

Call to Order/Pledge of Allegiance/Attendance

The April 11, 2023 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 (excused)
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

Ms. Quallen made a motion to approve the 03.14.2023 regularly-scheduled Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report dated April 6, 2023 submitted by CT Consultants

1. Pavement Condition Ratings:
 - The pavement condition ratings will be starting soon.
 - CT will be in the field inspecting the roadways within the Village during the month of April.
2. SR 32 – Little Dry Run to Corp Line
 - Waiting on possible funding award notices to occur this month.
3. Church Street
 - Grant funding was awarded through the Hamilton County Municipal Roadway Fund (MRF) for Church Street resurfacing work.
4. Short Park Project:
Parking Lot:
 - Council approved funds for drilling into gravel layer to alleviate drainage during large storm events.
 - Contractor is waiting for a dry weather period for the work to begin.
5. McCullough's Run
 - The Village has a draft easement donation agreement signed by Jones Fish hatchery.
 - Next steps include:
 - i. Resubmittal of the revised application by the Village.
 - ii. CT submitted a proposal to remove the existing wall, construct an earthen berm for Approximately 1,000 lf. Waiting for confirmation of approval.

Eight Mile/ 32 Work

This work begins mid-April and will last approximately 200 days. This will impact traffic on Little Dry Run and Church Street – Mr. Short suggested everyone find an alternate route. Becky emailed the residents the particulars.

PUBLIC COMMENTS:

Wolfer - Police Department (Spoke 6:05 to 6:17pm)

Ed Wolfer, 3458 River Hills continued to speak of the letter he received and perceives it as a felony – he is referring to the 3/30/2021 fire incident at 3910 Round Bottom Road. He accused an officer of lying on the search warrant affidavit and said Newtown police no longer patrol his property. Mr. Wolfer kept asking Solicitor Supinger questions and she said she is not going to answer his questions. Mayor Kobasuk told Mr. Wolfer he needed to be specific as to what he wants Council to do, if anything. Mayor Kobasuk said he has wanted Mr. Wolfer and Chief Synan to work this out for a year and a half. Mr. Wolfer told Mayor and Council he wanted \$30,000 for pain and suffering and wanted the Village to fire the two lying police officers. Mayor Kobasuk said that is not going to happen! Mayor Kobasuk told Mr. Wolfer to hire an attorney if he feels wronged as he is not making any progress with his ongoing issue with the Village/Police Department. Mayor Kobasuk advised Mr. Wolfer that he had exceeded his time to speak and asked him to sit down so that the Council meeting could proceed. Mr. Wolfer refused to sit down and continued to speak. Mayor Kobasuk asked him several more times to sit down before Mr. Wolfer complied.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Property Maintenance

Property Maintenance Inspector Mark Yontz submitted a report for Council's review. Ms. Quallen asked if Mr. Yontz had checked out the chicken coop on Edith Street. She said from what she can see from the street, the building remains in the same place. Mayor Kobasuk suggested that Ms. Quallen directly call Mr. Yontz about this issue and any other issues.

Exit Interview

Officer Powers is leaving the police department – Mayor Kobasuk said most communities have exit interviews and feels it is best practice. He asked Safety Chair Jeff Drescher and Chuck Short to reach out to Officer Powers and offer the interview and thank him for his service. Solicitor Supinger prepared questions for the Exit Interview which has not yet been adopted by Council. Solicitor Supinger said Council could have the exit interview but it is optional for the employee to participate.

SWOAQA Air Quality

Mayor Kobasuk previously sent Council the recent air quality report - we have had two years of air monitoring done in the Village. He will invite a Kerri Castlen with SWOAQA to the May 9th Council meeting to discuss the report. Unfortunately, those that live by two asphalt plants will smell the smoke and asphalt odor.

Council Members Report:

2023 March Finance Packet (Mr. Fairley)

As part of the audit compliance, Mr. Fairley made the following motion, after discussion took place. Revenue should be at 25% or better and is up 28% in the General Fund. We are on target regarding the budget.

Mr. Fairley made a motion to accept the March 2023 Finance Packet presented to Council. Mr. Short seconded the motion. All Aye. Motion Carried.

Planning Commission Update (Mr. Schwab)

Planning met 3/23/2023 – the following was discussed:

3462 Riverhills Drive. Mike Kent, FTP Automotive and Jeff Llyod, owner of the property explained the request for a conditional use. Discussion ensued. Motion made by Mayor Kobasuk to approve the Conditional Use – motion carried.

Zoning Code Review

Review of text changes to the Newtown Zoning Code. Liz Fields representing McBride/Dale/Clarion explained the changes. She first addressed the reorganization of the Code, which will increase flow and make it easier to locate information. Changes should be approved at the April meeting then a public meeting will be set and will come to council. The density for PUD's (Planned Unit Development) went from 15% to 25%, Mayor Kobasuk asked Solicitor Supinger to explain. Solicitor Supinger said it wouldn't foreclose the possibility of a variance being issued, in addition to that but as a matter of right, in the PUD provided all other conditions of the PUD are met, someone could increase the density up to 25% more than what would be allowed if it was just a development that was not done as part of the PUD. Mayor Kobasuk said nothing yet has been changed – this is just a draft. This is the Zoning Code Update being done, after we did a Comprehensive Plan <https://newtownohio.gov/government/departments/building-zoning/> This is not related to the potential apartment complex in any way – nothing new has been presented to the Village for official action regarding the complex, stated Mayor Kobasuk. A Public Meeting will take place where the zoning changes will be addressed.

Solicitor's Report (Solicitor Supinger)

Legislation Review

1) Special Purpose Flood Damage Reduction Regulations

Solicitor Supinger explained that the Village is required to adopt updated regulations by FEMA – these need to be adopted by June 7, 2023. For tonight's purposes, it will just be a First Reading with the Second Reading taking place at the May 9th Council meeting where the rules will be suspended, allowing the ordinance to be adopted. Therefore, everything due will be sent to ODNR and FEMA by their deadline.

2) Resolution & Ordinance – Mower Purchase (ATMAX Equipment)

There are two items that are related – an ordinance and a resolution, both have to do with the mower that is being purchased. One is a resolution authorizing the Village to purchase the mower. The second is an ordinance authorizing the Village to enter into a lease-purchase agreement to finance the purchase of the mower.

3) Ordinance Transferring Property to Newtown CIC

This item relates to the two parcels on Short Park Drive and one parcel on School Street that the CIC entered into an agreement with Miami Valley Christian Academy to sell the School Street property and portions of the Short Park properties to the school. This is in anticipation of a closing – when we are ready to close on the property, this will allow the Village to transfer that property to the CIC., then the CIC can transfer it to the buyer. MVCA is paying the Village \$30,000 to expand the school. Solicitor Supinger said the school will be relocating the walking path that is currently there, closer to the Short Park Drive – we are waiting for MVCA to bring us a site plan showing the relocated walkway which will be reviewed and signed off by Village engineers. They will have sixty months to complete the relocation. In the meantime, the Village has an easement for public use to continue using the existing path until they are ready to do the work and any work MVCA would have to do and how they would use that property would come back for the Planning Commission for site plan review. This deal has nothing to do with future development – it just transfers the property. Mr. Short said it's his understanding that the school plans to expand their parking lot.

LEGISLATION

First Reading of an Ordinance, Flood Damage Reduction Regulations

The Village of Newtown participates in the National Flood Insurance Program (NFIP) that is administered by the Federal Emergency Management Agency (FEMA); FEMA has prepared a revised Flood Insurance Study (FIS), with accompanying Flood Insurance Rate Maps (FIM), which will be effective June 7, 2023; and the Council of the Village of Newtown desires to adopt revised Special Purpose Flood Damage Reduction Regulations to promote the public health, safety, and general welfare of the citizens of Newtown and ensure compliance with NFIP. This ordinance replaces Ordinance No. 15-2004, which is hereby repealed.

Mayor Kobasuk read the First Reading of AN ORDINANCE ADOPTING SPECIAL PURPOSE FLOOD DAMAGE REDUCTION REGULATIONS AND DECLARING AN EMERGENCY.

Ordinance, Lease-Purchase Public Works Equipment

The Village of Newtown desires to finance the purchase of public works equipment (the "Project") – this is for the mowing equipment from Atmax Equipment, Co. (\$249,832.50) Resolution will follow.

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. 07-2023 AN ORDINANCE AUTHORIZING THE VILLAGE OF NEWTOWN, OHIO TO ENTER INTO A LEASE-PURCHASE AGREEMENT AND PAYMENT SCHEDULE BY AND BETWEEN LEASING 2, INC., AND THE VILLAGE OF NEWTOWN, OHIO TO FINANCE THE PURCHASE OF PUBLIC WORKS EQUIPMENT FOR THE VILLAGE OF NEWTOWN AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Short-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Fairley-Yes. Motion Carried.

Ordinance, Transfer of Property to Newtown CIC, Inc.

The Village of Newtown is the owner of certain property located at (i) 3623 Church Street, Cincinnati, Ohio 45244, Auditor's Parcel No. 501-0002-0009-90 ("Church Street Property"); (ii) Parcel No. 501-0002-0008-00 ("Short Park Drive Property"); and (iii) 6840 School Street, Cincinnati, Ohio 45244, Parcel No. 501-0002-0020-00 ("School Street Property"); The Village of Newtown wishes to convey (i) portions of the Church Street Property and Short Park Drive Property collectively totaling 0.266 acres, as further detailed and described on the attached Exhibits A and B, and (ii) the School Street Property (collectively, the "Property") without consideration to the Village of Newtown CIC, Inc., a corporation not for profit created by the Village of Newtown with the primary purpose of advancing, encouraging and promoting the industrial, economic, commercial, and civic development of the Village of Newtown, in order to facilitate the development of such Property within the Village of Newtown; Property is no longer needed for municipal purposes; and Property is being transferred to the Village of Newtown CIC, Inc., a corporation not for profit organized for under Sections 1724.01 to 1724.11 of the Ohio Revised Code and therefore competitive bidding is not required to transfer the Property.

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. 08-2023 AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY OWNED BY THE VILLAGE OF NEWTOWN TO THE VILLAGE OF NEWTOWN CIC. INC. AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Mr. Short-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, Agreement w/ATLL

the Council of the Village of Newtown wishes to enter into an agreement with the Anderson Township Little League for the use of baseball fields in Village parks (Moundview).

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

Mr. Drescher made a motion to adopt RESOLUTION NO. 13-2023 A RESOLUTION APPROVING AN AGREEMENT WITH ANDERSON TOWNSHIP LITTLE LEAGUE, INC. FOR USE OF ATHLETIC FIELDS. Mr. Fairley seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Mr. Short-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, Atmax Equipment, Co.

The Council of the Village of Newtown is in need of mowing equipment for the public works department. ATMAX Equipment Co. can provide the necessary Equipment through the State of Ohio Procurement Program. Village Council desires to authorize the purchase of the Equipment, subject to the approval by Council of a Lease-Purchase Agreement to finance the purchase of the Equipment. Amount is not to exceed \$249,832.50 plus interest and financing costs.

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. 14-2023 A RESOLUTION AUTHORIZING THE PURCHASE OF MAINTENANCE DEPARTMENT EQUIPMENT FROM ATMAX EQUIPMENT, CO. Mr. Fairley seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Mr. Short-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, Brandstetter's Kanga Roof

Pavilion roofs at Short Park (lower pavilion and upper pavilion) are in need of roof replacement – Brandstetter's Kanga Roof submitted a proposal to replace the roofs in the amount of \$16,056.83 plus costs of needed decking repair which should not exceed \$1,500.00 Total amount is not to exceed \$17,556.83

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

Ms. Quallen made a motion to adopt RESOLUTION NO. 15-2023 A RESOLUTION APPROVING A CONTRACT WITH BRANDSTETTER KANGA ROOF TO REPLACE THE ROOFS OF THE PAVILIONS AT SHORT PARK. Mr. Fairley seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Mr. Short-Yes, Ms. Quallen-Yes. Motion Carried.

Parks (Ms. Quallen)

Ms. Quallen made a motion to approve an amount not to exceed \$3,000 for the purchase of garbage can lids, domes with weights for the parks. Mr. Short seconded the motion.

New Business

Hamilton County Storm Water District

The Hamilton County Storm Water District is offering the same levels of service and fees in the 2024 program year as were offered to Co-Permittee Jurisdictions in the 2023 program year.

Mr. Fairley made a motion to approve Hamilton County Storm Water District Level of Service (LOS) and Estimated Service Fees for 2043. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Mr. Short-Yes, Ms. Quallen-Yes. Motion Carried.

Hamilton County TIRC Tax Incentive Review Board

Two Representatives are required to be residents of the Village of Newtown (one must be a resident and one a village official. Becky administers the CRA process and assists with annual reporting for the CRA Housing Officer and has served as the resident member. Mayor Kobasuk has served on the board with her for the last few years. The meeting is usually held in June.

Mr. Fairley made a motion to appoint Mayor Kobasuk and Becky Fairley to serve on the TIRC Board. Mr. Short seconded the motion. All Aye. Motion Carried.

Council Checklist

Mr. Fairley made a motion to approve the 04/11/2023 Council Checklist for \$233,478.32. Mr. Short seconded the motion. All Aye. Motion Carried.

Police Department

Mr. Drescher said he meant to mention earlier in the meeting – the two new Tahoes are here – one is on the road and one is almost completed being outfitted. He suggested Council sit down with Human Resources and Chief Synan to have an idea about recruiting police officers. James Campbell is coming back to Newtown to the full-time position vacated by Mitch Powers.

Annual Easter Egg Hunt

Mr. Short said fun was had by many with 4,000 eggs being hid for the children. This is a Newtown Civic League event.

Mr. Short made a motion to adjourn at 6:47p.m., seconded by Mr. Fairley. Meeting Adjourned.

Transcribed by Becky Fairley