committee meeting on Tuesday, 2/4/2020 at 6pm. A draft of the appropriations should be ready and sent to everyone on Friday 1/31/2020 for their review. The First Reading will take place at the 02/11/2020 Council Meeting. The Second Reading on 2/25/2020 with the Final Reading of the appropriation at the 3/10/2020 Council Meeting.

Newsletter

Mr. Tiettmeyer asked about the success of the Fall 2019 Newsletter, in terms of the number of residents/businesses that signed up. Mayor Kobasuk said he thought we had 80-100 new email addresses submitted to the Village for future correspondence. Becky will look into it and report at the next meeting. A lot of people really like the idea of the newsletter and thought an electronic version was the way to go. A Turpin student volunteered to work on the Winter 2020 Newsletter and should have his info submitted soon

Solicitor's Report (Solicitor Supinger not present)

LEGISLATION

Ordinance, Engineering Fee Schedule

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

Mr. Fairley made a motion to have the First Reading on an ORDINANCE ADOPTING A FEE SCHEDULE FOR ENGINEERING SERVICES BY THE VILLAGE ENGINEER AND DECLARING AN EMERGENCY.

Ordinance, Adopting American Legal Publishing's Ohio Basic Code 2020

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

Mr. Zornes made a motion to adopt ORDINANCE 07-2020 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2020 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Carroll-Yes, Mrs. Williams-Yes, Mr. Fairley-Yes Mr. Tiettmeyer-Yes. Motion Carried.

Checklist

Mr. Tiettmeyer made a motion to approve the 01.28.2020 Checklist for a total of \$182,877.54. Mr. Carroll seconded the motion. All Aye. Motion Carried.

Passing of previous employee/firefighter

Mr. Short reported that Mr. Bill Wahoff passed away on 1.25.2020 – Mr. Wahoff previously worked as our Maintenance Supervisor and a Newtown firefighter.

Hamilton County Commissioner Todd Portune

Cincinnati - Portune, Todd, age 61, Hamilton County Commissioner, Oberlin College Hall of Fame, passed away peacefully on January 25, 2020. Todd leaves a long legacy of care for the people of Hamilton County and will be remembered as a tireless servant of our city and county even at times of great personal challenge and sacrifice. Todd considered his public service a calling, and his devotion to the needs of average citizens spanned 27 years across Cincinnati City Council and the Hamilton County Board of Commissioners. Public Visitation to be held Monday, February 3, 2020, at the Duke Energy Convention Center from 10am - 12pm with service immediately following at 12pm. Burial at Spring Grove Cemetery.

Mr. Short made a motion to adjourn, seconded by Mr. Carroll. Meeting adjourned at 7:17pm.

Transcribed by Becky Fairley