

Call to Order/Pledge of Allegiance/Attendance

The June 13, 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

PUBLIC HEARING – ZONING CODE REVISIONS

The Public Hearing was advertised on 5/5/2023 on the Village website. Solicitor Supinger explained the major changes in the Zoning Code revisions:

- Updated format and organization of the code to make it more user friendly
 - A use table has been added that identifies all land uses and the zoning districts within which the uses are authorized as a permitted or conditional use, or a permitted use with standards
 - Additional uses that we are seeing in development trends have been added to the use table, such as attached single family dwellings, macro/micro-breweries, distilleries, and wineries, as well as some uses that the Village is trying to control or curtail, such as cash-checking/short term loan businesses and vape/tobacco/CBD businesses. By defining such terms, the Village is better able to control such uses in the Village.
- The definition section has been revised and updated to include approximately 45 new/revised definitions
- Accessory structures on separate lot from principal structure – clarifying regs
 - Allows an accessory structure to be located on an adjacent lot (not consolidated) provided that have common ownership and are used as one cohesive lot
- Reorganized supplemental district regulations chapter – divided into residential and commercial
 - New short-term rental regs
 - New keeping of chickens and rabbits regulations
- Changes to non-conforming structures – changed from 6 months to 12 months
- Changes to historic overlay district
 - The overlay district – should be guidelines;
 - Clarifying “shall” and “should” regulations
 - Removal/edits to regulations to make them easier to understand and administer
- New administrative standards for townhomes
- Dimensional standards charts added
- Density – in PUD’s; increase in density for PUD developments increased from 15% to 25% over the maximum allowable density of the underlying district.
- Gravel driveway standards
 - Would allow the use of gravel if authorized by the planning commission considering specific criteria and with specific standards
- New graphics
- Consistency on text/wording

Solicitor Supinger said the new draft of the Zoning Code does not change anything for the potential developers that previously purchased the Church Street property.

Residents from 3333 Drake Street and 3455 Drake Street spoke stating concerns of the zoning code changing and fear of future growth of the Church Street property and in the Village of Newtown.

Residents Jeff Hubbard, Drake Street and a resident at 3455 Drake St. spoke opposing changes to the code.

Mr. Fairley made a motion to close the Public Hearing at 7:37pm; seconded by Peg Quallen. Motion Carried.

SPECIAL PRESENTATIONS

ODOT – Tommy Arnold, Jr., P.E. ODOT District 8, Acting Capital Programs Administrator/Brent Spence Bridge Corridor Deputy Project Manager attended to discuss road improvement in the Village. Mr. Arnold said he appreciates the relationship he has experienced with Mayor Kobasuk and the Village of Newtown. Mr. Arnold’s presentation may be viewed on the Village website at newtownohio.gov.

Mayor Kobasuk thanked Tommy Arnold and Steve Shadix for attending tonight's meeting.

Engineering Report dated June 1, 2023 submitted by CT Consultants Mr. Short

1. Pavement Condition Ratings:
 - Pavement Condition Ratings Complete. CT has imported into GIS and is working on separating the street conditions and proposed improvements into different categories.
 - Will be scheduling a meeting to review and discuss yearly budgets in mid-June so that we can finalize the Pavement Condition Ratings and 5 Year Street Program.
2. SR 32 – Little Dry Run to Corp Line
 - Waiting on possible funding award notices to occur. Was anticipated in April. We have followed up with ODOT to ask status.
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 reviewed application for funding and funding was not awarded. Our recommendation is to apply to OPWC again in August, 2023 and use the funds from MRF as a matching grant for the additional points.
4. Short Park Project:
 - Parking Lot:
 - Council approved funds for drilling into gravel layer to alleviate drainage during large storm events.
 - Contractor is scheduled in July.
5. McCullough's Run
 - An ODNR grant has been approved in the amount of \$53,900 to cover the costs of land surveying, geotechnical work, and engineering work to determine the final location of the improvements and associated easement.
 - Survey field work has begun, along with the geotechnical drilling work.
 - Design work will begin in June.
 - Final approvals of the stream modifications are expected during the winter of 2023/2024 with the project being bid for construction in spring of 2024.
6. Moundview Park Sanitary Sewer
 - In March, 2022, CT presented a sanitary sewer alternative analysis for Moundview Park
 - i. Options and Cost Estimate:
 1. On-site treatment system - \$87,650. We have requested an updated estimate from SCS Engineers and will forward upon receipt. We believe that an updated estimate in the last 15 months could raise the price approximately 20% to 30%, which would be approximately \$105,000 to \$114,000
 2. Connect to MSDGC sewer – would require the construction of a private lift station (owned and operated by the Village) and 2" force main - \$152,262. Estimated an increase in construction costs of 20% to 30%, our updated estimate would be approximately \$183,000 to \$200,000.
 - ii. Survey Obstacles:
 1. In order to construct the on-site treatment system, the system must be on the same parcel as the use (building) or have an easement. The site is heavily wooded and it is unknown if the 0.5 acre parcel has any monumentation at the corners. If no monumentation exists, the parent parcel (16 acre parcel) would need to be resolved as well. Below is our recommended course of action:
 - a. One day field work – look and hopefully find monumentation for the 0.5 acre parcel and pickup other existing conditions - \$1,500.
 - b. Assuming monumentation is found, we could plat and write a new legal for the 0.5 acre parcel - \$2,500
 - c. If no monumentation is found, need to resolved 16-acre parcel - \$17,000

Approval of Council Minutes

Mr. Short made a motion to approve the 05.09.2023 regularly-scheduled Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Sonny Flach Dedication

Mayor Kobasuk presented Mr. Flach and his family with the "Sonny Flach Proclamation" at the Moundview Park ballfield on June 7, 2023. The family was very appreciative – the event was well-attended.

Motz Grand Opening

Mayor Kobasuk, Mr. Fairley, Mr. Short and Chuck Morgan attended – it was a nice event. Joe Motz was presented with a Proclamation Honoring The Motz Group, naming June 08th of 2023 to be recognized as The Motz Group Day in the Village of Newtown, Ohio. Joe Motz was appreciative to the elected officials for their support.

Council Members Report:

2023 May Finance Packet (Mr. Fairley)

As part of the audit compliance, Mr. Fairley made the following motion, after discussion took place. May revenue is ahead by 13%. Conversely, we are 50% under expenditures and 15% ahead of last year's Income Tax Collections.

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

Planning Commission Update (Mr. Schwab)

Planning met 5/25/2023 – the following was discussed and approved by Planning.

6806 Main Street. The owner of the property is requested a Conditional Use approval to establish an "Automotive Service Station". The property is zoned P-V (Planned Village), with a HO (Historic Overlay).

LEGISLATION

Second 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. The Third and Final Reading will take place at the 7/11/2023 Council meeting.

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

Ordinance, CIC Fund

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 10-2023 AN ORDINANCE ESTABLISHING THE VILLAGE OF NEWTOWN CIC FUND WITHIN THE VILLAGE BUDGET. Mr. Short seconded the motion. All Aye. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, Capital Improvement

Council desires to authorize the execution of a Capital Improvement Community Park, Recreation/Conservation Project Pass Through Grant Agreement with the Ohio Department of Natural Resources in order to accept and utilize the funds for the Project. The 134th Ohio General Assembly, as part of HB 687, appropriated funds in the amount of \$50,000 to make a grant to the Village of Newtown for the costs associated with the McCullough's Run project.

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

Mr. Short made a motion to adopt RESOLUTION NO. 20-2023 A RESOLUTION APPROVING A CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS THROUGH AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES. Mr. Fairley seconded the motion. All Aye. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, Andy Argo Construction

The amount of \$14,855.00 for labor and materials necessary for the sidewalk installation in vicinity of 6835 Main Street.

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

Mr. Short made a motion to adopt NO. RESOLUTION 21-2023 A RESOLUTION APPROVING A CONTRACT WITH ANDY ARGO CONSTRUCTION COMPANY, LLC FOR SIDEWALK INSTALLATION. Mr. Fairley seconded the motion. All Aye. Roll Call: Mr. Fairley-Yes, Mr. Short-Yes, Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes. Motion Carried.

Resolution, Natural Gas Aggregation Agreement

The Village of Newtown has previously established a natural gas aggregation program; and WHEREAS, the Village's energy aggregation consultant, Energy Alliances, Inc., has indicated that due to the market's volatile pricing changes, the Village should be prepared to immediately execute a natural gas aggregation agreement when the rate drops below the current Contracted rate at the time of execution not to exceed 36 months.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 22-2023 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A NATURAL GAS AGGREGATION AGREEMENT WITH A NATURAL GAS SUPPLIER AS RECOMMENDED BY ENERGY ALLIANCES, INC. PROVIDED THAT THE ACCEPTED AGGREGATION RATE IS BELOW THE CURRENT CONTRACTED RATE AT THE TIME OF EXECUTION, FOR A PERIOD NOT TO EXCEED 36 MONTHS. All Aye. 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 06/13/2023 Council Checklist for \$261,221.87. Mr. Short seconded the motion. All Aye. Motion Carried.

Memorial Day Parade

Mr. Short, Civic League organizer of the parade, thanked Council for participating in this annual event.

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.