

Call to Order/Pledge of Allegiance/Attendance

The June 8th, 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
	Daryl Zornes	Fiscal Officer Keri Everett
	Chuck Short	Assistant to Mayor Becky Fairley
	Curt Tiettmeyer	Police Chief Tom Synan
	Terry Fairley	
	Sarah Williams	

This is the first Council Meeting held publicly since the COVID-19 pandemic.

PUBLIC HEARING – VILLAGE TAX BUDGET 2022

This is mandated by the Auditor's office. A notice of the Public Hearing was published in the paper. No one from the public spoke.

Mr. Zornes made a motion to close the Public Hearing; Mr. Short seconded the motion. All Aye. Motion Carried.

APPROVAL OF COUNCIL MINUTES:

Mr. Fairley made a motion to approve the regularly scheduled 05.11.2021 and special council minutes of 5.25.2021. Mr. Short seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS:

Engineering Update submitted by Bruce Brandstetter

June 4, 2021

- McCullough's Run (21007)**
 - A third option is being considered with access near Village Drive.
 - Information to follow.
- Church Street North Paving (20045)**
 - The Pre-Construction meeting was held on June 3.
 - Will report on schedule at the 7.13.2021 Council Meeting and distribute the June 8th pre-construction meeting minutes.
- Moundview Park (20078)**
 - Soil absorption test scheduled for June 30, 2021, at 10:00am.
 - Test results will determine if either aerobic system per the existing or mound system.
- Short Park Improvements, Phase I – Trail Improvements (21041)**
 - The contract was awarded to Westside Paving Inc. The alternate for additional 0.5" of asphalt concrete surface course was accepted.
 - The Pre-Construction Meeting is scheduled for June 8 at 1:00pm.
- Short Park Parking Lot (21064)**
 - Topographic survey is complete. Moving forward with design.
- Short Park New Soccer Field (21065)**
 - Topographic survey is complete. Moving forward with design.
- Municipal Building Parking Lot (21007)**
 - BCI proposal to assist in obtaining quotes as requested.
- MRF/OPWC Applications (21007)**
 - Small Government funding was not received for Church Street South.
 - Applications for next year typically due the third Friday in September. BCI/Village to discuss strategy in more detail.
- Turpin Lane Drainage**
 - Ultimate solution to involve Hamilton County, USACOE, Anderson Township and possibly ODOT to clean the ditch line.
 - A flap valve being reinstalled in a catch basin in the drainage swale on the east side of Turpin Lane is an alternative solution.

Round Bottom Road - Lake Barber Trail Connector

BCI submitted a proposal to provide Engineering Services in the total amount of \$5,300.00. The scope of work shall include approximately 450 lineal feet of paved pathway. It connects the existing Lake Barber Trail with the sidewalk at the intersection of Round Bottom Road and Valley Avenue, which has sidewalk on both sides of the street. The work includes a storm pipe as necessary to cross the roadway ditch along Round Bottom Road and a new concrete sidewalk curb ramp at the crosswalk. Capitol Electric will assess the safety and pedestrian crossing signals.

Public Comments/Participation

At the March 25th Planning Commission meeting, an applicant requested a zone change from Residential Two-Family to Planned Village Center for 6620, 6622 and 6624 Main Street. The property is zoned PV (Planned Village Center). A Public Hearing is scheduled for the July 13th (6:00 PM) Council Meeting; at which time, Council will discuss this request.

Mary and Bob Fey, 6703 Main Street, were present and spoke of many concerns about the above proposed zone change. In addition to other points of concern, Mrs. Mary Fey requested for Council to deny the request until the Comprehensive Master Plan for the Village of Newtown has been completed and approved by Council. Mr. and Mrs. Fey will be out of town for the July 13th Public Hear/Council Meeting and will submit letters to read by Mayor Mark Kobasuk.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report:

Lake Barber Festival (Mayor Kobasuk)

Doug Hall, Eureka Ranch is considering putting together a Fall Festival at Lake Barber. This will be a fundraiser with some of the funds going to a non-profit 501(c)(3) (Newtown's CIC) for lake improvements. Solicitor Supinger said an agreement will need to be worked out after the details are determined.

Duke Energy (Lease Agreement) (Mayor Kobasuk)

Mayor Kobasuk asked Council if they had any objections to the engineering fees for the Duke Easement for the connecting trail to Lake Barber. Council received this information via email prior to the meeting. Solicitor Supinger stated for the record – previously, this has been referred to as the “Duke Easement,” for clarification, it will be a “Lease Agreement.” Duke is proposing a lease – we have not received the document yet.

Council Reports

Short Park Committee Report (Ms. Williams)

Minutes from the June 3rd meeting were submitted and discussed. Maintenance Supervisor Chuck Morgan obtained several bids for maintenance items to be done at Short Park – the committee recommends Council approve the following items. Mr. Tiettmeyer said the committee is making progress and will meet on June 17th at 10am. Well drilling is being investigated for the watering of the soccer field. Layout of the revitalization of Short Park continues to be discussed.

Short Park Revitalization – Gazebo Pavers

Ms. Williams made a motion to approve \$7,766.75 to Bzak Landscaping Inc. for the construction of a paver patio around the gazebo and relay existing sunken pavers. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Short Park Revitalization – Gazebo Painting

Ms. Williams made a motion to approve \$5,000.00 to Static All Pro Services for the painting of the 30' x 30' gazebo, including all structures. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Short Park Revitalization – Drinking Fountain Replacement ADA Compliant

Ms. Williams made a motion to approve \$9,142.50 to A. L. Miller Plumbing Inc. for the replacement of the drinking fountain. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Planning Commission Report from May 27th (Mr. Carroll)

Four issues were considered: 1) Proposed Text Change to the Zoning Code, related to food trucks, eliminating language allowing more latitude to Planning Commission in terms of the time limits for food trucks on the property. Currently, there is a 90-day limit – the proposed revisions would be more of an annual timeframe, stated Solicitor Supinger. Council will be presented with these changes for approval at the 7/13/2021 Council Meeting. 2) Conditional Use approval for food trucks – Bob Slattery came before Planning for this approval, which was approved. A maximum of two food trucks with limited weekly hours – well within previously approved guidelines. 3) Conditional Use approval for Landworks Cincinnati business office on Church Street. Joe Motz owns the building – some of their trucks are parked on Chuck Short's property – this issue was approved provided they move their trucks off of Mr. Short's property. Mr. Stoker needs to look into this – as of today, the trucks have not been moved. 4) Requested Zone Change for 6620, 6622 and 6624 Main Street, discussed at the beginning of this meeting with Bob and Mary Fey.

Village Solicitor's Report (Solicitor Supinger)

1. A brief in the Court of Appeals will be filed on the Soccer Club case – the first draft has been completed and shared with Mayor Kobasuk – he had a few comments and revisions are being made. Council will receive the draft tomorrow.
2. Virtual Meetings – the law currently expires July 1st. In the Appropriation Bill, the General Assembly, the house version of the bill was proposed to extend the ability to conduct virtual meetings through the end of the year. Solicitor Supinger will an update once a final answer has been given at the state level.
3. American Recovery Act Fund: It is unclear at this point as to if the money will come out of the county's allocations or from the allocations made from municipal corporations. Since the money could be subjected to adjustment, Solicitor Supinger wanted to make sure the Village does not spend all of the money we will receive. These funds will be received over a two-year period with the first amount coming in June – the Village's allocation is around \$550,000.00. The funds are fairly unrestricted; it cannot be used to replace a tax; therefore, everyone's taxes cannot be cut. These funds are much less restricted than the CARES ACT funds.
4. T.I.F. Ordinance for the Motz property – Forrest Hills School District approved this last month. No additional items are to be addressed so the Village can move forward, as far as the school district goes.

Fire (Edwards Road) (Mayor Kobasuk)

The fire on Edwards Road, due to a meth lab, the building remains as it was after the fire trucks left that day. Mr. Gerry Stoker, Building/Zoning Commissioner has condemned the building as it is unfit for human occupancy, under the property maintenance code. Ed Wolfer, the owner fails to do anything about this situation. The cost of such demolition shall be charged against the real estate upon which the structure is located with a lien being attached to the real estate. (Section 110.3) Solicitor Supinger advised that the Village can move forward with demolishing the building. Mrs. Supinger talked with Mr. Stoker this afternoon and he will move forward with obtaining quotes for demolition costs. Prior to demolition, a notice will be issued to the owner to remove personal items in the structure. The contractor will be responsible for ensuring that the proper part of the building comes down, stated Solicitor Supinger.

Legislation

2022 Tax Budget

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. 16-2021 A RESOLUTION ADOPTING THE 2022 TAX BUDGET FOR THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.

Amendment of Agreement w/OSI (3761 Round Bottom Road)

Council desires to amend Resolution 15-2021 to clarify that it consents to the assignment of the CRA Agreement to 3761 Round Bottom, LLC, an affiliate of Midwest Properties Acquisitions, LLC.

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

Mr. Carroll made a motion to adopt RESOLUTION NO. 17-2021 A RESOLUTION AMENDING RESOLUTION NO. 15-2021 REGARDING THE ASSIGNMENT OF THE AMENDED AND RESTATED COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF NEWTOWN AND OSI ENTERPRISES, LTD. Mr. Short seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.

TIF – Motz Property

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

Mr. Carroll made a motion to adopt ORDINANCE 08-2021 AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE VILLAGE OF NEWTOWN, OHIO, TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE (MOTZ TIF), EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A TAX INCENTIVE AGREEMENT AND A DEVELOPMENT AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND. Mr. Short seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.

Wessling Tree Service – Tree Removal Short Park

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

Ms. Williams made a motion to adopt RESOLUTION NO. 18-2021 A RESOLUTION APPROVING A CONTRACT WITH WESSLING TREE SERVICE FOR TREE REMOVAL AND TRIMMING SERVICES AT SHORT PARK. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Ms. Williams-Yes. Motion Carried.

New Business

Council Checklist

Mr. Tiettmeyer made a motion to approve Council Checklist dated 06/08/2021 for \$210,232.47, Mr. Fairley seconded the motion. All Aye. Motion Carried.

General Environmental Consulting - TRC Work Authorization

Services will assist with the permit from Valley Asphalt regarding air quality monitoring.

Mr. Carroll made a motion to approve a Work Authorization with TRC for General environmental consulting services for \$4,300.00. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mr. Short made a motion to adjourn at 7:22pm. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Transcribed by Becky Fairley