

Call to Order/Pledge of Allegiance/Attendance

The September 13, 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

Police Department - Swearing-In

On the recommendation of Police Chief Tom Synan,

Mr. Short made a motion to hire Mitch Powers as a part-time police officer for the Village of Newtown. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mayor Kobasuk administered the Oath of Office to Mitch Powers, swearing-in him in to serve the Village of Newtown and its residents and businesses. Everyone welcomed Mitch to the Village of Newtown.

Approval of Council Minutes

Mr. Short made a motion to approve the 08.09.2022 regularly-scheduled Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering - September 8, 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. Schedule has been delayed due to weather and silting up of the dry well. CT has instructed the contractor to clean the dry well prior to paving. We are waiting on an updated schedule to complete the project.
3. Lake Barber Connecting Trail
 - Drawings received from BCI on 3/23.
 - Contractor is JK Meurer. Contract amount is \$49,800.00.
 - Construction complete 9/2.
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. CT completed schematic design showing proposed locations.
 - ii. Capital Proposal: \$17,996.00.
 1. Estimated installation mid to late December
 - iii. Curb ramps installed as part of connecting trail construction.
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

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 - COMPLETE
 - CT met with the Village in May to discuss strategy.
 - i. OPWC: Submit Church Street
 - ii. MRF: Submitted Church Street
 - iii. Future MRF: Round Bottom Road Bridge – awaiting bridge inspection report from Hamilton County Engineer’s Office. Bridge report was expected from Hamilton County Engineer’s Office in August, 2022.

7. McCullough’s Run
 - Meeting with Emily occurred on 6/8. Title was run on 3 properties. No evidence of an easement found for the creek. In order for the Village to complete work on the creek, easement will be needed.
 - Improvements are needed on the south side of the creek:
 - i. Option 1 – remove existing pile wall and replace with new pile wall
 - ii. Option 2 – remove and construct an earthen slope
 - Need field work so we better understand existing conditions so and so that we can do a true cost comparison.
 - Initial thoughts:
 - i. Earthwork will not be more expensive. It will be a safer condition.
 - ii. Less maintenance costs over time
 - iii. More capacity in ditch, will most likely need to armor slope.
 - iv. Same relative cost – but need to do initial work to verify.
 - v. Pile concept – materials could cost significantly higher than original estimate and could take a year to get.
 - Original estimate was for 500’, could require additional length.

8. 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.

9. SR 32 Near Dry Run Storm Sewer:
 - BCI prepared a set of construction plans for approximately 1,700 linear feet of proposed storm sewer on SR 32. CT meeting with Village on 9/9 to review and discuss possible improvements to address storm water issues, if needed.

PUBLIC COMMENTS:

TOPIC: Church Street Apartment Complex (Proposed by Hills Properties and Sunset Property Solutions)

Residents Sharon Scott (3341 Scioto), Terri Johnson (3337 Scioto), Jeff Hubbard (3451 Drake Street), and Matt Sherman (3414 Church Street), spoke regarding concerns for the proposed Church Street apartment complex. Ms. Scott said personally she believes the complex is too big as currently proposed. Height of the buildings and traffic concerns were discussed, as well as stormwater and sewer issues. Mr. Hubbard and others said they would be in favor of the project if the development is done right. Bob Elkin (6922 Jefferson) also voiced concerns of noise, concerns of the view of the project from Jefferson Street and asked if the hillside can support the project.

Residents wanted to know how far in the process the Village is with the proposed complex.

Facts on the project by Mayor Kobasuk:

There has been a lot of misinformation on the apartment complex. The developer was invited to attend tonight’s meeting; they chose not to because they still have work to do before they present. Density of the project was answered this afternoon. A meeting was held August 12th – Mayor Kobasuk, Vice Mayor Chuck Short, Solicitor Emily Supinger, Planning Chair John Russell and Building/Zoning Commissioner Gerry Stoker. At the meeting, Hills Properties, developer, proposed a concept – no documents were handed out – this proposal is in the infancy stage. Council would need to buy into and make many accommodations.

The developer has 11 acres of land in the Village under contract – options to purchase the property. They would need to close on the properties sometime in November, if the project goes ahead. Approximately, \$150,000 has been invested by the developer doing their due diligence in making a proposal and environmental analysis, etc.

Six apartment buildings have currently been proposed, three and four stories tall – five of the six buildings would have elevators. The complex would be aimed at a certain demographic, aimed towards young professionals and empty nesters. This is not a kid-friendly complex. The apartments would have one and two bedrooms. A pool and clubhouse are planned with rent starting at \$1500 for a one bedroom, \$2200 for a two-bedroom with a den. *Important fact:* of the 11 acres, 40% would remain greenspace.

Mayor Kobasuk, Council Members Terry Fairley, Jerry Schwab, and Peg Quallen visited the model (Savoy luxury apartments), three and four stories in West Chester. This is located by Ikea. Mayor Kobasuk said the complex consisted of luxurious apartments and were very quiet. It had six buildings with 432 parking spaces with a lot of the parking located under the buildings. Average household income of tenants is over \$100,000 annually.

Total construction of the Church Street apartment complex would cost 35 million dollars and take 24-30 months to construct

The developer/builder needs Council's support since the zoning would need to be changed to PUD (Planned Unit Development) so Council would have to vote to change the zoning. The project would require a conditional use permit for multi-family housing. The Planning Commission would have to affirmatively vote to allow multi-family in the area – the project would require variances for density and possibly height. The property is very difficult to develop with it being an old mining area for clay (brickyard) – there would be a lot of land movement with a lot of site preparation – they need the density to make the project economically viable. Hills Properties, a very well-known and respected developer, is constructing the apartments along Five Mile Road, next to the Anderson Center in Anderson Township. This complex will be larger than 216 units and much taller because they are on three acres, where on Church Street they would have eleven acres to work with.

After the August 12th meeting, Mayor Kobasuk said a financial analysis with the Solicitor and Fiscal Officer was done and determined we could "TIF," the project, Tax Increment Financing, which is commonly done. The Village could accrue 6 million dollars over a 30-year period by having a TIF on the project. \$120,000 would be realized in years 1-10, then \$240,000 in years 11-30. The Village of Newtown offers a "CRA" Community Reinvestment Area, a 50% tax abatement for the first ten years for residential and commercial. The new houses on Church Street by Brookstone Homes received the CRA tax abatement. The 1% Municipal Income Tax would also be collected, \$155,000 per year was estimated from the residents working and paying income tax. It is projected in the first year if the building was finished, the Village would receive \$275,000, which would be each year for the first ten years. Then it would jump to \$395,000 due to receiving more of the TIF money. Six million dollars over thirty years would pay for a lot of improvements in the area...the road and also receiving additional income tax. There would also be a lot of revenue from the construction workers – they have to pay the 1% income tax when working in the Village – Mayor Kobasuk said this was not even added into the \$275,000 amount. To put the \$275,000 in perspective, that's 12.7% of our revenue for this year, projected.

Mayor Kobasuk said the Village *does not* have any operating levies for the general fund – we earn our money to pay the police for safety, garbage pick-up, street maintenance off of people working in the Village. This is why we try very hard to increase the tax base. One of the things we did was we gave The Motz Group a CRA and worked with him to stay in Newtown, as he is developing his business on Church Street, building out the back of the building behind the fire station. Motz is bringing more workers into the Village. We brought in the Forest Hills Bus Depot in an attempt to increase the tax base. Mayor Kobasuk said he too doesn't enjoy sitting behind the buses when crossing the railroad tracks but they are No. 4 on the income tax withholding list.

Mayor Kobasuk told the residents he understood their concerns because they live around the area – the developer came and presented a concept; nothing formal has been filed with the Village and no documents were given to the Village at the August 12th meeting. The developer didn't come tonight because of some unanswered questions and not having everything ready to present – the density is an issue to them. This property is a challenge but the developer believes they can do it – they need the density to do it. Under our Zoning Code, eleven acres typically would equate to seventy household units. They want to put 216 apartment units there – the BZA has to agree on a pretty serious variance, a 208% variance. Discussions can only take place in front of the public with Becky taking the minutes. Mayor Kobasuk told Council, if the Village is going to do this, everyone pretty much has to be on board. Mayor Kobasuk said he isn't saying we need to do it - it's up to Council. Mayor Kobasuk will not vote since there won't be a tie with one council member is unable to partake in the process. Mr. Zornes and Mr. Fairley sit on the Board of Zoning with others – a majority of the BZA would need to grant the variance. Mr. Russell on Planning has said he is opposed to the project. Mayor Kobasuk told Council he needs a poll vote as we need to know if Council is interested in the developer coming into the Village for this project.

Chief Synan spoke to the traffic concerns saying when they look at traffic from apartment complexes and housing developments, traffic is not an issue since not all cars would be coming in and going out at one time. Traffic issues come more from things such as the number of buses. The police department did a survey within the department and did not see any traffic concerns. Newtown currently has three apartment complexes within the Village, none of which present traffic issues. The police department has no concerns on their end as far as potential traffic from the proposed development.

Mayor Kobasuk said he lives in a neighborhood with almost 150 homes and never has trouble getting out of the neighborhood. People just come and go at different times with everyone having totally different schedules.

Resident Elise Gerard (7220 Ivy Way) spoke in favor of the proposed apartment complex. She said some of the residents in the apartment complex would be retired or work from home and doesn't see traffic being a problem. Ms. Gerard said increasing the tax revenue would be huge for the Village. Ms. Gerard said this type of development will drive more interest in Newtown or retail to the Village. She spoke of the traffic proposal from ODOT and said there are solutions to people's concerns. Ms. Gerard said all things should be looked at that could improve the Village of Newtown.

Ms. Johnson said the Village could incur expenses from a traffic survey and more, and wants to understand the total cost to the Village and the impact to the area. Traffic is a concern to Ms. Johnson. Mayor Kobasuk said the developer wants to know if the concept is appealing to Council before they spend money on a traffic study. The Village paid for a big traffic study for the soccer issue and the Village lost the appeal at the Common Pleas level, the Court of Appeals. They accepted the traffic study from the soccer club. The developer would be responsible for storm water expenses. Mayor Kobasuk said the developer believes they can retain stormwater onsite.

Drake Street would remain the same with having only an emergency gated entrance/exit for emergency services. John Russell, Planning Chair lives on Drake Street and said he is not in favor of the development.

Mayor Kobasuk said this is the biggest project since the Ivy Hills Development – the Village doesn't get many 35-million-dollar projects. He believes the developer will present to Council if they see Council is willing to have an open mind about the project. Council needs to say if they are interested in learning more about the project.

Solicitor Supinger said a lot of the concerns that have been raised are things that will be vetted through the process. There would be a number of meetings just to get the zone changed, something that goes to both Planning Commission and Council. And because it's a PUD, it's a full concept plan, not just straight up zoning change so there will be vetting at that stage of the plan and how its laid out. At the Planning Commission level, it would require a Conditional Use, in addition to that, Planning Commission has a role in the PUD process so there would be more vetting of what it finally looks at. Finally, yes, the BZA would have to approve at least one, if not two variances for the project. And at each of those stops, is an opportunity for the public to weigh-in their opinion.

Solicitor Supinger said one thing she heard tonight is that there is some concern that something is being done secretly or that there won't be an opportunity for input. Solicitor Supinger said she wants to assure everyone that there would be – the estimate that was given on what a TIF on the project would raise is extremely conservative. It is not yet based on actual numbers – it's based on what we consider to be a very low estimate of what the after-tax value would be on the property. In all likelihood, that TIF revenue will be a higher number and that is money that can only be used on public infrastructure and public infrastructure around this particular site to offset any sort of burden the development could pose on the surrounding neighborhood from an infrastructure standpoint.

In favor of the apartment complex, Rob Champlin, business owner of the Newtown Feed Store for fifteen years, feels a part of the whole community and wants what is best for the Village of Newtown. Rob Champlin told Village officials he thinks the Village is right on the door step of a tremendous opportunity and realizes as it goes along, concerns of logistics, space and development will need to be sorted through. He cited the growth of Cincinnati, Hyde Park, Oakley, Madisonville and Mt. Lookout over the last ten to fifteen years – anytime high-end living spaces are brought into the area, business follows. Mr. Champlin believes the new apartment development would bring in people's interest to buy properties and develop small businesses. Newtown has a lot more potential for development! Mr. Champlin told officials he believes this is a great opportunity if they can make it work.

Property Maintenance Issues

Ms. Tracy Hueber asked if anyone had driven around the Crawford area behind Moore's Funeral Home. She is disappointed with ongoing property maintenance issues that have not been resolved. Mayor Kobasuk has asked Gerry Stoker to check out the area and start the process of getting things cleaned up. The Village is in the process of looking for a new property maintenance inspector.

Mr. Lloyd Johnson, Scioto talked about quite a few abandoned vehicles in the River Hills area, and cars parked with grass growing up around the tires with no current tags. Chief Synan said they will check it all out.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Air Quality Study

The Ohio EPA now has two years of completed data from the air quality study and will submit a report to the Village once the data has been analyzed.

ODNR Grant

We received an ODNR grant of \$50,000 for McCullough's Run – State Rep. Tom Brinkman was helpful in the Village receiving this money.

Proposal for Debolt Lot

Once response was received for the RFP on the Debolt Lot – it's a proposal to build six ranch homes. The CIC will meet soon to discuss.

Fundraiser for Playground

Mayor Kobasuk received an email from Russell Lewis with Cincy SC – Russell has created a fundraiser GoFundMe to replace and purchase new playground equipment for the entire community to use. Russell asked if the Village had any funds that could go towards supporting this effort. Mayor asked Council to think about as it can be discussed at the next meeting.

Lake Barber – Connecting Trail

The Connecting Trail has been completed.

Short Park – Parking Lot

The parking lot stormwater drain had to be pumped out after being clogged with silt. It should be paved in the next two weeks.

Council Members Report:

2022 August Finance Packet

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

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

Property Maintenance Position

Candidates that submitted resumes will be discussed in Executive Session, stated Mr. Schwab.

Mr. Zornes, Chief Synan and resident Curt Tiettmeyer met with Allison Taylor with State Farm Insurance at Station No. 22 – safety materials were presented for National Fire Prevention week. Mayor Kobasuk said services provided by Anderson Township Fire Department have been first class.

Solicitor's Report (Solicitor Supinger)

Resident Bill Griess offered to donate a piece of property on Monongahela to the Village. Chuck Morgan said he thought the property could be problematic with additional work – it has a private drainage system on it and the hillside appears to be slipping away from adjacent properties and believes it would cost the Village a lot of money to maintain. Council had no interest in accepting the property from Mr. Griess.

LEGISLATION

Resolution, Contract w/TOPCO – Bullet Proof Vests

Amount to purchase the bullet proof vests is not to exceed \$11,487.42, of which \$8,615.57 will be reimbursed to the Village.

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

Mr. Drescher made a motion to adopt RESOLUTION NO. 40-2022 A RESOLUTION APPROVING A CONTRACT WITH TOPCO AMERICA, LLC FOR THE PURCHASE OF BULLET PROOF VESTS FOR THE POLICE DEPARTMENT. Mr. Zornes seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Mr. Short-Yes, Mr. Schwab-Yes. Motion Carried.

Ordinance Amending Permanent Appropriations

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. 14-2022 AN ORDINANCE AMENDING PERMANENT APPROPRIATIONS FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2022. Seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Short-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to accept and approve the 09/13/2022 Checklist for \$352,257.47. Mr. Short seconded the motion. All Aye. Motion Carried.

Church Street Proposed Apartment Complex – Poll of Council

Mayor Kobasuk followed-up with Council asking if they want him to have the developer come to make a presentation to Council and the public or tell them Council has no interest?

Solicitor Supinger said just because the developer would be invited to present, doesn't mean Council would be committing to anything. Mayor Kobasuk said it would just tell the developer Council has an open mind and wants to hear more of the project.

Mr. Fairley said he would like to make a factual decision so he would like to be presented with more information from the developer.

Mr. Schwab said he thought the developer should present since there are a lot of questions then a judgment can be made.

Mr. Zornes said he agrees with Terry and would like to have the developer come in to answer some of the questions.

Mr. Short agrees that the developer should come to Council to make a presentation.

Mr. Drescher said no, he doesn't think the developer can do it – he thinks if the land were buildable and cost effective there would be houses there already.

After hearing from Council (4:1), Mayor Kobasuk said he will invite the developer to come to Council and make a presentation since four council members want to hear more information. When a time is decided, date, time and location of the meeting will be noticed for the public - a broadcast email will be emailed to all residents explaining what's going on.

Executive Session

Mr. Fairley made a motion to enter into Executive Session at 7:15pm, per Ohio Revised Code Section 121.22(G)(2) to discuss the sale of property and Section 121.22(G)(1) to discuss the hiring of a Village official. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Mr. Short-Yes, Ms. Quallen-Yes, Mr. Zornes-Yes. Motion Carried.

Council reconvened at 7:30pm; no action taken as a result of the Executive Session.

Mr. Short made a motion to adjourn at 7:30p.m., seconded by Mr. Zornes. Meeting Adjourned.

Transcribed by Becky Fairley