

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

The November 8, 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. Short made a motion to approve the 10.11.2022 regularly-scheduled Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.**

### SPECIAL PRESENTATIONS

#### Cincinnati Museum Center

Chris Novy, Senior Director, Exhibition Production and Erica Wainwright, Senior Director of Featured Exhibitions and Exhibits Business Development were asked to attend and speak to the possibility of Newtown hosting its Mammoth Tusk at the Newtown Municipal Center. The Mammoth Tusk has been conserved since 2013; Mr. Novy said they hope to place the tusk back on display soon. The tusk needs to be kept in a sealed and environmentally safe chamber to prevent decaying – he will create a proposal to submit to Newtown to see if that is something we are interested in doing.

#### Purchase of Newtown Police Cars

Currently, the cruiser inventory consists of:

- 2019 Dodge Charger All Wheel Drive pursuit mileage 52,876
- 2019 Dodge Charger All Wheel Drive pursuit mileage 51,202
- 2020 Chevy Tahoe 4wd PPV mileage 45,048
- 2021 Chevy Tahoe 4wd PPV mileage 12,802
- 2021 Chevy Tahoe 4wd PPV mileage 13,745

Chief Synan explained the program we have been following for fifteen years. The issue with the state bid is there are limited quantities. Dodge has stopped making the all-wheel drive chargers. We currently have two vehicles in the budget – after discussing other options, it remains that the Tahoe is best option with availability, cost and resale. Mayor Kobasuk said due to inflation, it makes sense to go ahead and purchase the two Tahoe's since two chargers will be sold.

### Engineering - October 31, 2022 Monthly Council Report submitted by CT Consultants

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1. Short Park Projects:
    - Parking Lot:
      - i. Added 57 spaces, which includes 3 ADA Spaces.
      - ii. Contractor was 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. Project complete week of 9/26.
      - v. Final Contract value - \$132,598.53
  2. Lake Barber Trail Pedestrian Crossing (Round Bottom & Valley):
    - 2 pedestrian heads and crosswalk are 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.

3. 2022 Paving Improvements:
  - It is CT's understanding that the Village will be paving:
    - i. Municipal Center Parking Lot (to be paved 2023)
    - ii. Police Department Parking Lot (to be paved 2023)
    - iii. Fire Department Parking Lot (seal coat only)
    - iv. Lake Barber Trail Sections (completed)
4. 2022 OPWC & MRF Applications:
  - OPWC Application due September 23, 2022 at 2:00 pm - COMPLETE
  - MRF Application due August 31, 2022 at 2:00 pm - COMPLETE
  - CT met with the Village in May to discuss strategy.
    - i. OPWC: Submitted Church Street – Raw scores were released. Unlikely Village will be selected.
    - 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. To date, still not received.
    - iv. Future OPWC: CT recommends Pavement Condition Ratings be completed and evaluated to determine next round of OPWC (see Pavement Condition Ratings below).
5. 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. Village has indicated that they will make necessary repairs and obtain the necessary easements. Vi
  - CT to put together high-level preliminary construction costs for 3 options:
    - i. Option 1 – Remove and replace existing wall – approximately 1,000 lf - \$520,000
    - ii. Option 2 – Remove and replace failed sections of wall – approximately 850 lf - \$442,000
    - iii. Option 3 – Remove existing wall, construct earthen slope – approximately 1,000 lf - \$338,000
    - iv. Soft Costs for each option – Approximately \$100,000, includes survey, design, property line resolution, easements, legal costs
  - The Village and CT met with Jones Hatchery on 10/27. Jones is willing to grant easement for work, ok with tree clearing, will allow us to use gravel area for staging, would require fence replacement with new chain link. May also request a berm be installed along Church Street frontage. We will have excess spoils from the excavation – (a berm could help save costs)
  - Next steps include:
    - i. Determination of which option to proceed – setup meeting week of 11/7 or 11/14.
    - ii. Necessary field work for design and easement preparation
    - iii. Design
  - Original estimate was for 500' of wall replacement.
6. 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. Additionally, this work would be completed utilizing GIS data. We would begin to building a database of Village infrastructure that we would also incorporate with Hamilton County Stormwater District information.
7. SR 32 – Little Dry Run to Corp Line
  - This section of SR 32 has silt berms located on each side of the road for portions of its length. The silt berms can be as high as 12" or 18" and should be removed in order to let the storm water to drain to the roadside ditches. CT to develop opinion of construction cost and options for the silt berm removal, including:
    - i. Milling of silt berm (if feasible) and restoration
    - ii. Conventional excavation and restoration
8. SR 32 & Round Bottom Road
  - CT to investigate an alternative to the existing dry wells at this location to alleviate storm water ponding at this intersection.

## PUBLIC COMMENTS:

Ed Wolfer, property owner in Newtown was present and talked about a letter dated 4/5/2021 RE: Notice of Drug Abuse at 3910 Round Bottom Road, Newtown, Ohio 45244. Law enforcement and the fire department were dispatched to a structure fire at this location on 03/30/2021. As the owner of the property, the letter advised Mr. Wolfer to take immediate steps to abate such drug activity, including, but not limited to, eviction of the tenant Nick Walker. The letter sent by Chief Synan dated 4/5/2021 is a standard notice that is issued by the police department to property owners whenever the department becomes aware of illegal drug activity on their property by a tenant. Mr. Wolfer believes the letter accused him of a felony offense, which is what he expressed to Mayor and Council. The letter dated 4/5/2021 is public record and it did not accuse Mr. Wolfer of committing a felony offense. Mr. Wolfer said he needs four hours to meet with the Newtown Safety Committee.

## MAYOR AND COUNCIL MEMBER REPORTS:

### Mayor's Report

#### ODOT Meeting (Mayor Kobasuk)

Tommy Arnold, Jr., P.E., Acting Capital Programs Administrator/District Planning Engineer ODOT District 8 will meet with Mayor Kobasuk and a few members on 12/16/2022 at the Village office to discuss the SR 32 project. Cost estimates, refining the design and discussion about moving forward with developing the SR 32 project will take place. Mayor Kobasuk said he wasn't so sure the road improvements are needed anymore since traffic seems to be alleviated due to many working from home since COVID-19.

#### Newtown Fire Station 22 – A/C Unit (Mayor Kobasuk)

The new A/C unit will be installed in December which everyone has looked forward to after the heat this year when we had to rent portable units to keep the firefighters cool.

#### Ragland Road Creek Cleaning (Maintenance)

Street Supervisor Chuck Morgan would like to have routine maintenance performed on the culvert at the Ragland Road creek to keep the culvert void of debris to prevent flooding. One bid of \$6,500 has been received and has been waiting on other bids. Mr. Morgan believes this would be enough money and is asking Council to approve this amount tonight so he can have this function performed when the ground is dry. A motion not to exceed \$6,500 would be needed.

#### Main Street Fence Replacement (Mayor Kobasuk)

The fence on Main Street by Meridian will be replaced before the end of the year with a black chain link fence.

### Council Members Report:

#### 2022 October Finance Packet

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

**Mr. Fairley made a motion to accept the October 2022 Finance Packet presented to Council. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

#### Employee Gift Cards

**Mr. Fairley made a motion to approve \$1,275 for 2022 Employee Appreciation Gift Cards for eligible employees. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

This amount is for 17 employees with a \$75.00 gift card. This amount was increased from \$50.00 to \$75.00 December 2021.

#### Employee Health Insurance Plans (Mr. Fairley)

A committee has met and reviewed several options – more information and discussion will take place at the December Council meeting. Mayor Kobasuk thanked Mr. Fairley, Lt. McBreen and Keri Everett for working on the insurance options.

#### Ragland Road Creek Cleaning (Maintenance)

**Mr. Short made a motion to approve an amount not to exceed \$6,500 for the Ragland Road creek culvert cleaning. Mr. Zornes seconded the motion.**

*Mayor Kobasuk said Mr. Morgan believes Argo Construction Co. Inc. will be doing the work - Mr. Drescher said he is in favor as long as Majors Construction is not awarded the job. All Aye. Motion Carried.*

Village Corporation Signs – Mr. Fairley said he thought the new signs look really nice – he thanked Becky, Shawn and Chuck.

Church Street “Potential” Apartment Development

Since several residents are in attendance, Mayor Kobasuk stated that neither he nor anyone else that he is aware of, has had any new discussions with the developers since they were last invited to Council and they declined. Any developer will have to follow the zoning and planning process.

Resident Peggy , 3434 Drake Street said she would like to be notified with any new activity. She gave her phone number to Becky.

Solicitor’s Report (Solicitor Supinger)

The Zoning Code review is done – we are waiting on a date to discuss the potential amendments to the zoning code. Due to holidays – Planning Commission will probably meet and review sometime January 2023.

LEGISLATION

Ordinance, Amending Permanent Appropriations

This Ordinance allows the Fiscal Officer to increase the General Fund \$75,000, from \$2,797,862.52 to \$2,872,862.52.

**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. 15-2022 AN ORDINANCE AMENDING PERMANENT APPROPRIATIONS FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2022. Mr. Zornes seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Short-Yes, Mr. Drescher-Yes, Mr. Schwab. Motion Carried.**

Resolution - 2023 Paving

At its regular council meeting held on October 11, 2022, Village Council authorized and approved a proposal by Koehler & Day Blacktopping, Inc. to repave and restripe the parking lots in the amount of \$24, 300.00 – this work is to be done in 2023.

**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. 42-2022 A RESOLUTION APPROVING AND RATIFYING A CONTRACT WITH KOEHLER & DAY BLACKTOPPING, INC. FOR THE REPAVING AND RESTRIPIING OF THE MUNICIPAL BUILDING AND POLICE DEPARTMENT PARKING LOTS. Mr. Drescher seconded the motion. Roll Call: Mr. Short-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes. Motion Carried.**

Resolution, Police Cruiser Purchase

Council desires to acquire two new 2023 Chevy Tahoe SUVs for the Police Department to be fully marked with lights and decals for patrol in order to replace outdated vehicles.

The Village can purchase the 2023 Chevy Tahoe SUVs from Ganley Chevrolet of Aurora, LLC at a cost of \$43,645.00 per vehicle, for the total amount of \$87,290.00.

**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. 43-2022 A RESOLUTION AUTHORIZING THE PURCHASE OF TWO POLICE VEHICLES. Mr. Zornes seconded the motion. Mr. Fairley-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Short-Yes, Mr. Drescher-Yes, Mr. Schwab. Motion Carried.**

New Business

Council Checklist

The checklist (payment listing) originally was for \$380,680.39. Mr. Fairley said since the two police cruisers were approved and added (\$87,290.00) will be added to the final checklist, totaling \$467,970.39.

**Mr. Fairley made a motion to approve the 11/08/2022 Checklist for \$380,680.39 with the addition of \$87,290.00 for a total of \$467,970.39. Mr. Drescher seconded the motion. All Aye. Motion Carried.**

Executive Session

**Mr. Short made a motion to enter into Executive Session at 6:48pm, per Ohio Revised Code Section 121.22(G)(2) to discuss Section 121.22(G)(1) to discuss the hiring of a Village official. Mr. Fairley seconded the motion. Roll Call: Mr. Schwab-Yes, Mr. Drescher-Yes, Mr. Short-Yes, Ms.Quallen-Yes, Mr. Zornes-Yes. Motion Carried.**

Council reconvened at 6:48pm; no action taken as a result of the Executive Session.

Mr. Short made a motion to adjourn at 6:49p.m., seconded by Ms. Quallen. Meeting Adjourned.

Transcribed by Becky Fairley