

Call to Order/Pledge of Allegiance/Attendance

The April 12, 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 (excused)
Daryl Zornes
Peg Quallen
Jerry Schwab
Jeff Drescher

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

APPROVAL OF COUNCIL MINUTES

Mr. Short made a motion to approve the 03.08.2022 Regularly Scheduled Council Minutes and 03.17.2022 Special Council Minutes. Ms. Quallen seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Police Department Update (Chief Synan)

Chief Synan explained the grant for the Body Cameras and Records Management Software needed to operate the cameras. Recent efforts installing chevrons on Little Dry Run seem to be working – people seem to be slowing down, stated Chief Synan. This issue will continue to be monitored for everyone’s safety.

PUBLIC COMMENTS:

Chicken Ordinance

Mayor Kobasuk said the normal legislative procedure will be followed; all three readings will take place for this divisive issue. Solicitor Supinger modeled the ordinance proposed by the City of Montgomery’s Chicken Ordinance.

Many residents spoke in favor of Council adopting the proposed ordinance with a few changes suggested. To name a few of the residents that spoke were: Amy Schlosser, Jefferson Street, Anna and Rob Bruyer, Edith Street, Bill and Nancy DeVore, Center Street and Joe and Diana Gutierrez, Pecos Drive – all of which the benefits of having chickens brings joy and value to families. Resident Joe DuBois, Pine/Edith Street said he walks every day and was never aware of the Bruyer’s chickens – no noise or odor had he witnessed. Suggestions made by these chicken owners were to increase the number of chickens allowed from six to ten to fifteen and add free range time for the chickens.

Robin Hock on Pine Street spoke against her neighbor having chickens – feels the coop is too close and believes the chickens have attracted mice and coyotes.

Mayor Kobasuk said Anderson Township, Milford, City of Montgomery and many other communities allow chickens with stipulations. Discussion will continue at the next two Council Meetings.

Email for the record from resident Cheryl McConnell, 6906 Edith Street

Mayor Kobasuk read the following from resident Cheryl McConnell, 6906 Edith Street. Ms. McConnell asked that the below be submitted for the record.

Dear Mayor and Council Members,

I am writing to address the issue before council today regarding the keeping of backyard chickens in the Village of Newtown. I am in support of the practice with the following conditions:

- 1. Chickens should be contained in number (maybe 6-8 total), treated humanely, with no roosters permitted.***
- 2. Chickens should not create odors or excessive noise, and cannot be kept for commercial purposes.***
- 3. Chickens should be kept in sanitary conditions and sheltered in chicken coops which are appropriate in size, within fenced, backyards only. Thank you.***

Church Street Property – Developers Vision

Mayor Kobasuk said Sunset Properties has been looking at building apartments on Church Street – Mayor Kobasuk has met twice with these gentlemen, along with Solicitor Supinger and Planning Chair John Russell. Peg Quallen held a neighborhood meeting with Sunset Properties to discuss their plans with the local residents. Mayor Kobasuk said nothing has been brought before the Planning Commission or approved by the Village and in fact, the proposed plans do not meet Newtown's current Zoning Code. Ms. Quallen said most residents present voiced concerns about the proposed plans. Resident Matt Sherman, 3414 Church Street was present at tonight's council meeting and voiced his opposition to the proposed plan by Sunset Properties.

CT Engineering March Report (Mr. Short)

Engineering - April Monthly Council Report (dated 3/31/2022), submitted by CT Consultants

1. Moundview Park Septic System Upgrade:
 - CT provided an alternatives analysis (version 1) and provided an updated report on 3/29/22 (version 2) which included updated information regarding appropriate soil locations as well as what would be permitted on the surface of an on-site system.
 - Upon confirmation from the Village regarding to move forward with on-site treatment or further coordination and investigation with MSD, CT will proceed as directed.
2. Short Park Projects:
 - Parking Lot:
 - i. Adding 57 spaces, which includes 3 ADA Spaces.
 - ii. Review meeting occurred on 3/22.
 - iii. Scheduled to advertise for construction on 4/6. Open 4/21. Construction Summer, 2022.
 - iv. Preliminary opinion of construction cost (not including a contingency) ~ \$105,000.
 - v. CT recommending that the Village request a 120 extension to the funding.
3. Lake Barber Connecting Trail
 - Drawings received from BCI on 3/23.
 - CT to solicit bids (privately, not through a public bid) from Contractors for the work. Bids will be lump sum. Recommending bids due by 4/15.
 - CT will request bids from no more than 5 Contractors. Plans have been forwarded to:
 - Queen City Asphalt
 - JK Muerer
 - Westside Paving
 - Smith Construction
 - Cincinnati Asphalt
4. 2022 Paving Improvements:
 - It is CT's understanding that the Village will be paving:
 - i. Municipal Center Parking Lot
 - ii. Police Department Parking Lot
 - iii. Fire Department Parking Lot
 - iv. Lake Barber Trail Sections
 - v. Short Park Upper Parking Lot
 - CT will provide a proposal to provide surveying and engineering services for the paving of the Municipal Center Parking Lot and the Police Department Parking Lot
5. 2022 OPWC Applications:
 - OPWC applications will be due in September, 2022. CT will setup a meeting in May to review potential submissions.
6. Ragland Road Drainage:
 - CT met with the Village on 2/22. Below is preliminary list of recommendations:
 - i. Remove two of the four upstream trash racks.
 - ii. Dredge existing upstream channel – remove silt and sediment.
 - iii. The plan that CT created in 2018 was not followed. The storm sewer pipe was not installed per proposed plan and included a number of bends. Additionally, CT was proposing a berm around the drainage channel and a backflow ditch that would have directly ancillary drainage around the headwall – would the Village like to revisit the previous set of plans?
 - iv. At the outlet end of the storm sewer, the settling pool should be cleaned of silt, debris and trash.

7. McCullough's Run
 - We believe that the next steps should include:
 - i. Coordination meeting in April with a geotechnical engineer and specialty contractor to review options.
 1. Pile driven wall
 2. Green wall
 3. Vegetated slope
 4. Modular block wall
 5. Consider safety of drainage channel and concern if someone is in the channel.
 - ii. Review meeting with Village Attorney to understand the Village rights and responsibilities in the drainage channel.
8. Turpin Lane Drainage – was briefly discussed at our 3/22 meeting at the Village. Our initial feedback was that this would require more than a brief site visit to make a recommendation. Village follow up with CT if further investigation and engineering is required.
9. Fence along SR 32 – CT to provide fencing options for the back of sidewalk on SR 32.
10. Eastern Corridor – ODOT

CT to hold on review and funding until ODOT has completed their recommendations

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Moundview Park Alternative Analysis Report Revised 03292022 by CT Consultants

Alternatives include upgrade of the existing system to meet compliance, installation of a non-discharging treatment system, and connecting to a public sewer system. Non-discharging treatment system and drain field is projected to cost \$87,650.00 – this amount has been planned for and is in the 2022 Village Budget. Mayor Kobasuk suggested Council go with an underground septic system – a holding tank cannot be done. Connecting to the public sewer is estimated to cost \$152,262.82.

Sewage Treatment System (STS) Design - 3130 Newtown Road, Newtown, Ohio

SCS Engineers (SCS) submitted a proposal to design a sewage treatment system (STS) to service an existing residence located at 3130 Newtown, Road, Hamilton County, Ohio (parcel #501-0008-0127-00). SCS will provide professional services necessary for the design of the treatment system starting from the sanitary line emanating from the existing residence. The fee includes design of the septic system, and payment of the application fee to Hamilton County.

Ms. Quallen made a motion to approve the contract, subject to Solicitor Supinger's changes, with SCS Engineers to design a sewage treatment system (STS), located at 3130 Newtown Road, Hamilton County. Amount not to exceed \$7,500. Mr. Short seconded the motion. All Aye. Motion Carried.

Heroes on the Water-Southwest Ohio – Lake Barber on May 28th

Heroes on the Water-Southwest Ohio will require waivers for those participating in the water event. This is a one-day event – the public will still be able to walk the lake.

Lake Barber Water Testing

Lake Barber has recently had quite a few dead fish and is thought to be from winter-kill. Water sampling was last done in 2016 by Thomas More College, Christopher Lorenz.

Mr. Short made a motion to approve a Fish Study, by Thomas More University Biology Field Station College, Chris N. Lorentz, Ph.D. Professor, Biology Department – amount not to exceed \$3200. Mr. Zornes seconded the motion – all aye. Motion Carried.

Air Monitoring Grant Application (Mayor Kobasuk)

Ohio EPA has a \$20 million dollar grant – Newtown applied for a \$30,000 grant to purchase additional air monitoring devices. Competition is stiff around the country.

BCI Award

Mayor Kobasuk thanked BCI for their 38 years providing engineering services to the Village of Newtown. Becky had a nice crystal award made that was presented to Mr. Bruce Brandstetter at a recent meeting where the final project check list was discussed.

Letter Denying Grant for McCullough's Run (Mayor Kobasuk)

Cincinnati Business Committee recently notified the Village that their Task Force was not able to recommend Sheet Pile Wall Repair, McCullough's Run for funding. Mayor Kobasuk received an encouraging email from State Representative Tom Brinkman that this project may in fact be funded.

Council Members Reports

Planning Commission Update (Mr. Schwab)

Planning Members met 3/24/2022, two items were discussed. 1) 6859 Main Street. Applicant requested conditional use approval to display and sale Amish Shed alongside existing auto repair business. A motion was made to deny the Conditional Use request since it did not meet the Conditional Use Standards 6 & 7. Motion to deny passed 4-0. 2) 3212 Church Street. Applicant requested proposed lot split. Motion to approve the lot split was passed 4-0.

Planning will meet 4/28/22 to discuss Short Park 3623 Church Street – Village of Newtown is requesting site plan approval for the redevelopment of the west parking lot for Short Park.

Village Solicitor's Report

Solicitor Supinger explained the upcoming Resolution amending the CRA between the Village of Newtown and TRPC, LLC. Resolution 4-2021 was passed on 2/9/2021. TRPC, LLC requested to amend the CRA Agreement in order to revise the project concept, assign the Agreement to Slats Enterprise, LLC due to the merger of TRPC, LLC and Slats Enterprise, LLC. The new concept will essentially be an extension of 50 West and the distillery will be moved to the property, all of which will need to come before Newtown Planning Commission.

Solicitor Supinger discussed the upcoming Resolution designating funds from the American Rescue Plan Act of 2021. This money was allocated by Congress in 2021. The Village is receiving \$280,000 – half was received in 2021 and half will be received in 2022. Rules for designating the funds have been very specific - lost revenue is a category that will allow the funds to be used. Hence, the upcoming resolution will allow funds to be used for more general projects, such as paving.

Soccer Club

Solicitor Supinger received a letter from the Soccer Club's counsel disagreeing with our position where they are required to come to Planning Commission for site plan approval. Solicitor Supinger is working with Gerry Stoker, Zoning Commission and will respond to the letter.

LEGISLATION

First Reading of An Ordinance, Chickens and Rabbits

Mr. Schwab read the First Reading of AN ORDINANCE AUTHORIZING/REGULATING THE KEEPING OF CHICKENS & RABBITS IN RESIDENTIAL AREAS.

Second Reading - Ordinance Approving Zone Change (6616 Main Street)

Mr. Schwab made a motion to have the second reading of ORDINANCE APPROVING A ZONE CHANGE FOR PROPERTY LOCATED AT 6616 MAIN STREET IN THE VILLAGE OF NEWTOWN. Seconded the motion.

Ordinance, Authorizing Sale of Personal Property

Newtown owns a 2011 Ford F-350 service truck w/plow and spreader box, VIN #1FTRF3B68BEB05478 that no longer needed for municipal purposes.

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

Mr. Short made a motion to adopt ORDINANCE NO. 11-2022 AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY. Mr. Zornes seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Ordinance, Establishing the “OneOhio FUND” within the Village Budget

The State of Ohio has reached a settlement agreement with an opioid manufacturer, of which 30% of the settlement proceeds will be distributed to local governments to be used for specific purposes.

Mr. Drescher made a motion to suspend the rules, seconded by Mr. Schwab. Motion Carried.

Mr. Drescher made a motion to adopt ORDINANCE NO. 12-2022 AN ORDINANCE ESTABLISHING THE “OneOhio FUND” WITHIN THE VILLAGE BUDGET. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes.

Resolution, Contract w/A&A Lawncare

Mr. Short made a motion to suspend the rules, seconded by Mr. Schwab. Motion Carried.

Mr. Short made a motion to adopt RESOLUTION NO. 14-2022 A RESOLUTION APPROVING A CONTRACT WITH A & A LAWNCARE & LANDSCAPING, INC. FOR GROUNDS MAINTENANCE SERVICES FOR THE FLAG SPRING CEMETERY AND THE FIRE STATION LOT IN THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes.

Resolution, Purchase Body Worn Cameras

The Village of Newtown has been awarded a reimbursement grant in the amount of \$30,151.10 from the Ohio Office of Criminal Justice Services for the purchase of body worn cameras and related equipment for the police department. The Mayor and Fiscal Officer are authorized to approve a contract w/Axon Enterprise, Inc. in the amount of \$55,513.89, of which \$30,151.10 will be reimbursed by a grant from Ohio Office of Criminal Justice Services.

Mr. Drescher made a motion to suspend the rules, seconded by Mr. Short. Motion Carried.

Mr. Zornes made a motion to adopt RESOLUTION 15-2022 A RESOLUTION AUTHORIZING THE PURCHASE OF BODY WORN CAMERAS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT FROM AXON ENTERPRISE, INC., Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes.

Resolution, Contract w/Peel9, Inc. for Police Records Management System

The Mayor and Fiscal Officer are hereby authorized to enter into a Software as a Service Agreement w/Peel9, Inc. a copy of which is attached hereto and incorporated herein by reference, for comprehensive police department records management system in a total contract amount not to exceed \$21,900.

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 16-2022 A RESOLUTION APPROVING A CONTRACT WITH PEEL9, INC. FOR A POLICE DEPARTMENT RECORDS MANAGEMENT SYSTEM. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion carried.

Resolution, Asphalt Contract – Short Park Basketball Court

The Village has determined that the quote submitted by Cincinnati Asphalt in the amount of \$30,998.99 is the lowest and best quote. This is to complete the Short Park Asphalt Basketball Court Resurfacing Project.

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

Mr. Short made a motion to adopt RESOLUTION 17-2022 A RESOLUTION APPROVING A CONTRACT WITH CINCINNATI ASPHALT FOR THE SHORT PARK ASPHALT BASKETBALL COURT RESURFACING PROJECT IN THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Authorizing a Then and Now Payment

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

Mr. Short made a motion to adopt RESOLUTION NO. 18-2022 A RESOLUTION AUTHORIZING A THEN AND NOW PAYMENT IN THE AMOUNT OF \$13,036.76 TO COMPASS MINERALS FOR THE PURCHASE OF SALT. Ms. Quallen seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Mr. Short made a motion to request Hamilton County to go out to bid for the Village of Newtown for 337 tons of salt. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Resolution, Execute Capital Improvement Community Park – ODNR Grant

The 133rd Ohio General Assembly, as part of SB 310, appropriated funds in the amount of \$50,000 to make a grant to the Village of Newtown for the costs associated with the “Revitalization of Short Park Project.”

Ms. Quallen made a motion to suspend the rules, seconded by Mr. Zornes. Motion Carried.

Ms. Quallen made a motion to adopt RESOLUTION NO. 19-2022 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE A CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS THROUGH GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Amendment to CRA

On 2/9/2021, the Council of the Village of Newtown passed Resolution No. 04-2021 authorizing the Village to enter into a Community Reinvestment Area Agreement w/ TRPC, LL, who has requested to amend the Agreement in order to revise the project concept, assign the Agreement to Slats Enterprise, LLC due to the merger of TRPC, LLC and Slats Enterprise, LLC and extend the dates by which the improvements to the Property must be completed.

Mr. Short made a motion to suspend the rules, seconded by Mr. Drescher. Motion Carried.

Mr. Short made a motion to adopt RESOLUTION NO. 20-2022 A RESOLUTION APPROVING AN AMENDMENT TO THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF NEWTOWN AND TRPC, LLC. Mr. Schwab seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Designating Funds – American Rescue Act of 2021

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

Ms. Quallen made a motion to adopt RESOLUTION NO. 21-2022 A RESOLUTION DESIGNATING FUNDS DISTRIBUTED TO THE VILLAGE OF NEWTOWN FROM THE AMERICAN RESCUE PLAN ACT OF 2021 AS LOST REVENUE DUE TO THE PUBLIC HEALTH EMERGENCY UTILIZING THE STANDARD ALLOWANCE AND AUTHORIZING THE USE OF THE FUNDS FOR GOVERNMENT SERVICES. Mr. Short seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

New Business

Hamilton County Storm Water District

Mr. Drescher made a motion to approve Hamilton County Storm Water District Level of Service (LOS) and Estimated Service Fees for 2023. Mr. Schwab seconded the motion. Roll Call: Mr. Short-Yes, Mr. Zornes-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Ohio Division of Liquor Control

Mr. Short made a motion to Not Request a Hearing for New Liquor License from All About the Taste LLC, DBA Lobsta Bakes of Maine at 3533 Church Street. Ms. Quallen seconded the motion. Roll Call: Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

Council Checklist

Mr. Short made a motion to approve the 04.12.2022 Council Checklist for \$277,827.78. Ms. Quallen seconded the motion. All Aye. Motion Carried.

Executive Session

Mr. Short made a motion at 7:28pm to enter into Executive Session at 6:42pm, pursuant to O.R.C (Section 121.22(G)(2) of the Ohio Revised Code to discuss the sale of public property. Ms. Quallen seconded the motion. Roll Call: Mr. Short-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.

Council reconvened from Executive Session at 7:40pm. No Action Taken.

Mr. Short made a motion to adjourn at 7:41p.m., seconded by Ms. Quallen. Meeting Adjourned.

Transcribed by Becky Fairley