

## Call to Order/Pledge of Allegiance/Attendance

The March 09, 2021 meeting of the Newtown Village Council took place via Zoom and called to order at 6:30 p.m. by Mayor Mark Kobasuk.

**Council Members:** Don Carroll (Vice Mayor) Solicitor Emily Supinger  
Daryl Zornes Fiscal Officer Keri Everett  
Chuck Short Assistant to Mayor Becky Fairley  
Curt Tiettmeyer Police Chief Tom Synan  
Terry Fairley  
Sarah Williams

## APPROVAL OF COUNCIL MINUTES:

**Mr. Fairley made a motion to approve the regularly scheduled 02.09.2021 Council Minutes. Mr. Short seconded the motion. All Aye. Motion Carried.**

## MAYOR AND COUNCIL MEMBER REPORTS:

### Mayor's Report:

Valley Asphalt – Comment letter – Newtown requests public hearing concerning Draft Air Pollution Permit-to-Install and Operate Valley Asphalt, Plant #14 (PTIO) P0129277. Mayor will inform Council when a hearing is set.

Burger Environmental Construction & Demolition Debris (C&DD) Landfill – HCPH Notice of Intention to Grant Exemption ORC 3714.04 OAC Rule 3745-400-11(Q)(1), first step for Burger Farm in getting their property developed. The next step would be a storm water plan. Water will be kept on site – Barry Franz, Environmental Engineer reviewed and said it is a good thing. HCPH approved the plan.

Duke Energy – License for path at Lake Barber – will be discussed in Executive Session per agenda.

ODOT Comment Period – Traffic Improvements – The comment period remains open – Mayor Kobasuk encouraged everyone to take time and comment on the ODOT plans as he feels it may be a major hurdle to get the bike trail from SR32 to Lake Barber through the Martin Marietta property and under the railroad tracks. This would be a great addition to the Village. One could bike from Little Dry Run to the Little Miami Bike Trail at Little Miami Golf Course. Comments in support of this plan would be beneficial.

Planning Commission Report - At the Feb. 25<sup>th</sup> Planning Commission meeting, two site plans were approved. Taglio Pizza restaurant, 3804 Church Street requested a site plan approval. Supreme Scapes, 3807 Round Bottom Road requested a site plan approval for the establishment of his landscaping company.

Ready Line (OSI) Update – 3761 Round Bottom Road. This property is under contract with another shooting range company. Solicitor Supinger will work with the buyer to transfer the remaining tax abatement. There will be 30-40 employees.

Hamilton County Public Health – Mayor Kobasuk attended the annual Board of Health meeting today via Zoom. A year ago today, on the eve of COVID, everyone met in person. In the meeting, Health Commissioner Greg Kesterman said the first case of COVID presented in Warren County on 1/7/2020 with 17% of Ohioans now having received the COVID vaccination – in Hamilton County, 17.4%. Hamilton County peaked with COVID on 12/10/2020 and now on the downward slide. The Health Commissioner was fairly optimistic with the way things are going.

## SPECIAL PRESENTATIONS:

### Engineering Update submitted by Bruce Brandstetter

March 5, 2021

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

- A \$26,000 retainage is being held on Majors Pay Request.
- Recommended a letter to Majors that if the reseeded etc. is not complete by April 9, 2021, the Village will hire another firm to do so. The associated cost will be deducted from his retainage.

#### 2. Plan Reviews and Meetings (20007)

- All concrete and asphalt punch list work are complete on Church Street. Developer needs to submit record drawings of grading and drywells.

3. **McCullough's Run (20007)**

- Preliminary plans complete
- BCI has requested a quote for the clearing and removal of the previous material placed on the side slope

4. **Church Street North Paving (20045)**

- Bids were received on March 4, 2021. Bid Tabulation is attached.
- Construction budget per OPWC application was \$306,000.
- The Bid Summary is as follows.

JK Meurer Corp.	\$267,400.20	45 Days
Barrett Paving Materials Inc.	\$273,891.60	90 Days
John R. Jurgensen	\$301,382.45	120 Days
Pinnacle Paving	\$311,483.07	N/A

Councilmembers Don Carroll and Daryl Zornes stated for the record that they will not support approving a contract with the JK Meurer Corporation for the Church Street North Paving project. The Village was not satisfied with the last paving project done on Crull Street. Curb work done on Oyster Bay seemed to have cracked sooner than it should have, stated Mr. Brandstetter. Solicitor Supinger asked Mr. Brandstetter to take a look at the reports of the work previously done by JK Meurer and provide a recommendation to Village Council as to the lowest and best bid, due to subpar past experiences.

5. **Moundview Park (20078)**

- Alternatives and budget costs:
  - Onsite treatment per existing \$50,000
  - Moving forward with Onsite treatment, either aerobic system per the existing or mound system.
  - Mound system soil absorption test to confirm size required is out for proposal.
- Schedule for construction in 2021 is acceptable to OEPA per 11/17/20 email.

6. **Short Park Basketball Courts Relocation (21034)**

- Plans are in process. Update to be provided at 3/9 Council Meeting.
- BCI to coordinate bid document review with CDBG office.
- BCI asked Barry Franz to coordinate any permit requirements with OEPA concerning the existing court demolition and fill material.

7. **Short Park, Phase I**

- BCI to submit a proposal for the survey and design/construction phase

Mayor Kobasuk said he would like to take a step back and discuss an overall plan with Council. He believes the Village would benefit greatly from a soccer field in the lower level at Short Park. This lower level has been used as a soccer training field for more than ten years by Cincinnati United. The baseball field at Short Park has rarely been rented/used. Mayor Kobasuk asked Council to consider going with a multi-use grass field in the lower level. In the grant application Mayor Kobasuk wrote, it was intended to be used as a multi-use field. The contemplation was it would be at the top level but we don't want to deal with the EPA issues working on a landfill. The lower level is ideal for developing a first-class natural sod soccer field which would get a lot of use and bring a lot of people into the Village. Mayor Kobasuk also urged Council to set aside money for repairing the walking trail on the upper level, in addition to the lower level at Short Park. Mr. Tiettmeyer believes creating a small committee that would meet with contractors and BCI and assist with following through on the activities for this project would be beneficial. The committee would consist of Mr. Tiettmeyer, Mr. Morgan and Ms. Everett. Council would be kept informed approving any changes along the way. Regular meetings would take place with the mayor and parks committee chair being invited. Mr. Tiettmeyer said he is open to another way of moving this project forward. Mayor Kobasuk said he has done a great deal of work on this project and would like to be a member of the committee and suggested Mr. Tiettmeyer, Ms. Williams, Mr. Morgan and Ms. Everett also serve on the committee. Mr. Short and others agreed.

**Mr. Zornes made a motion to form a Short Park Revitalization committee consisting of Mayor Kobasuk, Mr. Tiettmeyer, Ms. Williams, Mr. Morgan and Ms. Everett. Mr. Short seconded the motion. All Aye. Motion Carried.**

Mr. Tiettmeyer will work on a schedule for the process to move forward with the project.

8. **Municipal Building Parking Lot**

- BCI to submit a proposal to prepare specs, bidding etc.
- Consider bidding with Municipal Parking Lot

9. **MRF/OPWC Applications**

- At the Integrating Committee meeting on 1/29/21, Church Street South was moved from 4<sup>th</sup> priority for the District to the 2<sup>nd</sup> priority for small Government Funding. This will be a similar process to last year for Church Street North. BCI to submit fee proposal letter to complete the bid documents in March/April. The cost of the project is \$265,000 to \$270,000 with OPWC paying half of the cost. We should receive notification of the funding later 2021 and bid the project 2022. Proposed funds as follows.

	OPWC	MRF	Village
Church Street South	\$114,500	\$50,000	\$64,500

- District integrating Committee confirmed that under current guidelines and Village documentation, they cannot fund McCullough's Run as submitted. Game plan for 2021 application to be formulated in the next several months.

#### 10. Turpin Lane Drainage

- Property Owner appreciates Village's response
- Ultimate solution to involve Hamilton County, USACOE, Newtown, Anderson Township and possibly ODOT
- **BCI to coordinate with Village on the flap valve**

#### Solicitor's Report (Solicitor Emily Supinger)

The Village's Bond Counsel has drafted TIF's for the Motz Development (30-year TIF at 100%) and the Round Bottom Road project (10-year TIF at 75%). Significant road improvements are involved so the 30-year abatement is typical due to the infrastructure improvements. The necessary notifications will be ready to go out in the next few weeks.

Judge Ethna Cooper overruled the Village's objections to the magistrate's decision on the Soccer Club appeal. Solicitor Supinger asked Council for authorization to proceed with filing an appeal with the Court of Appeals, which would go before a panel of three judges. Solicitor Supinger believes we can get a thorough decision on the case. The decision handed down was five paragraphs! And that came after 100 pages of briefing. Solicitor Supinger feels the Village should be given a decision Newtown resident can understand and appreciate the rationale behind the decision. New briefs will be prepared; cost is estimated at under \$10,000. The process and waiting for oral arguments are estimated to take nine to ten months. The deadline for filing the Notice of Appeal is this Friday.

**Mr. Short made a motion to approve Solicitor Supinger filing the Notice of Appeal on behalf of the Village of Newtown, in the Soccer Club issue. Mr. Fairley seconded the motion. All Aye. Motion Carried.**

Mrs. Supinger informed Council of the increased flexibility of the upcoming COVID Relief Package. Solicitor Supinger anticipates the Village receiving more funds than the first round. Mayor Kobasuk said in addition to these funds, the Village is looking at receiving CDBG funds through Hamilton County.

#### Legislation

##### Resolution, Agreement w/ATLL

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

**Ms. Williams made a motion to adopt RESOLUTION 07-2021 A RESOLUTION APPROVING AN AGREEMENT WITH ANDERSON TOWNSHIP LITTLE LEAGUE, INC. FOR USE OF ATHLETIC FIELDS. Mr. Short seconded the motion. Roll Call: Mr. Carroll-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.**

##### Ordinance, Second and Final Reading Appropriations Year Ending 12/31/2021

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

**Mr. Tiettmeyer made a motion to have a First Reading of ORDINANCE NO. 06-2021 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN DURING FISCAL YEAR ENDING DEC. 31, 2021. Mr. Zornes Seconded the motion. Roll Call: Mr. Carroll-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.**

#### New Business

##### Ohio Public Utilities Commission

**Mr. Carroll made a motion to approve the Governmental Aggregator Application Competitive Retail Electric Service (CRES). Mr. Zornes seconded the motion. All Aye. Motion Carried.**

##### Council Checklist

**Mr. Tiettmeyer made a motion to approve Council Checklist dated 03/09/2021 for \$182,028.58. Mr. Carroll seconded the motion. All Aye. Motion Carried.**

#### Executive Session

**Mr. Fairley made a motion to enter into Executive Session at 7:30pm, under O.R.C. 121.22(G)(2) purchase of property for public purposes. Mr. Short seconded the motion. Roll Call: Mr. Carroll-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.**

Council reconvened at 7:50pm. No action will be taken as a result of Executive Session.

Mr. Short made a motion to adjourn at 7:52pm. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Transcribed by Becky Fairley