

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

The January 09, 2024 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>	Terry Fairley Jerry Schwab Peg Quallen Jeff Drescher Tracy Boone Sarah Donohue	Solicitor Emily Supinger Fiscal Officer Keri Everett Assistant to Mayor Becky Fairley Police Chief Tom Synan
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Mayor Kobasuk welcomed newly-elected Council Members Tracy Boone and Sarah Donohue.

### Approval of Council Minutes

**Mr. Schwab made a motion to approve the regularly-scheduled 12.12.2023 Council Minutes. Ms. Quallen seconded the motion. All Aye. Motion Carried.**

### Vice Mayor

Ms. Quallen made a motion to appoint Terry Fairley as Vice Mayor, Jerry Schwab seconded the motion.

### Council Committee Assignments

Mayor Kobasuk announced the committees each council member is serving – this info can be found at <https://newtownohio.gov/government/mayor-council/council-members/>.

### SPECIAL PRESENTATIONS

#### Engineering Report dated 01.04.2024, submitted by CT Consultants Engineering

1. 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.
  - OPWC funds were applied for the week of September 25<sup>th</sup> in the amount of \$129,720. The project was not funded by OPWC.
  - Please confirm if you would like CT to put together a proposal to complete the design and put the project out to bid. Anticipated construction, July 2024.
2. 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. We expect funding to be announced in January. The project would resurface Little Dry Run from SR 32 to the Village Corp Limit.
3. 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 has been forwarded to the Floodplain Administrator for review. It was reviewed and we were told to forward to ODNR for review. ODNR provided guidance that an H&H Study was not necessary. The Floodplain Administrator concurred.
  - Nationwide Permit Application was submitted on December 11, 2023. Typical turnaround time for nationwide is approximately 90 to 120 days.
  - Final approvals of the stream modifications are expected during within the first few months of 2024 for the project being bid for construction in spring of 2024.
  - Application was made to Hamilton County for Funding through a special program that utilizes a balance of ARPA funds for storm water projects for a \$214,900 grant. We are anticipating a funding announcement in January.
4. Moundview Park Sanitary Sewer
  - A State Capital Budget Request was submitted, and a presentation was made on December 5, 2023, in support of the project.
  - If funded, funding can be available in July of 2024.

5. 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 28<sup>th</sup> and September 7<sup>th</sup> 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).
- CT will begin coordinating with ODOT after the first of the year to begin the process for applying for OKI funds in May 2024. If OKI funding is not received, the Village and ODOT do not need to move forward with the project.

6. Drywells at Round Bottom and SR32

- An application was made to Hamilton County for funding of to address the issues with the drywell. Grant application was for \$150,000. We anticipate a funding announcement in January.

PUBLIC COMMENTS:

Ed Wolfer, 3458 River Hills, addressed Mayor Kobasuk and Village Council on his ongoing displeasure about the letter he received from Chief Tom Synan, dated 4/5/2021 concerning a fire on his rental property on Edwards Road. There is nothing further Mayor Kobasuk and Village Council can do regarding this issue.

Resident Jeff Hubbard, Drake Street addressed Mayor and Council regarding the zoning of the 11 acres of land on Church Street. He pleaded to them to consider how whatever eventually goes in this area, how will it look and impact Newtown in twenty years. Mayor Kobasuk said the developer is to come back with revised plans since the zoning is too dense. He assured Mr. Hubbard that there has been no zone change – a PUD would have to be approved by Village Council and there hasn't been anything to date presented to Council. Mayor Kobasuk told Mr. Hubbard he would be involved in the community participation.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Police Department – Additional Officer

Mayor Kobasuk explained the need for an additional police officer - \$36,000 will be added to the \$80,000 currently in the Police part-time budget. Mayor Kobasuk spoke of the videos shown by Police Officer Zach Smith in his exit interview. Mr. Fairley agreed the videos were disturbing of what our officers face daily and said the videos brought to light that at least one police officer should be added.

**Mr. Drescher made a motion to hire one full-time police officer, Mr. Fairley seconded the motion. All Aye. Motion Carried.**

Newtown – Metro

Mayor Kobasuk and Ms. Donohue met with Southwest Ohio Regional Transit Authority on January 23<sup>rd</sup> to discuss the viability of providing bus service to Newtown. Discussions will continue once survey questions have been answered and analyzed.

2024 Permanent Appropriations

Mayor Kobasuk reminded everyone that the First Reading of the Permanent Appropriations will take place 2/13/2024 with the Final Reading taking place at the March Council Meeting.

ATFD - Contract

Mayor Kobasuk, Mr. Fairley and Mr. Drescher will meet to discuss the proposal on renewing the contract with ATFD, once we hear back from Anderson Township Administrator Vicky Earhart.

Council Members Report:

2023 December Finance Packet (Mr. Fairley)

As part of the audit compliance, Mr. Fairley made the following motion – The General Fund is 120% over budget – Expenditures are under budget with respective departments 13% under. Municipal Income Tax Collections for 2023 were up from 2022. End of 2023, Carryover Balance/Reserves was \$1,586,612.00. The Village is fiscally in good shape!

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

Planning Commission Update (Mr. Schwab)

The next Planning Commission meeting is scheduled for January 25, 2024 AT 6PM. The purpose of the meeting is to consider a Conditional Use for 3511 Round Bottom Road for a company called "Tint World".

Solicitors Report

Solicitor Supinger talked about the Ordinance on the agenda imposing an immediate moratorium on marijuana. This moratorium shall be in effect for a period beginning from the effective date of this Ordinance through September 30, 2024 or until Council approves legislation explicitly revoking this moratorium, whichever occurs first. The General Assembly is looking at changes to the law.

On November 7, 2023 Ohio voters approved State Issue 2 adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes, which became law on December 7, 2023. The law creates a new division "Division of Cannabis" – this division shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors and retailers, which must be adopted within nine months of December 7, 2023. The impact to local communities is unknown at this time. Solicitor Supinger said this is basically a "pause" which gives Council time to evaluate the impact of the new law on the community and determine if and how it will be regulated in the Village.

LEGISLATION

Ordinance, Village Council Meetings

**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. 01-2024 AN ORDINANCE SETTING THE DATE, TIME AND PLACE OF VILLAGE COUNCIL MEETINGS, AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.**

Ordinance, Compensation of Legal Counsel

**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. 02-2024 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL AND DECLARING AN EMERGENCY. Ms. Boone seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.**

Ordinance, Supplemental Appropriations/Transfers

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

**Mr. Fairley made a motion to adopt ORDINANCE NO. 03-2024 AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFERS FOR CALENDAR YEAR 2023 AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2023. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes, Ms. Quallen-Yes, Ms. Boone-Yes. All Aye. Motion Carried.**

Ordinance, Adult Marijuana (Five (5) votes required to suspend the rules.)

**Mr. Schwab made a motion to suspend the rules, seconded by Ms. Quallen. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Ms. Donohue-No, Ms. Quallen-Yes, Ms. Boone-Yes. Motion Carried.**

Discussion

Ms. Donohue said she is voting NO to seconding the motion because she feels this sends the wrong message.

**Mr. Schwab made a motion to adopt ORDINANCE NO. 04-2024 AN ORDINANCE IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-No. All Aye. Motion Carried.**

Resolution, Liability Insurance

Insurance coverage shall be effective for the period January 23, 2024 through January 23, 2025. Liability insurance benefits are through the Ohio Plan Risk Management, Inc. administered through Hylant Administrative Services, LLC. The Total Annual Renewal Premium is \$31,264 – this is after the Ohio Plan Advantage Premium Contribution of \$3,922.

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

**Mr. Fairley made a motion to adopt RESOLUTION NO. 01-2024 A RESOLUTION APPROVING A CONTRACT FOR LIABILITY INSURANCE WITH THE OHIO PLAN RISK MANAGEMENT. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.**

Resolution, Contract w/Mark A. Yontz

This is for professional services related to the enforcement of the Property Maintenance Code and related ordinances.

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

**Mr. Schwab made a motion to adopt RESOLUTION NO. 02-2024 A RESOLUTION APPROVING A CONTRACT WITH MARK A. YONTZ FOR PROFESSIONAL SERVICES. Ms. Boone seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.**

Resolution, Agreement w/the Board of Hamilton County Commissioners

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

**Mr. Schwab made a motion to adopt RESOLUTION NO. 03-2024 A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF NEWTOWN AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF CHURCH STREET. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.**

Resolution, Contract w/DeBra-Kuempel

On December 13, 2023, the Village was advised that the condition of three heaters at the fire station posed life-safety hazards and were in need of emergency replacement.

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

**Mr. Drescher made a motion to adopt RESOLUTION NO. 04-2024 A RESOLUTION AUTHORIZING AND RATIFYING A CONTRACT WITH DEBRA-KUEMPEL FOR THE EMERGENCY REPLACEMENT OF HEATERS IN THE FIRE STATION AND THE ISSUANCE OF A THEN AND NOW CERTIFICATE. Mr. Schwab seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Boone-Yes, Ms. Donohue-Yes. All Aye. Motion Carried.**

New Business

Council Checklist

**Mr. Fairley made a motion to approve the 2023 End of Year Checklist for \$178,418.45. Mr. Schwab seconded the motion. All Aye. Motion Carried.**

**Ms. Quallen made a motion to adjourn at 6:38pm; seconded by Mr. Schwab. Meeting Adjourned.**

Transcribed by Becky Fairley