

Call to Order/Pledge of Allegiance/Attendance

The July 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 (excused)
Daryl Zornes (excused)
Peg Quallen
Jerry Schwab
Jeff Drescher

Solicitor Joe Braun
Fiscal Officer Keri Everett
Assistant to Mayor Becky Fairley
Police Chief Tom Synan

PUBLIC HEARING – VILLAGE BUDGET 2024

Mayor Kobasuk offered the public an opportunity to speak on the 2024 Budget – there were no participants.

Mr. Short made a motion to close the Public Hearing, seconded by Mr. Schwab. All Aye. Motion Carried.

Proclamation Honoring John R. Russell

PROCLAMATION HONORING JOHN R. RUSSELL

WHEREAS, John R. Russell was born on October 31, 1942. In 1974, John and his wife, Sandy, purchased their home in Newtown, Ohio, where they resided together for over 49 years; and

WHEREAS, John Russell was an accomplished architect and co-founder of Cole & Russell Architects, Inc., now CR architecture + design, a nationally recognized and acclaimed architecture firm that has grown from its original Cincinnati office to having six offices spread across the country; and

WHEREAS, for 48 years John Russell selflessly offered his time and talent as a public servant for the Village of Newtown, serving as a member and Chairman of the Village Planning Commission since 1975, as a member of Village Council from 1976-1980, and Mayor from 1980-1988; and

WHEREAS, John Russell cared deeply about the preservation of historic Newtown and played an instrumental role in the drafting and adoption of historic preservation guidelines and standards, ensuring that the historic character of Newtown will continue for generations to come; and

WHEREAS, John Russell’s measured and thoughtful approach to the matters he was involved in has made a positive impact on the Village and its residents in immeasurable ways, for which the Village is deeply grateful;

WHEREAS, while his contributions to the Village of Newtown are countless, above all, John Russell was a dear friend and colleague to all who had the privilege of knowing him; and

WHEREAS, on June 16, 2023 John Russell passed away at the age of 80. He is survived by his wife, Sandy, and his many children and grandchildren; and

WHEREAS, John Russell is an exceptional example of public service for all citizens through his unwavering commitment to his family and the Village of Newtown; and

WHEREAS, John Russell will be dearly missed by the Newtown community;

NOW THEREFORE, I, Mark Kobasuk, by virtue of the authority vested in me as Mayor of the Village of Newtown, do hereby recognize John R. Russell for his many contributions and urge all citizens of the Village of Newtown to remember John R. Russell and his family on this 23rd Day of June, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd Day of June, 2023.

Mayor Kobasuk said he doesn’t remember anyone giving more time to the Village of Newtown – John served on the Planning Commission for many years. Mayor Kobasuk said he would not attend any meetings with developers without John being present. He is going to miss John Russell dearly! John was a great gentleman and a great support of Newtown.

Approval of Council Minutes

Mr. Short made a motion to approve the 06.13.2023 regularly-scheduled Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report dated July 6, 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.
 - CT met with the Village to review preliminary results. We will finalize the report and submit a list of high priority streets.
2. SR 32 – Little Dry Run to Corp Line
 - Project did not receive Safety Funding through ODOT. CT to work with City on approach to remove silt berm.
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
 - Survey field work and geotechnical drilling work has been completed.
 - Final survey work is in progress and design work will begin this month.
 - 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 (original estimate). We have requested an updated estimate from SCS Engineers and will forward upon receipt. SCS provided updated estimate on 6/1/23 between \$48,000 to \$58,000.
 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
7. Eastern Corridor Project
 - ODOT presented an update specific to the Village of Newtown at the June Council Meeting. A meeting is setup with ODOT, OPWC and Village on August 28th to discuss additional funding options. The preliminary opinion of Village responsible costs is approximately \$950,000.

Zoning Code

Mayor Kobasuk asked if anyone would like to comment on the newly revised Zoning Code; tonight, is the third and final reading. No one commented or addressed the Zoning Code changes.

Public Comments/Participation

The microphone at the podium is not working properly and should be corrected for the August meeting.

Mary Beth Bamber spoke of her concerns on the unsightliness of the landfill – Mayor Kobasuk has stayed in touch with Hamilton County Public Health and the Ohio Environmental Protection Agency. Becky will forward the most recent correspondence and Mayor Kobasuk will continue to monitor.

Cheryl Morgan, 3401 Church Street spoke of her concerns of cars speeding – Chief Synan spoke to the statistics gathered from the speed sign that has been posted numerous times. The stats showed only 2% of cars were speeding – most are within the limit. The police will continue to monitor.

Wolfer - Police Department

Ed Wolfer, 3458 River Hills said he and Mayor Kobasuk spent three hours at Mr. Wolfer's kitchen table. Mayor Kobasuk said he had asked Mr. Wolfer to not come to tonight's meeting to complain about his ongoing complaint. Mr. Wolfer accused the police of lying about him having a drug lab – he said it starts at the top with Chief Synan, Lt. McBreen and Detective Bischoff. This is all regarding the 3/30/2021 fire incident at 3910 Round Bottom Road. He said the search warrant had 17 lies on it. Mr. Wolfer said he has more and isn't done yet. Mayor Kobasuk asked Mr. Wolfer to stop as he was given ten minutes to speak.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

RJ Four Mile Pig

The RJ Four Mile Pig and barbeque is now open at the corner of Valley and Church Street – RJ Park is coming soon. This is the old Wags Park.

Residential Gas Inspections by Southern Cross

Duke Energy will be performing gas leak and corrosion inspections in the Village in the near future. Duke Energy has arranged for the work to be performed by Southern Cross. The Southern Cross technicians will be readily identifiable by wearing a Southern Cross picture ID. The technicians working for Southern Cross will be going door to door to inspect inside gas piping and metering equipment. See the attached letter for more information and to schedule an appointment.

Southern Cross sends our letters out and they usually notify the municipality about a month in advance. Duke currently shows 77 inspections in Newtown. This only pertains to customers with inside gas meters.

All customers will receive a similar letter first (they have not been sent yet). Then Southern Cross will “door knock.” Customers can complete the inspection at that time, or a door hanger for an appointment will be left.

Challenge Coin

Challenge Coins are given as a sign of comrade and unity. Mayor Kobasuk asked Sergeant Jim Vontz to design one for the Office of the Mayor.

Planning Commission Vacancy

Unfortunately, due to John Russell's departure, the Planning Commission has a vacancy. The mayor appoints the member – Mayor Kobasuk asked that those interested email him their information.

Explanation of Wolfer Letter

Mayor Kobasuk explained to the audience the letter Mr. Wolfer was given because he had tenants on his Round Bottom Road property that caused a meth lab fire. Mr. Wolfer was given a letter saying he had to take action or suffer consequences. Mr. Wolfer evicted the tenants. Everything is fine – Mayor Kobasuk mailed Mr. Wolfer a letter saying he was not being accused of a felony but he continues to come to the council meetings continuing to complain about it.

Council Members Report:

2023 June Finance Packet (Mr. Schwab)

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

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

Planning Commission Update (Mr. Schwab)

Planning Commission did not meet in June – next meeting will be July 27th at 6pm. As of today, there are two items on the agenda: 1) 6748 Main Street. Owner is requesting a Conditional Use approval to construct four single family attached townhomes. The property is zoned P-V (Planned Village), with a HO (Historic Overlay). 2) 6830 School Street. Owner is requesting a Conditional Use approval to expand parking onto parcels 501-0002-0024, 501-0002-0010 and a proposed transfer of .3266 acres of parcel 501-0002-0008. These properties are zoned P-V (Planned Village)

Police Department – Peel9 Inc.

Mr. Drescher made a motion to approve \$5,300 to Peel9 Inc. for the 2023 RMS user fees. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Short Park Lighting

Original amount budgeted was \$12,000 – quote dated 7/5/2023 is for \$9,120.00 for removal and replacement of 12 existing luminaires – replacing with new LED luminaires (model #RABA17-3T150).

Mr. Short made a motion to approve \$9,150 to Capital Electric for the replacement of lights described above. Mr. Drescher seconded the motion. All Aye. Motion Carried.

Solicitor Report

Solicitor Joe Braun notified Mayor and Council that the Ohio Legislature passed the state’s annual biennial Operating Budget for FY 24-25 (House Bill 33). There are some changes to laws contained in the Budget that will affect the Village. Solicitors Supinger and Braun are working on this and will explain more in a few weeks.

Procedure

Mayor Kobasuk explained that due to a lack of a quorum, Council cannot suspend the rules. We will have the Third and Final Reading of an Ordinance Amending the Zoning Code. Four members can pass the Third and Final Reading.

LEGISLATION

Third and Final 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. Two Readings have previously taken place by Council.

Mr. Schwab made a motion to have the Third and Final Reading, adopting ORDINANCE NO. 11-2023 AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF NEWTOWN. Mr. Short seconded the motion. Roll Call: Mr. Schwab-Yes, Mr. Short-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes. All Aye. Motion Carried.

Second 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, 2024 Tax Budget

Village Council held a public hearing on 7/11/2023 to consider the 2024 Tax Budget as prepared by the Village Fiscal Officer and on file in the office of the Fiscal Officer, who shall file two copies with the County Auditor by 7/20/2023. Mayor Kobasuk read the First Reading since we have a lack of a quorum.

Mayor Kobasuk read the First Reading of A RESOLUTION ADOPTING THE 2024 TAX BUDGET FOR THE VILLAGE OF NEWTOWN.

Resolution, CRA w/DB Hughes Properties, Inc.

The Village of Newtown, Ohio has encouraged the development of real property located in the area designated as the Newtown Community Reinvestment Area. By Resolution 2-2006, Village Council on adopted April 11, 2006, designated an area as the “Newtown Community Reinvestment Area #2” pursuant to Chapter 3735 of the Ohio Revised Code. A First Reading will take place due to lack of a quorum. A Special Meeting will take place on Tuesday July 18th at 6pm.

Mayor Kobasuk read the First of Reading of A RESOLUTION APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT WITH DB HUGHES PROPERTIES, LLC FOR A PROJECT TO BE LOCATED AT 3775 ROUND BOTTOM ROAD IN THE VILLAGE OF NEWTOWN.

Brad Hughes, co-owner of DB Hughes Properties, Inc. said they love being located in Newtown and appreciate the Village considering the CRA for their new facility which will be located across from Hydro Systems. Mayor Kobasuk said we appreciate DB Hughes remaining in the Village.

Resolution, Lecal Equipment, Inc.

The \$23,500 to Lecal Equipment is for rebuild of the Maintenance Department's leaf machine.

Mayor Kobasuk read the First Reading to adopt A RESOLUTION APPROVING A CONTRACT WITH LACAL EQUIPMENT, INC. FOR REPAIRS TO THE MAINTENANCE DEPARTMENT LEAF MACHINE.

Resolution, Koehler & Day

Pinehurst Drive and Plum Street are in need of paving repairs. Proposal submitted by Koehler & Day Blacktopping Inc. for the necessary repairs is \$16,600.00.

Mayor Kobasuk read the First Reading of A RESOLUTION APPROVING A CONTRACT WITH KOEHLER & DAY BLACKTOPPING, INC. FOR PAVING REPAIRS TO PINEHURST DRIVE AND PLUM STREET.

The First Readings that took place tonight will be passed at the 7/18/2023 Special Meeting at 6pm.

New Business

Council Checklist

Mr. Schwab made a motion to approve the 07/11/2023 Council Checklist for \$242,910.05. Mr. Short seconded the motion. All Aye. Motion Carried.

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

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