

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

The May 9, 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.

<b>Council Members:</b>	Chuck Short (Vice Mayor)	Solicitor Emily Supinger (excused)
	Terry Fairley	Fiscal Officer Keri Everett
	Daryl Zornes (excused)	Assistant to Mayor Becky Fairley
	Peg Quallen	Police Chief Tom Synan
	Jerry Schwab	
	Jeff Drescher	

### SPECIAL PRESENTATIONS

#### AIR QUALITY

Two paving companies are located within the Village of Newtown: Valley Asphalt and Barrett Paving. Southwest Ohio Air Quality Agency investigates complaints of odor, dust, particulate matter, smoke or other air quality concerns.

#### Southwest Ohio Air Quality Agency – Kerri Castlen

Kerri Castlen, Compliance Manager with Southwest Ohio Air Quality Agency gave a presentation on Air Quality. Ms. Castlen answered questions from concerned citizens present.

The complaint program focuses on outreach activities and operating an air quality hotline. The hotline is for residents to report air quality concerns in the five-county area of Butler, Clermont, Clinton, Hamilton, and Warren counties.

- Air Quality Hotline Line: 513-946-7777 or 1-800-889-0474
- Landfill Odor Complaint Line: 513-946-7760

Ms. Castlen's presentation may be viewed at <https://newtownohio.gov/uncategorized/citizen-air-sampling-program-register-air-quality-complaints/> . A copy of the Final Air Quality Report (findings from 9/23/2020 to 9/21/2022 is also posted.

#### Valley Asphalt – Dan Crago, Vice President Quality Control

Dan Crago, Vice President Quality Control with Valley Asphalt, A Jurgensen Company gave a presentation on the history of Valley Asphalt plant #14, which was established in 1953. Plant upgrades in 2022 with new burner and silos. The plant rotated (700' front, 200' back) stockpiles as buffer, reduced lighting, burner and airlocks reduced decibels. Trees and greenspace offer a buffer. Mr. Crago also mentioned that Evotherm is being used, which reduces the temperature of the asphalt production, which decreases odor. Mr. Crago and Valley Asphalt are aware of the complaints and concerns from Newtown residents. Mr. Crago assured Village officials and Newtown residents that Valley Asphalt/A Jurgensen Company will continue to seek new solutions to concerns voiced by the residents. The Ohio Department of Transportation is Valley Asphalt's largest customer.

#### Award of Excellence

Mayor Kobasuk presented Ms. Kerri Castlen with an Award of Excellence – Kerri has always been very responsive to Newtown and our air quality concerns and complaints of our residents. Ms. Castlen thanked Mayor Kobasuk and said she enjoyed working with him and said that Mayor Kobasuk worked very hard on the grant for air monitoring equipment.

#### Engineering Report dated May 4, 2023 submitted by CT Consultants Mr. Short

1. Pavement Condition Ratings:
  - Pavement Condition Ratings Complete. CT working importing into GIS.
2. SR 32 – Little Dry Run to Corp Line
  - Waiting on possible funding award notices to occur. Was anticipated in April.

3. Church Street
  - Estimated Construction Cost - \$328,000
  - Grant funding was awarded through the Hamilton County Municipal Roadway Fund (MRF) for Church Street resurfacing work - \$98,360.00
  - OPWC Small Government Commission is reviewing application for funding. OPWC Small Government Commission request - \$160,654.00. Should know after May 11.
  
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, still needed detailed easement information, which includes legal description and exhibit.
  - Next steps include:
    - i. Resubmittal of the revised application by the Village.
    - ii. CT has been approved to complete the survey and design. Survey is scheduled to begin the week of May 15. CT will contact Jones Fish hatchery and let them know that we will be on-site. Geotechnical Engineering currently being scheduled. Anticipated in late May, early June.

Approval of Council Minutes

**Mr. Schwab made a motion to approve the 04.11.2023 regularly-scheduled and 4.21.2023 Special Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.**

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Zoning Code Revision – Public Meeting will be held 6.13.2023 at 6pm

The Council of the Village of Newtown will hold a public hearing on June 13, 2023 at 6:00 p.m. to consider comprehensive revisions to the Newtown Zoning Code. The hearing will take place at the Newtown Municipal Center, 3537 Church Street, Newtown, Ohio 45244. Members of the public are welcome to attend and provide comment.

ODOT – Tommy Arnold, Jr., P.E. ODOT District 8, Acting Capital Programs Administrator/Brent Spence Bridge Corridor Deputy Project Manager plans to attend the 6/13/2023 Council Meeting to discuss road improvement in the Village.

Council Members Report:

2023 April Finance Packet (Mr. Fairley)

As part of the audit compliance, Mr. Fairley made the following motion, after discussion took place. April revenue Municipal Income Tax collections are up from 2022. Newtown is benefiting from local construction. April Revenues Over/Under Expenditures \$407,676.40.

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

Planning Commission Update (Mr. Schwab)

Planning met 4/27/2023 – the following was discussed:

A Public Hearing regarding 3804 Church St. took place – property owner requested a Conditional Use approval to locate mobile food truck in the parking lot.

OLD BUSINESS: Proposed Text Changes to the Zoning Code.

Case 1. Proposed updates to the Newtown Zoning Code.

Planning Commission considered the proposed text changes and voted on its recommendations, section 36.2 B2 of the Newtown Zoning Code.

Initiate advisable Official Zoning District Map changes, or changes in the text of the Code where same will promote the best interest of the public through recommendation to the Village Council.

#### NEW BUSINESS:

Case 1. 3804 Church Street. The owner of the property is requesting a Conditional Use approval to locate a mobile food truck in the parking lot. The property is zoned GB (General Business).

Planning Commission is to consider and vote on the conditional use request per section 36.3.

Case 2. 3511-3515 Round Bottom Road. The owner is requesting site plan approval to construct a new parking lot facility. The property is zoned GB (General Business).

Planning Commission is to consider and vote on the site plan parking facility request per section 30.9.

Planning will meet 5/25/2023 - agenda to follow.

#### LEGISLATION

##### Second and Final 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.

##### **AN ORDINANCE ADOPTING SPECIAL PURPOSE FLOOD DAMAGE REDUCTION REGULATIONS AND DECLARING AN EMERGENCY was read for the second time.**

**Mr. Fairley made a motion to suspend the rules for the Third Reading of the ordinance, in order to adopt the ordinance under consideration tonight. Mr. Short seconded the motion. All voted Aye. Motion Carried.**

**Mr. Fairley made a motion to adopt ORDINANCE NO. 09-2023, AN ORDINANCE ADOPTING SPECIAL PURPOSE FLOOD DAMAGE REDUCTION REGULATIONS AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Short. All voted Aye. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion carried.**

##### First Reading – Zoning Code Amendment

The Village of Newtown retained the professional planning services of McBride Dale Clarion to advise the Village on comprehensive revisions to the Newtown Zoning Code.

McBride Dale Clarion conducted an extensive review of the Zoning Code and has proposed amendments which will improve the readability and clarity of the Zoning Code, address specific concerns and current development trends, ensure compatibility with the Village's updated comprehensive plan, and ensure compliance with legal requirements.

The Newtown Planning Commission reviewed the proposed changes to the Zoning Code at public meetings held on March 23, 2023 and April 27, 2023 and recommended that Council approve the changes to the Zoning Code as set forth in Exhibit A attached hereto and incorporated herein which amends the Zoning Code in its entirety; and

The Village of Newtown conducted a public hearing as to the proposed changes set forth in the attached Exhibit A on June 13, 2023.

**Mr. Schwab made a motion to have a FIRST READING OF AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF NEWTOWN. Mr. Fairley seconded the motion. All Aye. Motion Carried.**

First Reading, Ordinance, Personnel Policies & Procedures

The Council of the Village of Newtown is desirous of amending the Personnel Policies and Procedures Manual in order to amend the compensatory time policy and add policies for employee exit interviews and a wellness reimbursement program.

**AN ORDINANCE AMENDING PERSONNEL POLICES AND PROCEDURES MANUAL.**

Resolution, Agreement w/ProSource

Village Council desires to enter into an Agreement with ProSource for the lease and service of two printer/copiers for the police department and administration department. The contract with ProSource is for the lease and service of two printer/copiers in the amount of \$337.48 per month for a sixty (60) month term.

**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 NO. 16-2023 A RESOLUTION APPROVING AN AGREEMENT WITH PROSOURCE FOR THE LEASE AND SERVICE OF TWO PRINTER/COPIERS. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion carried.**

Resolution, Update Solid Waste Management Plan

Pursuant to the provisions of Chapter 3734, Ohio Revised Code (the "Act"), the Hamilton County Solid Waste Policy Committee (the "Policy Committee") has adopted an update of the Hamilton County Solid Waste Plan (the "Plan Update") for the Hamilton County Solid Waste Management District ("the solid waste district").

Pursuant to the Act, the Board of County Commissioners and the legislative authority of each municipal corporation or township within the solid waste district, must approve or disapprove the Plan Update by ordinance or resolution.

The Village of Newtown has reviewed the Plan Update and has determined that the Plan Update is in the best interests of the Village and Hamilton County.

**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. 17-2023 A RESOLUTION APPROVING THE UPDATE OF THE SOLID WASTE MANAGEMENT PLAN OF THE HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion carried.**

Resolution, CT Consultants (Pavement Condition Rating Study)

The Village Engineer, CT Consultants, has recommended that the Village perform a study to evaluate the pavement conditions of Village streets and develop a five-year plan for maintenance and repair. The Council of the Village of Newtown wishes to authorize CT Consultants to conduct a Pavement Condition Rating Study and develop a Five Year Street Program - amount is not to exceed \$12,000.00.

**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. 18-2023 A RESOLUTION AUTHORIZING CT CONSULTANTS TO CONDUCT A PAVEMENT CONDITION RATING STUDY AND FIVE-YEAR STREET PROGRAM FOR THE VILLAGE OF NEWTOWN. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion carried.**

Resolution, Contract w/A & A Lawncare & Landscaping, Inc.

The Council of the Village of Newtown wishes to approve a contract with A&A Lawncare & Landscaping, Inc. for grounds maintenance services for the Flag Spring Cemetery and the Fire Station Lot for services provided in 2023. The agreement began on April 1, 2023 and shall terminate at the end of the 2023 mowing season. The Village agrees to pay Contractor for the labor and materials provided for in the agreement – total sum of \$25,920.00 for Flag Spring Cemetery Grounds and \$4,050.00 for the Fire Station Lot. This is a budgeted item for 2023.

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

**Mr. Short made a motion to adopt RESOLUTION NO. 19-2023 A RESOLUTION APPROVING A CONTRACT WITH A&A LAWCARE & LANDSCAPING, FOR GROUNDS MAINTENANCE SERVICES FOR THE FLAG SPRING CEMETERY AND THE FIRE STATION LOT IN THE VILLAGE OF NEWTOWN. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion carried.**

New Business

Council Checklist

**Mr. Fairley made a motion to approve the 05/09/2023 Council Checklist for \$251,855.51. Mr. Short seconded the motion. All Aye. Motion Carried.**

Crosswalk at Round Bottom Road/Valley Ave.

**Mr. Short made a motion to approve an amount not to exceed \$3,500 to First Star Safety to stripe a crosswalk at Round Bottom and Valley Ave. to the Lake Barber trail. Ms. Quallen seconded the motion.**

Memorial Day Parade

The annual Memorial Day Parade, sponsored by the Newtown Civic League will take place on Monday, May 29<sup>th</sup> at 10:00am. Lineup begins at Miami Valley Christian School at 9:00am.

Police Department

**Mr. Drescher made a motion to approve \$1,500 to Traffic Solutions for Traffic Cloud Software. Mr. Short seconded the motion. All Aye. Motion Carried.**

**Mr. Drescher made a motion to approve \$1,000 for annual dues to Hamilton County Police Association. Mr. Fairley seconded the motion. All Aye. Motion Carried.**

**Mr. Drescher made a motion to approve \$5,958 to Axon for body camera maintenance. Mr. Short seconded the motion. All Aye. Motion Carried.**

Mr. Short made a motion to adjourn at 7:25p.m., seconded by Mr. Fairley. Meeting Adjourned.

Transcribed by Becky Fairley by handwritten notes – recording was corrupted.