

Call to Order/Pledge of Allegiance/Attendance

The October 10, 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

Mr. Schwab made a motion to approve the regularly-scheduled 09.12.2023 Council Minutes. Ms. Quallen seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report, submitted by CT Consultants

1. Pavement Condition Ratings:
 - Pavement Condition Ratings Complete. CT has finalized the report and will 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. However, this section of roadway is also being considered as part of a future OKI / OPWC funded project (see 7 below).
3. Church Street
 - Estimated Construction Cost - \$358,000 (2023 Estimate)
 - Grant funding was awarded through the Hamilton County Municipal Roadway Fund (MRF) for Church Street resurfacing work - \$98,360.00
 - CT will apply to OPWC again in September, 2023 for 50% and use the funds from MRF as a matching grant for the additional points.
 - Anticipated construction, July, 2024.
4. Little Dry Run
 - Little Dry Run is an MRF approved funding street. MRF funding was applied for in the amount of \$175,000. A 50% funding match was applied for- the total project estimate is \$337,000. The project would resurface Little Dry Run from SR 32 to the Village Corp Limit.
5. McCullough's Run
 - CT has reached out the Jones Fish Hatchery to review the plan- the owner has no issues with the current plans.
 - The preliminary plan will be sent to the Floodplain Administrator for review in regards to FEMA permitting,
 - 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). 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. Hamilton County Public Health Approved the proposed Covenant of Unity of Title as a way for the proposed on-site treatment system to be constructed across multiple Village parcels.

7. Eastern Corridor Project

- ODOT presented an update specific to the Village of Newtown at the June Council Meeting. A meeting was held with ODOT, OPWC and Village on August 28th and September 7th to discuss additional funding options.
- The first phase would include adding a turn lane on SR 32 from Little Dry Run to East Corp Line: Based on current estimates, the Village would apply for the following dollar amounts:
 - Total Project - \$4,765,000 (\$3,790,000 for Construction and \$975,000 for ROW)
 - OKI: May, 2024, 80% of Construction and ROW – total \$3,812,000 (\$3,032,000 for Construction and \$780,000 for ROW)
 - OPWC: September, 2026 - \$758,000 (construction dollars only)
Which leaves a budget shortfall of \$195,000 for ROW acquisition. OPWC will not pay for ROW if applying for LTIP funds (most likely source of funding).
- Council needs to decide if the funding strategy outlined above is an acceptable approach and if the Village would like ODOT to begin design and the Village submit for OKI funding in May, 2024. If OKI funding is not received, the Village and ODOT do not need to move forward with the project.

Public Comments/Participation (5 Minutes)

Wolfer - Police Department (6:03pm)

Ed Wolfer, 3458 River Hills asked officials for their definition of a “man.” He said a man does not tell a lie and our detective told a lie about a “KI” known individual regarding the meth lab fire incident on 3/30/2021 at 3910 Round Bottom Road. He said the search warrant had 17 lies on it. The evidence burned in the fire – Mr. Wolfer asked Mayor Kobasuk to get with Hamilton County lab and get proof of the 13 chemicals with photos showing the burned evidence. The search warrant refers to a KI and Mr. Wolfer wants the lab report. At 6:10pm, Mayor Kobasuk told Mr. Wolfer he had exceeded his five minutes.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor’s Report

Winterfest Contribution

Mr. Fairley made a motion to approve \$5,000 to the 2023 Winterfest event; Mr. Short seconded the motion. All Aye. Motion Carried.

Zone Change Memo

Below is a memo from Building/Zoning Commissioner Gerry Stoker to Council regarding the Zone Change for 3775 Round Bottom Road (Smith Hughes Co.)

On September 14, 2023 the Planning Commission voted in favor to support and recommend to Village Council a change zone change, for the referenced property, in accordance Section 36.8 of the Newtown Zoning Code, as delineated in the staff report below:

Smith Hughes, owner is requesting a zone change for the referenced property. Staff has reviewed the submitted documentation and prepared the following comments and recommendations for Planning Commission’s consideration.

Current Zoning & Use

The current zoning is GB (General Business) zoning.
The vacant lot is 3.01 acres.

Surrounding Zoning

The properties located on the south and to the west are zoned GB (General Business). The properties to the north are zoned ORP (office Research Park) and the properties to the east are zoned LIP (Light Industrial).

Request

The applicant is requesting to change the property from GB (General Business) to LIP (Light Industrial). The zone change will enable the owner construct a new 32,420 sq ft light industrial building.

Zoning Code Section 36.8 Text Amendments and Changes of Zoning Districts

The Village Planning Commission and Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulation text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

- A. Manifest error in the original Zoning Regulation text and/or designations on the Official Zoning District Map.
- B. Accordance with, or more appropriate conformance to, the Village Land Use Plan.
- C. Substantial change in area conditions.
- D. Legitimate requirement for additional land area for the particular zoning district.

Where the Zoning District Map is amended, the Village Planning Commission and the Village Council shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimums specified for each zoning district.

Comments and Recommendation

- Staff has no objection for the proposed zone change and recommends that the Planning Commission consider recommending approval of the zone change from GB (General Business) to LIP (Light Industrial) which is consistent with the properties directly to the east.
- That once the zone change has been approved by Village Council, then staff will have the Village Zoning Map adjusted to show the new zoning designation.

Per the Village of Newtown Zoning Code, Village Council must set a public hearing to review and act on the Planning Commission's recommendations. If you have any questions concerning the above, please do not hesitate to contact me.

Council Members Report:

2023 September Finance Packet (Mr. Fairley)

As part of the audit compliance, Mr. Fairley made the following motion – we are ahead with revenues for the third quarter, tax collections are 7% over last year – all departments are under expenditures.

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

Planning Commission Update (Mr. Schwab)

Planning met on September 14th at 6pm – two items were discussed:

- 1) Smith Hughes - requested a zone change from GB to LIP (General Business to Light Industrial). Planning approved the zone change and the site plan approval for new building owned by Smith Hughes property located at 3775 Round Bottom Road
- 2) MVCA Conditional Use Permit for the Short Park Access Drive Parking Lot: requested temporary relief to allow restricted access (turning right only from Church Street) to the parking lot via the Short Park Access Drive during the hours of 7:00am to 8:30 am. (This was approved on a trial basis) MVCA is having traffic study done, which is expected to be completed in six weeks.

Planning will meet on October 26th for a zone change and site plan approval for a building addition for Miami Valley Christian Academy.

Police Department

Mr. Drescher made a motion to approve \$3,569.26 to Commonwealth Services & Supply for police uniforms. Mr. Short seconded the motion. All Aye. Motion Carried. (Purchase is a budgeted item)

Maintenance Department

Mr. Drescher commended Chuck Morgan (not present) for securing the new MowerMax tractor – this is the first one owned by a Village or Township in the area. The state of Ohio has 27. This past week, Chuck Morgan held an open house at the Maintenance Building for others to come and check out the MowerMax. Newtown is the talk of the town!

Solicitor's Report

Solicitor Supinger spoke to the amendments to the Municipal Income Tax Code, required by Sub. House Bill 33. Newtown is required to follow - Ordinance to follow.

LEGISLATION

Resolution, Accepting Amounts/Rates

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. 28-2023 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Ms. Quallen seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Schwab-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Ms. Quallen-Yes. All Aye. Motion Carried.

Ordinance, Municipal Income Tax

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 15-2023 AN ORDINANCE AMENDING ORDINANCE NO. 19-2015 REGARDING MUNICIPAL INCOME TAX.

Ordinance Reconciling Budgets/Amending Appropriations

Newtown was erroneously issued an overpayment in TIF revenue funds from the Hamilton County Auditor in the amount of \$203,557.59 by direct deposit, which must be refunded back to the Auditor.

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 15-2023 AN ORDINANCE RECONCILING BUDGETS AND AMENDING APPROPRIATIONS DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.

New Business

Council Checklist

Mr. Schwab made a motion to approve the 10/10/2023 Council Checklist for \$445,071.06. Mr. Short seconded the motion.

Mr. Drescher asked if the payment to XPEX was for one month; Ms. Everett said it was for August and September.

All Aye. Motion Carried.

Ragland Road/Newtown Road Mirror

We are actively searching for a larger mirror to replace the current one at this location.

Railroad Tracks – Church Street (Mr. Short)

The Village of Newtown has received more complaints regarding the railroad crossing at the 3600 block of Church St. The crossing is rough and bumpy and in need of service/repair. Lt. McBreen reported the same issues in June 2023 to Cincinnati Eastern Railroad (CCET). Recently, Lt. McBreen and Chuck Morgan have reached back out regarding the unresolved issue. Ms. Fairley will locate a different contact.

Halloween Party

The Civic League is sponsoring the 2023 Halloween Party on Sunday, October 29th from 6-8pm in the field behind the Baptist Church.

Mr. Fairley made a motion to adjourn at 6:40pm; seconded by Mr. Short Meeting Adjourned.

Transcribed by Becky Fairley