

Call to Order/Pledge of Allegiance/Attendance

The August 9, 2022 regularly-scheduled 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
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. Schwab made a motion to approve the 07.12.2022 regularly-scheduled Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering - August 4, 2022 Monthly Council Report submitted by CT Consultants

1. Moundview Park Septic System Upgrade:
 - The Village is under contract with SCS Engineers to perform the design for an on-site system. At this point, CT is available for any assistance, as needed, but the Village will complete the project with SCS.
2. Short Park Projects:
 - Parking Lot:
 - i. Adding 57 spaces, which includes 3 ADA Spaces.
 - ii. Contractor is DJ Drew Company. Contract amount is \$138,275.00.
 - iii. Construction began week of 7/18 with site layout and heavy construction began the following week.
 - iv. Concrete walks are scheduled for week of 8/8 and asphalt paving the week of 8/15.
3. Lake Barber Connecting Trail
 - Drawings received from BCI on 3/23.
 - Contractor is JK Meurer. Contract amount is \$49,800.00.
 - Construction schedule has been delayed by Contractor due to weather delays on other projects. Anticipate beginning week of 8/8.
4. Lake Barber Trail Pedestrian Crossing (Round Bottom & Valley):
 - 2 pedestrian heads and crosswalk is being proposed on the south leg of Round Bottom and Valley. No intersection lighting is proposed.
 - The field design & direct contract with Capital Electric option was selected.
 - i. This entailed meeting with Capital in the field to go over the modifications. Capital Proposal: \$17,996.00.
 - ii. CT will have a schematic design showing location of proposed pedestrian signal heads by 8/10. Survey completed 8/1. We will share the schematic design with Capital Electric and JK Meurer. Capital will install the proposed improvements and JK will install the curb ramps as part of the Lake Barber Connecting Trail Project.
5. 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

Mr. Drescher had a concern about paving the police parking lot this year after the recent sewer work being done. He believes if it is paved this year it would have a low spot and we would fight it forever. Mr. Drescher thinks it would be best to just patch it for now. Mr. Short said he understands that they plan to compact the area, add gravel before blacktopping. Mayor Kobasuk said we will talk to CT Consultants about the issue.

6. 2022 OPWC & MRF Applications:
 - OPWC Application due September 23, 2022 at 2:00 pm
 - MRF Application due August 31, 2022 at 2:00 pm
 - CT met with the Village in May to discuss strategy.
 - i. OPWC: Submit Church Street
 - ii. MRF: Potentially Round Bottom Road Bridge – awaiting bridge inspection report from Hamilton County Engineer's Office. If not Round Bottom Road Bridge, then Church Street. Bridge report is expected from Hamilton County Engineer's Office in August, 2022. Due to timing, it is our recommendation that we submit Church Street as MRF for 2022 and submit Round Bottom Road Bridge in 2023.

7. McCullough's Run
 - Meeting with Emily occurred on 6/8. Emily is going to run title on a few properties that McCullough's Run traverses. Depending on the results, we will reconvene to determine whether or not the Village wants to take ownership of the Run as well as next steps.
8. Eastern Corridor – ODOT
 - CT to hold on review and funding until ODOT has completed their recommendations.
9. Pavement Condition Ratings:
 - It is our recommendation to develop a new 5 Year Street Program. The previous pavement study was performed in 2016 and segmented the streets into 4 categories; mill and resurface, crack seal and pavement repairs, crack seal and no work. We agree with these categories, with the exception of potentially adding another, reconstruction. The pavement study did not include pavement condition ratings, which would apply a condition score to the improvement category. This allows you to build a 5-year street program. If requested, CT could provide a proposal to complete a Pavement Condition Study and Recommended 5-Year Street Program. It is estimated that this cost is \$10,000 - \$12,000. Having a 5-Year Street Program and Pavement Condition Ratings assists with planning, costs and funding applications.
10. SR 32 Near Dry Run Storm Sewer:
 - BCI prepared a set of construction plans for approximately 1,050 linear feet of proposed storm sewer on SR 32. CT to review the set of plans with the Village.

PUBLIC COMMENTS:

Resident Cheryl Morgan, 3401 Church Street asked if anything could be done about speeding on Church Street and the increase in dump trucks and how they will go around a stopped school bus, instead of patiently waiting. A radar sign displaying one's speed has been posted; Chief Synan said 85% of the data collected shows motorists are driving in the safe range of not exceeding the speed limit more than 10mph. In order to cite motorists and it hold up in court, Chief Synan said it needs to be in the range that would be considered unreasonable for the conditions of that area. Chief Synan said he will make it a priority to keep an eye on the speed and the dump trucks and cite when appropriate.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Newtown 5K – Saturday, August 13th at 8:30am at Moundview Park

Council Members Report:

2022 July Finance Packet

Mr. Fairley discussed the July 2022 Finance Packet presented to Council. With 58% of the year elapsed, anything over 58% as far as revenue goes, anything over is a good thing for the Village. And currently, revenues are at 78.93%. Traversely, 58% or less of our expenses is what we want – the Police Department is at 51%, Service/Maintenance at 50.58% and Administration is at 38.47%. Our total General Fund is at 44.45% with 58% of the year gone. Revenues are up; expenses are down!

As part of the audit compliance, Mr. Fairley made the following motion:

Mr. Fairley made a motion to accept the July 2022 Finance Packet presented to Council. Mr. Short seconded the motion. All Aye. Motion Carried.

Cincinnati Museum Center – Loan Agreement

Mr. Fairley explained that the Village received a renewal from the Cincinnati Museum Center on an outgoing loan agreement, which is renewed every two years. The loan period of the loan of artifacts and replicas for our American Indian Artifact Museum is from November 1, 2013 – July 31, 2024.

Mr. Short asked about the Village's mammoth tusk, currently displayed at the Cincinnati Museum Center. Mayor Kobasuk asked Becky to reach out and invite representatives to an upcoming Council Meeting to discuss what it would involve to properly store and display the tusk.

Mr. Fairley made a motion to approve the Outgoing Loan Agreement for the loan of artifacts and replicas with the Cincinnati Museum Center. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Planning Commission (Reported by Mr. Schwab)

Planning Commission met on 7/28/2022. Emma Jones, new owner of Lobsta Bakes of Maine is requesting to modify the existing conditional use located at 3533 Church Street. The property is located within a P-V (Planned Village Center) zoning district, with a Historic Overlay zoning. Specific request is requesting to modify the existing establishment as follows:

- The creation of indoor and outdoor dining, to include the sale of beer and wine.
- The creation of some additional outdoor seating. (Phase 1 2022)
- Convert the garage to fresh fish market. (Phase 2 2022/23)
- Convert the inside to improve the kitchen facilities & create an inside eating for the deli. Phase 3 2022/23

Planning Members approved the modification of existing Conditional Use, contingent upon several conditions be met.

Sidewalk Replacement Program (Mr. Schwab)

Some counties have monies set aside that would pay a certain percentage to assist residents with repairing the sidewalks. Mr. Schwab asked Mayor Kobasuk where we could possibly go with this. Mayor Kobasuk said Gerry Stoker brought this issue up, citing Norwood who places money into an account that residents can apply for it and when it is gone, it's gone. Solicitor Supinger said Council could implement the program if they wanted to allocate monies to assist residents.

Solicitor Supinger explained that the last round of sidewalk improvements, which was in River Hills, the costs were assessed to the property owners. This was applying the statute and there is no reason the village couldn't establish a fund and a program. We could look at other communities and see what the options are.

Mayor asked Council if they would be interested in establishing a sidewalk repair fund with parameters allowing residents to apply. Gerry Stoker had said Norwood may have put \$2,000 to \$4,000 in the fund and when it's gone, it's gone. Mayor Kobasuk asked Solicitor Supinger to discuss the thought of a fund people could apply to with Mr. Stoker. He said ultimately it is up to Council. This issue came up when an inquiry regarding the building on Main Street, owned by Doug Wessling, not having a sidewalk. Mr. Stoker suggested this fund that may assist in an instance such as this. Solicitor Supinger said she will provide a report at the next Council meeting.

Regardless, Ms. Everett suggested that the Village continue the sidewalk program. Mr. Fairley said he agrees, as when he was campaigning in River Hills, the vast improvement was apparent.

Property Maintenance Inspector Upcoming Vacant Position (Reported by Mr. Schwab)

The Village is still actively searching for someone to fill this position by November 1, 2022. An update will be provided at the September meeting.

Lake Barber Fish Study

Mayor Kobasuk said a study was done in 2016; Thomas More University, Dr. Chris N. Lorentz, Ph.D. has submitted a proposal for less than \$3,000. Residents have complained about the dead fish recently found at Lake Barber.

Ms. Quallen made a motion to approve \$2,756 for Thomas More University to conduct a fish study at Lake Barber. Mr. Short seconded the motion. All Aye. Motion Carried.

Short Park – Two Signs

Ms. Quallen made a motion to approve \$6,848 to Bright Idea Shops for two new park signs for Short Park. Mr. Drescher seconded the motion. Motion Carried. All Aye.

Tree Removal on Village Property

Mr. Short explained the urgency to remove these two huge trees for safety reasons.

Mr. Short made a motion to approve \$9,835 to Wessling Tree Service, LLC to remove a huge Sycamore tree at E. Plum St. (Bob Deck's home) and one Maple tree at 6830 Center Street (Torrence home). Mr. Zornes seconded the motion. All Aye. Motion Carried.

Short Park Pump Installation for Irrigation

Mr. Short made a motion to approve \$8,500 to Yeager Well Drilling & Pumps to install Goulds 65G530 3 H.P. 30 g.p.m. submersible pump. Mr. Fairley seconded the motion. All Aye. Motion Carried.

Short Park – Electric for Well Pump

Mr. Short made a motion to approve \$9,579 to Cooper Electric to install electric for the above pump. Mr. Drescher seconded the motion. All Aye. Motion Carried.

Solicitor's Report (Solicitor Supinger)

Fireworks Statement for Website & Newsletter

Solicitor Supinger submitted a draft summary on the fireworks law that went into effect on July 1st. The summary was prepared following last month's meeting, where there was some confusion about the new fireworks law. This statement was reviewed by Police Chief Tom Synan and Council. Solicitor Supinger did not receive any questions or feedback on the following, which will be placed on the website and in the upcoming Newtown Newsletter.

A new state law went into effect on July 1, 2022 that allows Ohioans to discharge consumer-grade fireworks (1.4G) on approximately 20 specific holidays/days designated by the Ohio legislature. Prior to the passage of this law, it was illegal for anyone other than a licensed fireworks exhibitor to discharge fireworks in Ohio.

The new law allows cities, villages, and townships to implement further restrictions or "opt-out" of the law completely. For communities that opt-out, the discharge of consumer-grade fireworks remains illegal under local ordinance. The Village of Newtown reviewed the new law and consulted with its police chief and the Anderson Township fire chief. Village Council also considered the density of its neighborhoods, the impact that fireworks may have on veterans living in the Village, and the effects fireworks can have on some pets. After weighing these considerations, Village Council voted to "opt-out" of the new law at its June 14, 2022 council meeting, thus maintaining the status quo and continuing its ban on the discharge of consumer grade fireworks in the Village. Any person who discharges such fireworks in the Village, even on the days that the state legislature would allow, will be in violation of Newtown's ban on the discharge of fireworks set forth in Section 91.02(B) of the Ohio Basic Code and may be cited by the police department.

Zoning Code Review

Solicitor Supinger said the committee is almost done with the zoning code review – Liz Fields sent her final version of the code, as well as the zoning map with corrections with rezonings that have occurred over the past several years. Solicitor Supinger will meet with John Russell and Gerry Stoker to look at the Historic Overlay regulations. Revisions will then be presented to the Planning Commission before going to Council. This should be completed by the end of the year.

Soccer Club Update

Solicitor Supinger has not heard back from the attorneys for the Soccer issue – she had previously advised them they need to come back to Planning Commission for a site plan review. The attorneys responded stating this was redundant of what was done first time around with Planning Commission. Solicitor Supinger responded to them saying the site plan was not reviewed – it was reviewed for a conditional use only and the zoning code provides a site plan review is required.

LEGISLATION

Resolution, OPWC State Capital Improvement

Adopting this resolution authorizes the Mayor to apply to the OPWC for funds.

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 34-2022 A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Addendum to Agreement w/XPEX, LLC

Mayor Kobasuk explained this is the Third Addendum to an agreement w/XPEX, LLC, original date of agreement was Dec. 6, 2016, for building and zoning professional services for the Village in order to make certain changes the scope of service and the rate for the services provided under the agreement. Hourly rate will now be \$75/hour and this addendum removes the property maintenance duties from Mr. Stoker's responsibilities. The property maintenance position has always been a separate position until Mr. Stoker agreed to take it on in 2016.

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

Mr. Schwab made a motion to adopt RESOLUTION NO. 35-2022 A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT WITH XPEX, LLC FOR PROFESSIONAL SERVICES. Mr. Zornes seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Declaring a Nuisance

A large hole exists on property located at 3508 West Street where a structure was demolished, causing the accumulation of stagnant water, a condition which is prejudicial to the health, safety, and welfare of the citizens of Newtown.

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

Mr. Schwab made a motion to adopt RESOLUTION 36-2022 A RESOLUTION DECLARING A NUISANCE AND DIRECTING THE OWNER OF REAL PROPERTY LOCATED AT 3508 WEST STREET IN THE VILLAGE OF NEWTOWN TO FILL IN THE PROPERTY PURSUANT TO SECTIONS 715.44 AND 715.47 OF THE OHIO REVISED CODE SECTION 715.47. Mr. Zornes seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Contract w/Capital Electric

This resolution authorizes the Mayor and Fiscal Officer to enter into a contract w/Capital Electric for the installation of pedestrian crossing lights on Round Bottom Road at the Lake Barber connector trail and Church Street at the intersection of Valley Ave.; amount not to exceed \$25,464.00

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. 37-2022 A RESOLUTION APPROVING A CONTRACT W/CAPITAL ELECTRIC FOR THE INSTALLATION OF PEDESTRIAN CROSSING LIGHTS. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Contract w/Schubert Tennis

This is for the installation of four basketball goals (72" Acrylic Backboard) with padding on poles at Short Park; amount not to exceed \$18,000.

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

Mr. Short made a motion to adopt RESOLUTION NO. 38-2022 A RESOLUTION APPROVING A CONTRACT WITH SCHUBERT TENNIS FOR THE INSTALLATION OF FOUR BASKETBALL GOALS AT SHORT PARK. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Change Order w/Koehler & Day Blacktopping

This approves a change order to the contract w/Koehler & Day Blacktopping for street repairs to SR 32 and Ivy Hills Blvd. Change order amount is \$4,200. The company was repairing a crack and Chuck Morgan contacted Vice Mayor Short for approval for the company to repair this additional area. Mr. Short said it made sense since while the company was on scene in the area – it prevented them from having to file for new permits so we actually realized a savings. Mayor Kobasuk said both areas look good that they did a good job!

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. 39-2022 A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT W/KOEHLER & DAY BLACKTOPPING, INC. FOR STREET REPAIRS. Mr. Zornes seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to accept and approve the 08/09/2022 Checklist for \$218,095.02; Mr. Zornes seconded the motion. All Aye. Motion Carried.

Ms. Jenn Giroux, Indian Hill 45202. Ms. Giroux introduced herself to everyone – she is the new nominee for the Republican Party, running for election to the Ohio House of Representatives to represent District 27. Ms. Giroux won the GOP seat at the August 2nd primary. She is on the ballot in the general election on November 8, 2022. Ms. Giroux is a mother of nine children and a small business owner in Madeira – she and her husband own the Catholic Shop and have been there for 24 years. Ms. Giroux thanked everyone for their support and is looking forward to attending future meetings.

Everyone congratulated Ms. Giroux and thanked her for attending the Council meeting.

Mr. Short made a motion to adjourn at 6:46p.m., seconded by Mr. Zornes. Meeting Adjourned.

Transcribed by Becky Fairley