

Call to Order/Pledge of Allegiance/Attendance

The January 11, 2022 meeting of the Newtown Village Council was called to order at 6:00 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

Council Members: Chuck Short (Vice Mayor)
Terry Fairley
Daryl Zornes (excused)
Peg Quallen
Jerry Schwab
Jeff Drescher

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

Newly-Elected Council Members

Mayor Kobasuk welcomed the four newly-elected council members who were sworn in on January 1: Terry Fairley, a returning incumbent, and three new council members, Jeff Drescher, Peg Quallen and Jerry Schwab. Please thank these neighbors for agreeing to serve the Village for a four-year term.

APPROVAL OF COUNCIL MINUTES

Mr. Fairley made a motion to approve the 11.09.2021 and 12.14.2021 Council Minutes, motion was seconded by Mr. Short. All Aye. Motion Carried.

ATFD, Fire Chief Rick Martin

Fire Chief Rick Martin introduced himself to the new members of Council – it's a privilege to serve the people of Newtown! Chief Martin spoke to the Locution Systems designed to optimize dispatching and alerting workflows in both the communication center and fire station. The Village of Newtown will enter into an agreement for this upgrade located at Station 22, 7036 Main Street, Newtown, Ohio. A third party will install the equipment.

SPECIAL PRESENTATIONS

Village Engineer – Statement of Qualifications

The Village of Newtown advertised Request for Proposals for engineering services. The following two companies submitted a Request for Proposal. CT Constultants and Brandstetter Carroll presented to Council on engineering services they would provide to the Village.

Engineering Update – Bruce Brandstetter

January 7, 2022

1. Church Street North Paving (20045)

- Project closes out at \$77,500 below contract amount

2. Moundview Park (20078)

- Soil absorption test was completed on 6/30/21. Upper grass area did not test well. BCI and Village are coordinating to excavate test holes in the lower turf area north of the ball field.
- In discission the OEPA, mound filtration system may be best. Will reduce the annual inspection and reporting cost.

3. Short Park Improvements, Phase I – Trail Improvements (21041)

- Motz Turf Farm berm work is complete.

4. Short Park Parking Lot (21064)

- Complete design to bid the project in 1st quarter of 2022. Consider bundling it with Lake Barber Trail Connector and Municipal Parking Lot.

5. Short Park New Soccer Field (21065)

- Soccer Field grading/sod is complete.
- \$7,700 topsoil change order.

6. McCullough's Run (20119)

- Work is complete. Meeting held at site on 1/6/22.

7. Lake Barber Trail Connector (21090)

- Draft plans forwarded to Duke on 8/16/21. Duke approved the alignment on 11/11/21.
- Final plans to be submitted in Jan/Feb.
- May want to bid with the Short Park Parking Lot and the Municipal Parking Lot.

8. Little Dry Run Road Speed Study and Traffic Calming (21007)

- June 6, 2021, Draft Memo as submitted is attached.
- Meeting held with Village and BCI on 12/23/21. 6/4/21 Draft Memo served as an outline.
- Traffic volumes and speed increments to be collected the week of 1/10/22. Will include radar, video, and tube counts.
- Rodger Keller of BCI, Chuck Morgan and Jeff Newby, Hamilton County Traffic Engineer met at site on 1/7/22.
- Summary to be presented at the 1/11/22 Council Meeting.

Various options were discussed by Police Chief Tom Synan and others. Mayor Kobasuk said this is a design issue.

9. Municipal Building Parking Lot (21007)

- BCI to assist in obtaining quotes as requested.

10. Sewer Lateral Easement for 3511 and 3515 Round Bottom Road

- Janice Frede is requesting a possible sewer easement on Village property. Please see attached sketch.
- Currently Frede properties are served by on-site treatment.
- The Hamilton County Board of Health is requesting/requiring them to connect to the public sewer in Round Bottom Road.
- Is the concept acceptable enough to pursue more details?

11. Ivy Hills Blvd

- Surface pavement is raveling at several locations on Ivy Hills Blvd. Please see attached photo. **BCI can work with the Village to obtain quotes as the asphalt plants reopen.**

12. MRF/OPWC Applications (21007)

- MRF Applications submitted 9/17/21.
- OPWC Applications Preliminary Scores released 11/30/21. Church Street scored slightly higher because it was the number one priority. Condition scores were the same.
 - Church Street South, \$126,500 (local share).
 - Little Dry Run, \$125,000 (local share).

13. 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.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Vice Mayor

Mayor Kobasuk nominated Council member Chuck Short to serve as Vice Mayor. Mr. Short has the most seniority and has not served as Vice Mayor.

Mr. Fairley made a motion to elect Chuck Short to serve as Vice Mayor. Mr. Schwab seconded the motion. All Aye. Motion Carried.

PUBLIC COMMENTS: None

Committee Assignments

Mayor Kobasuk discussed the 2022 Council Committees: Public Service (Streets) Chair, Chuck Short. Parks and Recreation Chair, Peg Quallen. Public Safety Chair, Jeff Drescher. Finance/Ordinances/Audit Chair, Terry Fairley. Planning, Zoning and Development Chair, Jerry Schwab. Human Resources and Communications Chair, Daryl Zornes.

Mayor Kobasuk encouraged Council Committee Chairs to plan Committee Meetings at 5:00pm prior to the night of Council.

Sign Request

Whispering Wind Apartments has requested the Village erect a DO NOT BLOCK DRIVE sign at their main entrance on Church Street due to school traffic. Solicitor Supinger informed Mayor Kobasuk only Council can approve erecting or removing a sign.

Ms. Quallen made a motion to approve erecting the DO NOT BLOCK DRIVE sign on Church Street at the main entrance of Whispering Wind Apartments. Mr. Schwab seconded the motion. All Aye. Motion Carried.

2022 Budget (Mayor Kobasuk)

Approval of the 2022 Budget is due end of March. He asked everyone to pass along items to be considered for the budget to Finance Chair Mr. Fairley.

Council Members Reports (None)

Village Solicitor's Report (Solicitor Supinger)

Council Procedures for New Members

Solicitor Supinger discussed Council Procedures – Becky emailed the Guide for New Council Members a few weeks ago to the newly-elected members. Solicitor Supinger told the new members she is available to discuss further in person or over the phone should the need arise.

Council acts through Ordinances, Resolutions and Motions. Ordinances are required by law and are of a more permanent duration. An example of an Ordinance is the transfer of money or purchase of property. A Resolution is basically a written statement of Council on something that is not required to be an ordinance. Contracts over \$10,000 are required to be approved by a Resolution. A motion approves anything not required by an Ordinance or a Resolution. An Ordinance or Resolution can pass by the “affirmative” vote of four council members. It is not the majority – so it doesn't matter if there are six members present or four members, it requires “four” votes. Council has the option of suspending the rules that require three readings on an Ordinance or Resolution. This would be done when the Ordinance or Resolution was read. A motion to suspend the readings and could be voted on it then that evening and a motion to suspend the rules requires the “affirmative” vote of five council members. Again, regardless of how many council members are present. Therefore, if there are fewer than five council members present, the rules cannot be suspended and the legislation would be read as a “First Reading.” By law, Ordinances go into effect thirty (30) days after they are voted on. If legislation is needed to go into effect fewer than thirty days, an Emergency Clause is added onto the end of the Ordinance, the Ordinance would go into effect immediately. This also requires the affirmative vote of four council members. Council should be aware that when something is adopted as an emergency, it takes away the right of the electorate to a referendum. Appropriation Ordinances always go into effect right away and do not need an emergency clause and are never subject to a referendum.

A Motion does only need to be passed by a “majority” of the members present so if five members are present, the majority would be three. The mayor only votes on an actual “tie,” not if one has abstained. It has to be a 3:3 or 2:2 vote (tie).

Solicitor Supinger encouraged Council to review Public Records Act. The Open Meetings Act is crucial because this is where some could unknowingly violate the law. Every decision made by Council has to be done in an Open Meeting. Decisions cannot be made outside of the Council Chambers. The law defines a Meeting as a “prearranged gathering of the majority of members of the public body for the purposes of discussing public business. Every meeting has to occur in the Council Chambers and properly noticed and the public has the right to attend and minutes have to be kept. The Open Meetings Act would be violated if more than three council members met at a local restaurant to discuss public business. More than three would be a majority. These types of side meetings do not move the Village forward – meetings should take place in the Council Chambers where everyone has an opportunity to hear and feel what others think about a certain issue or item. Committees are also treated as public bodies – two committee members cannot meet to discuss a committee item. The Committee would have to meet, make notice of the meeting and minutes are to be taken by the Chair. The public's right is to attend, be present and “hear.” The public does not always have the right to participate in the meeting.

Executive Session, under Ohio law is a privilege Council has to meet for very specific purposes to meet in private to discuss an item – NO decisions can be made in Executive Session – All decisions must be made in the public portion of the meeting. Reasons for Executive Session are: Personnel issues, real estate issues, litigation, economic development, etc. The most common for Newtown Council have been personnel, real estate and litigation. A motion must be made by a council member prior to entering into Executive Session and the reason must be stated and has to have a roll call vote.

Regarding Public Records, Solicitor Supinger told the new members they have an obligation to keep documents such as emails that are between you as a council that Becky is not copied on and documents that would not be archived at the Village office. Village business should be communicated through the Village email, not one's personal email account. Discussions should not take place via email. Solicitor Supinger said it is best to never text one another, as this communication would be subject to a public records request. Group emails are also not allowed.

LEGISLATION

Resolution, Memorandum of Understanding (Locution Emergency Systems)

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

Mr. Short made a motion to adopt RESOLUTION NO. 01-2022 A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF NEWTOWN AND ANDERSON TOWNSHIP. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Resolution, Change Order w/A. L. Miller – PD

The change order is for an additional amount of \$6,027.00 to replace a sewer line at the Police Department. Total contract amount equals \$23,027.00

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

Mr. Short made a motion to adopt RESOLUTION NO. 02-2022 A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH A. L. MILLER PLUMBING FOR PLUMBING SERVICES. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Resolution, XPEX, LLC.

Approving this resolution increases the hourly rate from \$60 to \$65/hour to XPEX for Building/Zoning and Property Maintenance. This is an addendum to the Agreement dated October 9, 2018.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 03-2022 A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT WITH XPEX, LLC FOR PROFESSIONAL SERVICES. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Resolution, Change Order w/Motz Turf Farm – Short Park Field Project

This change order is for \$7,700 for additional top soil (11 truckloads @ \$700 each) for the Short Park Multi-Purpose Field Project. The original contract for this project was for \$49,340, which is covered under the grant awarded to Newtown.

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

Mr. Short made a motion to adopt RESOLUTION NO. 04-2022 A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH MOTZ TURF FARM FOR THE SHORT PARK – MULTI-PURPOSE FIELD PROJECT IN THE VILLAGE OF NEWTOWN. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Resolution, Agreement w/Darlene M. Pride (BMV Records)

Ms. Pride is an independent governmental affairs consultant who audits certain Ohio Bureau of Motor Vehicles records for tax revenue purposes.

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

Mr. Short made a motion to adopt RESOLUTION NO. 05-2022 A RESOLUTION APPROVING AN AGREEMENT WITH DARLENE M. PRIDE TO AUDIT OHIO BUREAU OF MOTOR VEHICLES RECORDS. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Resolution, Liability Insurance

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

Mr. Short made a motion to adopt RESOLUTION NO. 06-2022 A RESOLUTION APPROVING A CONTRACT FOR LIABILITY INSURANCE WITH THE OHIO PLAN RISK MANAGEMENT. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Ordinance, Setting the Date, Time and Place of Council Meetings

Council Meetings shall be held on the second Tuesday of each month at 6:00p.m. at the Newtown Village Hall, 3537 Church Street, Newtown, Ohio 45244.

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

Mr. Short made a motion to adopt ORDINANCE NO. 01-2022 AN ORDINANCE SETTING THE DATE, TIME AND PLACE OF VILLAGE COUNCIL MEETINGS AND DECLARING AN EMERGENCY. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Ordinance, Legal Counsel

Emily T. Supinger of Strauss Troy Co., LPA, shall be and hereby is employed as Solicitor for the Village of Newtown.

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

Mr. Fairley made a motion to adopt ORDINANCE 02-2022 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Ordinance Amending Ordinance Pertaining to Salaries for Personnel

Ordinance No. 04-2021 established the rates of pay and salaries for Village personnel effective December 31, 2020. Council desires to amend Ordinance No. 04-2021 in order to increase the starting salary for police officers. Upon passage of the Ordinance the starting salary for full-time police officers shall be \$35.98/hour.

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 03-2022 AN ORDINANCE AMENDING ORDINANCE NO. 04-2021 PERTAINING TO THE SALARIES FOR VILLAGE PERSONNEL AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Ordinance Amending Purchasing and Procurement Policy

This Ordinance increases the mayor's spending authority from \$5,000 to \$10,000 – this allows the mayor to make decisions spending up to \$10,000 without bringing the issue before Council for approval.

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

Mr. Short made a motion to adopt ORDINANCE NO. 04-2022 AN ORDINANCE AMENDING THE PURCHASING AND PROCUREMENT POLICY FOR THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Fairley seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Ordinance, Supplemental Appropriations and Transfers for 2021

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 05-2021 AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR CALENDAR YEAR 2021 AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2021. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to approve the 12/31/2021 End of Year Council Checklist for \$220,865.03. Mr. Short seconded the motion. All Aye. Motion Carried.

Mr. Fairley made a motion to approve \$7,700 to Motz Turf Farm for an additional 11 loads of topsoil at \$700 each needed to complete the Short Park Multi-Field Project. Mr. Short seconded the motion. All Aye. Motion Carried.

Ohio Division of Liquor Control

Village Tavern/Pizza located at 6778 Main Street was recently sold – this is a transfer of liquor license from Broerman Foster LLC to new owners Colin Kirkwood LLC.

**Mr. Fairley made a motion to “not request a hearing” for the transfer of liquor license located at 6778 Main Street
Mr. Short made a motion to adjourn at 8:05 pm, Mr. Fairley seconded the motion. All Aye. Motion Carried.**

Executive Session

Mr. Short made a motion to enter into Executive Session at 7:48pm, pursuant to O.R.C (Section 121.22(G)(1) to discuss the appointment of a public official. Mr. Fairley seconded the motion. All Aye. Roll Call: Mr. Short-Yes, Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Motion Carried.

Ms. Quallen made a motion to reconvene at 8:05pm.

**Ms. Quallen made a motion to move forward with CT Consultants for engineering services for the Village of Newtown.
Mr. Schwab seconded the motion. All Aye. Motion Carried.**

Mr. Short made a motion to adjourn at 8:06p.m., seconded by Mr. Fairley. Meeting Adjourned.

Transcribed by Becky Fairley