

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

The August 10, 2021 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)  
Daryl Zornes  
Chuck Short  
Curt Tiettmeyer  
Terry Fairley  
Sarah Williams

Solicitor Emily Supinger  
Fiscal Officer Keri Everett  
Assistant to Mayor Becky Fairley  
Police Chief Tom Synan

## **APPROVAL OF COUNCIL MINUTES**

**Mr. Fairley made a motion to approve the 7.13.2021 Council Minutes, motion was seconded by Mr. Short. All Aye. Motion Carried.**

## **SPECIAL PRESENTATIONS**

### **Engineering Update – Bruce Brandstetter**

**August 8, 2021**

1. **McCullough's Run (21007)**
  - BCI met with Don Carroll on 08/09/2021 to review a third option. It has access opposite Village Drive.
  - Follow up meeting will be scheduled for a more detailed review with Committee.
2. **Church Street North Paving (20045)**
  - Construction is expected to commence the week of 08/16/2021.
3. **Moundview Park (20078)**
  - Soil absorption test was completed on 06/30/21. Upper grass area did not test well. BCI and Village are coordinating to excavate test holes.
  - Lower turf area north of the ball field is a possible option.
4. **Short Park Improvements, Phase I – Trail Improvements (21041)**
  - Construction on schedule for August.
5. **Short Park Parking Lot (21064)**
  - Grading Plan will be presented at the Council meeting.
6. **Short Park New Soccer Field (21065)**
  - Bids received on 8/6/21 will be distributed under separate cover.
7. **Lake Barber Trail Connector (21090)**
  - Topographic Survey Base Map.
  - Draft plans for review on 8/12/21.
8. **Municipal Building Parking Lot (21007)**
  - BCI proposal to assist in obtaining quotes as requested.
9. **MRF/OPWC Applications (21007)**
  - MRF applications are due on 9/17/2021 by 2:00pm.
  - OPWC application are typically due the third Friday of September.
  - Authorization may be needed to allow BCI to submit the application on behalf of the Village. This is due to the new WorkWise portal OPWC will be using.
  - Recommend an application for Church Street South and Little Dry Run Road.
  - BCI is updating cost estimates and a 50% match.
  - Priority of projects to be determined.
  - Will need a resolution at September Council meeting for submission of applications.
10. **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.

PUBLIC COMMENTS There was no participation from the audience.

MAYOR AND COUNCIL MEMBER REPORTS:

MAYOR KOBASUK'S REPORT

ATFD Contract: Contract with ATFD for 2022-2024 fire protection and EMS coverage is expected to be presented at the next council meeting.

Duke Energy License: A revised license agreement from Duke for the walking/bicycle path between Lake Barber and Round Bottom Road will be presented later in the meeting.

Short Park Grant: The field needs to be approved – we don't want to lose the \$50,000 grant for parks.

COUNCIL REPORTS

Employee Total Compensation Package (Terry Fairley)

At the recommendation of Mr. Carroll, Mr. Fairley presented a Total Compensation Package that represents a comprehensive way for employees to look at their individual pay and benefits provided by the Village of Newtown. Mr. Fairley thanked Ms. Everett for putting the numbers together.

**Mr. Fairley made a motion to accept the Total Compensation Package for every employee. Mr. Carroll seconded the motion. All Aye. Motion Carried.**

HR Committee Meeting: The HR Committee will decide on a date to meet to discuss policies and salary compensation.

TIRC: Mr. Tiettmeyer attended the 07/09/2021 TIRC Board Meeting at Hamilton County Development Corporation. The Board has asked local legislative bodies to approve the TIRC recommendations for current active tax incentives.

**Mr. Tiettmeyer made a motion to approve the TIRC Recommendations presented to Council. Mr. Fairley seconded the motion. All Aye. Motion Carried.**

Salt Award with Hamilton County

**Mr. Short made a motion to comply with Hamilton County's timeline purchasing salt for the upcoming year. Amount of salt to be purchased is 330 tons at \$67.52 per ton. Mr. Zornes seconded the motion. All Aye. Motion Carried. Solicitor Supinger will provide a resolution for the next council meeting.)**

Short Park Gazebo Roof Repair

**Ms. Williams made a motion to approve \$4,613.67 to Kanga Roof for roof repair of the gazebo at Short Park. Mr. Short seconded the motion. All Aye. Motion Carried.**

Short Park Revitalization Budget Update

Mr. Tiettmeyer presented the Short Park Revitalization Budget Update, prepared by Ms. Everett. With all of the projects committed to by the Village, a \$32,988.91 deficit may be realized. This deficit would be covered by a surplus from Moundview Park and the Lake Barber Duke Energy easement funds.

Planning Commission Update

Mr. Carroll attended the July 22<sup>nd</sup> Planning Commission meeting where two cases were considered and approved. Case 1: 6767 Main Street. The applicant is requesting a Conditional Use approval for the sale of fire arms. The property is zoned PVC (Planned Village Center). Case 2: 3616 Church Main Street. The applicant is explained the request a lot split and lot combination for the purpose of creating a new campus headquarters for the Motz Corporation. The property is zoned ORP (Office Research Park).

Village Solicitor's Report (Solicitor Supinger)

Kinney Soccer Brief

The soccer appeal has been fully briefed by the courts – we are waiting on notification from the court the of oral argument.

Class Action Lawsuit - Opioid Manufacturers

Solicitor Supinger informed Council that the Village of Newtown participated in class action lawsuit against manufacturers of opioids. \$906,000 million dollars will be distributed in the state of Ohio. Distribution of funds will be based on the impact municipalities realized. At the time, the amount we could receive is unclear.

## LEGISLATION

### Ordinance Approving Zone Change

On May 27, 2021, the Village of Newtown Planning Commission held a public hearing to consider the application of Linda Schulz, as attorney in fact for the owner Lois Powell, the current owner of 6620, 6622 and 6624 Main Street, more particularly described as Hamilton County Parcel Nos. 501-0006-0044-00, 501-0006-0045-00, and 501-0006-0046-00 (the "Property"), for a proposed amendment to the zoning map of the Village of Newtown.

The zone change is for the Property from Residential Two-Family (R-2) to Planned Village Center (PVC).

A Public Hearing was held on July 13, 2021, after properly notifying surrounding property owners.

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

**Mr. Carroll made a motion to adopt ORDINANCE NO. 12-2021 AN ORDINANCE APPROVING A ZONE CHANGE FOR PROPERTY LOCATED AT 6620, 6621 AND 6624 MAIN STREET IN THE VILLAGE OF NEWTOWN. Ms. Williams seconded the motion.**

Mr. Carroll said Planning Commission heard from residents that were in favor of the zone change and some that opposed. He said it makes sense to approve the above which allows owners to move forward.

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

### Resolution Purchasing Two Police Vehicles (Tahoe's)

The Village desires to acquire two new 2021 Chevy Tahoe SUVs for the Police Department. One will be for the police officers and one to replace Chief Synan's Charger. Total amount of two Tahoe's is \$76,203.20. It will be necessary to install emergency equipment in the vehicles for police operations and properly mark the vehicles with graphics for identification purposes. Install of the equipment will be \$26,000 to Mobilcomm and vehicle graphics for a total of \$600.00.

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

**Mr. Zornes made a motion to adopt RESOLUTION NO. 20-2021 A RESOLUTION AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES, THE PURCHASE AND INSTALLATION OF RELATED EQUIPMENT AND THE SALE OF A 2017 AND 2018 DODGE CHARGER. Mr. Short seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Carroll-Yes, Ms. Williams-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes. Motion Carried.**

### Resolution, Contract w/Evans Landscaping

This resolution allows a contract w/Evans Landscaping for demolition services for 3910 Round Bottom Road, amount not to exceed \$13,325.00 for clean-out and demolition of the fire-damaged structure by Evans Landscaping.

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

**Mr. Carroll made a motion to adopt RESOLUTION 21-2021 A RESOLUTION APPROVING A CONTRACT WITH EVANS LANDSCAPING FOR DEMOLITION SERVICES. Mr. Zornes seconded the motion. Roll Call: Mr. Carroll-Yes, Mr. Zornes-Yes, Ms. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-No. Motion Carried. (5:1)**

### Resolution, Motz Turf Farm for Short Park

After reviewing the submitted proposals, the Village Engineer has advised that the quote submitted by Motz Turf Farm in the amount of \$49,340.00 is the lowest and best quote. This is for the Short Park Multi-Purpose Field Project.

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

**Ms. Williams made a motion to adopt RESOLUTION 22-2021 A RESOLUTION APPROVING A CONTRACT WITH MOTZ TURF FARM FOR THE SHORT PARK – MULTI-PURPOSE FIELD PROJECT IN THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Ms. Williams-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Contract w/Westside Paving Phase I Short Park

This resolution approves Westside Paving for Phase I (walking trail) of the Short Park Improvement Project in the amount not to exceed \$10,930.00.

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

**Ms. Williams made a motion to adopt RESOLUTION NO. 23-2021 A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH WESTSIDE PAVING FOR PHASE I OF THE SHORT PARK IMPROVEMENT PROJECT IN THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Ms. Williams-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Short-Yes. Motion Carried.**

Ordinance, American Rescue Plan Act of 2021

The American Rescue Plan Act of 2021 ("ARP"), a \$1.9 trillion economic COVID-19 stimulus package, was signed into law on March 11, 2021. This provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals and businesses. As part of the ARP stimulus package, \$350 billion in additional funding is being provided to state and local governments, including the Village of Newtown. In order to receive funds from the ARP, the Village of Newtown must establish a fund within the Village budget to properly account for ARP monies received and expended by the Village.

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

**Mr. Tiettmeyer made a motion to adopt ORDINANCE NO. 13-2021 AN ORDINANCE ESTABLISHING THE "AMERICAN RESCUE PLAN ACT OF 2021" WITHIN THE VILLAGE BUDGET. Mr. Zornes seconded the motion. Roll Call: Ms. Williams-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Short-Yes. Motion Carried.**

Ordinance, Transfer Village-Owned Property to Village of Newtown CIC

The Village of Newtown is the owner of certain property located at 7036 Main Street, more particularly described as Hamilton County Parcel No. 501-0004-0047-00, consisting of 1.6243 acres to the Village of Newtown CIC, Inc., a corporation not for profit created by the Village of Newtown with the primary purpose of advancing, encouraging and promoting the industrial, economic, commercial, and civic development of the Village of Newtown, in order to facilitate the development of such Property within the Village of Newtown. ORC Sections 1724.01 to 1724.11

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

**Mr. Carroll made a motion to adopt ORDINANCE NO. 14-2021 AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY OWNED BY THE VILLAGE OF NEWTOWN TO THE VILLAGE OF NEWTOWN CIC, INC. AND DECLARING AN EMERGENCY. Ms. Williams seconded the motion. Roll Call: Mr. Carroll-Yes, Mr. Zornes-Yes, Ms. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes.**

Resolution, License Agreement w/Duke Energy (Public Walking/Bicycle Path

Duke Energy, Ohio, Inc. is the owner of property located adjacent to the Lake Barber walking and bicycle trail, more specifically described as Hamilton County Parcel No. 501-0011-0094-00.

**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. 24-2021 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LICENSE AGREEMENT WITH DUKE ENERGY, OHIO, INC. FOR A PUBLIC WALKING AND BICYCLE PATH. Mr. Zornes seconded the motion. Roll Call: Ms. Williams-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Short-Yes. Motion Carried.**

New Business

Council Checklist

**Mr. Tiettmeyer made a motion to approve Council Checklist dated 08/10/2021 for \$212,214.95. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

Mr. Short made a motion to adjourn at 7:28pm. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Transcribed by Becky Fairley