

Call to Order/Pledge of Allegiance/Attendance

The April 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.

Council Members:	Terry Fairley	Solicitor Emily Supinger
	Jerry Schwab	Fiscal Officer Keri Everett
	Peg Quallen	Assistant to Mayor Becky Fairley
	Jeff Drescher	Police Chief Tom Synan
	Tracy Boone	
	Sarah Donohue (excused)	

SPECIAL PRESENTATIONS

Hamilton County Commissioner Denise Driehaus

Mayor Kobasuk welcomed Commissioner Driehaus and recognized that she is the first elected female Commissioner. She thanked him for the recognition. Commissioner Driehaus last visited in 2017 when she did her 49/49, which is what she is doing now. There are 49 jurisdictions in Hamilton County – she will be visiting all 49 to provide everyone with her menu of opportunity, which is simply an outline of some of the opportunities for every jurisdiction to partner with Hamilton County. Whether it is buying salt together or maintaining fire hydrants or economic development – trying to just make sure all jurisdictions are aware of the opportunities. Newtown has been pretty good at taking advantage of some of the opportunities. In 2021, Newtown was awarded CDBG monies for basketball courts, 2021-22 received residential recycling incentive program. In 2024, there are two stormwater grants Newtown applied for – one for the Round Bottom drywell improvements and McCullough’s Run Remediation Project.

She was proud to share the County has a structurally balanced budget, which wasn’t true in 2017. The County is paying people competitive wage trying to keep employees at the County to serve the constituents, both throughout the County and in Newtown. Commissioner Driehaus said they are in negotiations with the Bengals – trying to keep them in Cincinnati – the stadium needs some maintenance work which is hundreds of millions of dollars. The sales tax is in place to address some of those needs. The Bengals have started to participate in the financial stack. Currently, there are 71 million dollars of repairs that need to be done, such as waterproofing, freight elevators, etc. – the Bengals are kicking in about 40% and the County will contribute the 60%. In the past, for the taxpayers it has been 94% and very little for the Bengals. She applauds the Bengals and hopes this is an indicator of how they will do related to the lease – which expires in 2026.

Commissioner Driehaus said she is very grateful for the partnership with Newtown and other of the county when it comes to taking advantage of some of the grant programs. The Revitalization Grant is coming up – this is annual grant, the small event grants. Commissioner Driehaus encouraged Newtown to reach out to her if we do not receive a grant – she will be happy to help, as she has an open-door policy! Holly Christmann, Assistant County Administrator can provide the insight on who and why receives the grants. Mayor Kobasuk thanked Commissioner Driehaus for her time.

Engineering Report dated 04.05.2024, submitted by CT Consultants Engineering

1. Church Street – Awaiting Funding Notification

- District 2 Committee for the Ohio Public Works Commission has sent the project application to the Small Government Program for the second year. Since funding was not secured last year and after discussion with the Village, we are amending the application from requesting a \$129,000 grant to a request for \$110,202 of grant and \$47,230 of loan. This is a 0% loan with a term of 20 years that can be paid off at any time. The remaining balance of local share is \$102,008. This change was made to maximize the points available in the process with hopes of gaining additional points over last year’s application for a better chance at funding.
- Estimated Construction Cost - \$358,000 (2023 Estimate, we have seen increases in asphalt prices this year)
- Grant funding was awarded through the Hamilton County Municipal Roadway Fund (MRF) for Church Street resurfacing work - \$98,360.00.

2. Little Dry Run – Awaiting Funding Notification

- 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 expected funding to be announced by the end of February, but have not had any indication from the County on when that announcement is going to be made. Once announcement of funding is made, additional funding will be sought through OPWC to complete the project in 2025.
- The project would resurface Little Dry Run from SR 32 to the Village Corp Limit.

3. McCullough’s Run – Project Funded

- We are finalizing the plans and specifications and expect to bid the project at the beginning of May.
- Hamilton County has funded the project through a special program that utilizes a balance of ARPA funds for storm water projects. 214,900 was awarded.

4. Moundview Park Sanitary Sewer – Awaiting Funding Notification

- We are preparing the final documentation necessary for bid of this project.
- We are targeting bidding of the project in June, regardless of the outcome of the funding request due to requirements from the County Health Department to replace the system and to get into dryer weather.

5. Eastern Corridor Project – Funding Application Process Begun

- CT has initiated conversations with ODOT who has begun the preliminary design work for the project that will provide detailed cost estimation that will be used to apply for OKI funds in May of this year.
- ODOT presented an update specific to the Village of Newtown at the June 2023 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).
- 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 – Project Funded

- A proposal for design services has been provide to the Village for approval at the next regular Council meeting. Once approved, surveying and geotechnical work is expected to begin quickly.
- Village staff is working to clear areas for surveying and geotechnical crews to perform their work.
- Due to the requirements of the funding source, we will have the project designed and bid prior the end of October this year.

7. Signal Improvements – Awaiting Program Approval

- Application was made to ODOTs signal timing and phasing program to improve the interconnected signals in the Village. This program was recommended by ODOT and Hamilton County Engineering Staff. This is a free program for those that apply if it is approved by ODOT staff. We are hoping to hear from ODOT within the next month on if they will move the project forward. They have sent staff out to review the traffic control system within the Village.

8. General Engineering

- We are working with Village staff and Smith Hughes regarding the relocation of guardrail at their new entrance on Round Bottom Road.
- We reviewed a vacation plat submitted to the Village for Plum Street.
- We replied to questions from a developer related to site access to Church Street south of Jefferson.
- We are developing a proposal for the installation of battery backups at each signalized intersection within the Village and reviewing grant opportunities for implementation.
- Reviewed requirements for the placement of School Zone signage on Church Street near MVCA. The installation of the zone requires the school to petition the State.

Police Department – Oath Swearing-in

The below position is a newly-created position. Mayor Kobasuk asked for a motion to appoint Mr. Mohammed.

Mr. Fairley made a motion to appoint Dylan Mohammed as a new full-time police officer for the Village of Newtown. Ms. Quallen seconded the motion. All Aye. Motion Carried.

Mayor Kobasuk administered the Oath of Office to Police Officer Mohammed. Pictures were taken and everyone welcomed Officer Mohammed to the Village of Newtown.

Kristen McClane, resident, 7480 Pinehurst. She thanked Mayor Kobasuk, the entire Council for their service. Your jobs are not easy! She also thanked Chief Synan and the entire Newtown Police Department for their dedication and attention to detail when serving our community. The residents are safer and more secure with them here – losing their leadership would be traumatic for the Village. She told council, as members of the Village, we need to get “politics” out of the room when talking about the police force. Our chief, specifically, needs unconditional support to do the job he has been hired to do. Fears should not be started by the mayor – mayor has been held liable and council you also are to be held liable – each individually and as a group. If you fail to move to get the politics out of the room – demand the mayor, check his ego and stop his badgering. If this is not done, we will do it for you!

Cheryl McConnell, resident 6906 Edith Street. Ms. McConnell served the Village in several capacities - as a Council Member from 2013 to 2017 and a resident member of the Planning Commission until 2020. During the seven years, she worked alongside Mark Kobasuk, as co-council member and Planning Commission member and here to speak on my experience, in light of the lawsuit against him and the Village, stated Ms. McConnell. Over the course of those seven years, Ms. McConnell said she always found Mark Kobasuk to be fair-minded and sincere – always looking out for the best interest of the Village. As a Newtown resident for the last 35 years, Ms. McConnell said she has seen mayors come and go and believes Mark has provided selfless service to the Village. His decisions have been sound with a mind towards fairness to all, including employees. Ms. McConnell said she has also been proud of our local police department and happy that the mayor and Council have made it a priority to continue making protective services a priority for the Village. Tom Synan, as Chief has a long and successful career here in the Village but I must say that I am disappointed that Tom has gone the route of a public lawsuit - that from all appearances is an in-house employee-employer matter, from all appearances. A good mayor has to oversee everything in the Village – that is his job! Ms. McConnell said she does not believe Mayor Kobasuk has ever been unfair in trying to improve each department. Sometimes those improvements require change that takes some getting used to. Ms. McConnell said, so Tom, Chief Synan, I ask that you reconsider your decision. Sometimes we all make decisions we later regret – I hope that is the case here and I hope you will put the good of the Village above everything else.

NO PARKING ZONES – RIVER HILLS NO PARKING ZONES

Stefani Blankenship Wright, 3345 Scioto was present to voice her concerns about the ordinance that is being considered with the area only having a few bad actors.

A first reading of the ordinance took place at the 3.12.2024 meeting – Village officials will meet in the cul-de-sac with Ms. Wright and others, including Street Supervisor Chuck Morgan and Chief Synan and Lt. McBreen. Results of meeting will be brought back to Council.

Dave Carter, resident 3355 Scioto – Mr. Carter said he agrees we should have parking in the cul-de-sac on the eastern side – it would be unfair to remove all of the parking spots. He said he would like to be a part when the officials meet in the cul-de-sac to assess the issue.

Scott, resident - Scioto (couldn't understand last name) Said there would be no problem with ingress for fire trucks, only egress but at that point the emergency is over. He said he would like to be a part when the officials meet in the cul-de-sac to assess the issue. I think the ordinance needs to be scaled back some – some restrictions are fine. He said he is shocked parking in the cul-de-sac would escalate to an M3 (Misdemeanor 3) for a parking ticket. Solicitor Supinger explained that the penalty in the ordinance is the penalty that is in the Ohio Revised Code. As a Village, if we have a traffic, parking infraction, we cannot have a penalty that is less than what is in the Ohio Revised Code. We follow what is in the O.R.C., stated Solicitor Supinger.

On the Synan situation, Scott said he thinks most people here have been pretty happy with the policing – the enforcement and response and feels the department is well-run.

Doug Seaman, 7151 Olentangy Lane – resident since 1965, minus 6.5 years when served in the Marine Corp. Mr. Seaman worked with mental health careline for the homeless veterans for the tri-state area. Most have drug and alcohol issues, which brings him to this meeting in support of his Marine brother, Mr. Chief Synan and the officers – they have made a difference in Newtown with drug addiction and the area. I feel Chief Synan and the officers had something to do with saving my son John's life as he became addicted to pain pills in 2005 when his convoy got hit in Bagdad – he was a Medic. The blast caused my son to have a traumatic brain injury, broken jaw, loss of teeth suffocated him and had it not been for the medics, he wouldn't have made it. Unfortunately, John become addicted to pain meds. In 2007, Chief Synan came on as Chief and made a difference. In 2014, the Hamilton County Addiction Response Coalition was formed, with the help of Chief Synan. Mr. Seaman is requested that any and all harassment towards Chief Synan be halted in order for him to save lives – as a grateful father and Marine brother, I support Chief in his efforts taking on the drug epidemic that plagues the tri-state and country.

Ed Wolfer, resident and business owner, 3458 River Hills Drive. Mr. Wolfer asked again, how many times in a day can a copy lie to the public when they come on duty. Mayor Kobasuk asked Mr. Wolfer to address Council. Mr. Wolfer said he has a problem with Tommy, Chief telling 35 lies on two sheets of paper about him having a meth lab on his property – which accuses him of a fifth-degree felony for the rest of his life because he rented an apartment to a guy for 40 years – so why didn't Chief Synan take care of this guy's problem if he had a drug problem because Tommy is the big drug czar ?!?

Mr. Wolfer asked Chief Synan again to explain the article where he told them he was in basic training and they made him carry a 50 lb. machine gun and a 25 lb. missile and I guess he had a M16 rifle that was used to knock him unconscious with the rifle butt by the drill sergeant. Mr. Wolfer has shamed this town standing up in front of everybody when he did that – standing in front of the police department having his picture taken by the news reporter with an 18-page article. Mayor Kobasuk told Mr. Wolfer his three minutes had expired and to please take a seat.

MAYOR CLOSED AUDIENCE PARTICIPATING AT 6:43PM

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Hamilton County Stormwater Fees

Mayor Kobasuk explained this is annual business we have to do every year so it can be put on the property owner tax bill. \$22,764 - estimated cost to jurisdictions if service elections do not change.

Ms. Quallen made a motion to approve the fees, seconded by Mr. Drescher. All Aye. Motion Carried.

Heroes on the Water – Lake Barber on June 22, 2024

This event will begin at 9am to 3pm. Solicitor Supinger will work with them as in the past to obtain insurance for the event. This is the third annual event held at Lake Barber.

Mr. Fairley made a motion to approve the Heroes on the Water event to be held on June 22, 2024 at Lake Barber from 9am to 3pm. Ms. Quallen seconded the motion. All Aye. Motion Carried.

Fire Contract Renewal

Mayor Kobasuk said a meeting will be set up to discuss renewing the fire contact. The nine-year fire/safety contract with Anderson for service is up for renewal. Mayor Kobasuk, Councilman Drescher and Finance Chair Fairley will meet with Anderson Township.

Council Members Report:

March2024 Finance Packet (Mr. Fairley)

Mr. Fairley made a motion to accept the March 2024 Finance Packet presented to Council. Ms. Boone seconded the motion. All Aye. Motion Carried.

Ohio Division of Liquor Control

Mr. Fairley made a motion to not have a hearing to transfer liquor license from UGFT LLC DBA Urban Grill on Main to 1792 Mercer House LLC, 6623 Main Street & Patio. Ms. Boone seconded the motion. All Aye. Motion Carried.

Public Hearing – CDBG Grant

Mr. Fairley reported that prior to the Council Meeting, a Public Hearing was held regarding projects to apply to for these funds and everyone landed on the Round Bottom Road Flooding and Dry Well Project – flooding here effects everyone in the Village. In two weeks, another Public Hearing will take place announcing this decision to move forward with this project.

Maintenance Report for April

Ms. Quallen asked if there were any questions in the report included in everyone's packet. Ms. Quallen said our Maintenance department remains busy with various projects which are on schedule.

Planning Commission Update (Mr. Schwab)

Members met March 28, at 6pm – discussion: 3603 Church Street. Lobsta Bakes (proposed business) and Little Miami Real Estate Investment Corp (owner of the property) explained the request for a Conditional Use for an eating and drinking establishment. The property is zoned PV (Planned Village). Planning unanimously approved the eating/drinking establishment.

Village Solicitor's Report:

The Duke easement – Duke has requested a temporary construction easement next to the right of the Newtown Feed on Village property – a small portion to be used for staging equipment as they perform upgrades to the watermain along Main Street. After Solicitor Supinger discussed further details and negotiated with Duke, they confirmed the Feed store will not lose access to their business and Duke only needs the property for 3 months and willing to pay the Village \$3600 and \$1200 for additional months past the three-month period in exchange for the easement.

There is some urgency - In order for them to move forward with this project, we need signatures from Village officials. Duke has been a very good partner with the Village of Newtown – they have provided us use of land for a walking trail and received several grants from the Duke Foundation.

LEGISLATION

Ordinance, Permanent Appropriations (Maintenance Pick-up Truck)

Ordinance amends the permanent appropriations for calendar year ending December 31, 2024. Fiscal Officer shall increase the appropriation by \$7,700 (Equipment Reserve Fund from \$40,000 to \$47,700.00)

Mr. Fairley made a motion to adopt ORDINANCE NO. 10-2024 AN ORDINANCE AMENDING PERMANENT APPROPRIATIONS FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2024. Mr. Drescher seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Ordinance, American Legal Publishing Ohio Basic Code (2024 Edition)

American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption for municipalities in Ohio.

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

Mr. Fairley made a motion to adopt ORDINANCE NO. 11-2024 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2024 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Ordinance, Duke Energy Temp. Construction Easement

Duke Energy Ohio is performing work in the vicinity and desires to use the properties for staging and parking. Vicinity of Main Street and Church, more particularly described as Parcel Nos. 501-0005-0067, 501-0005-0068, 501-0005-0069, 501-0005-0172 & 501-0005-0090.

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

Mr. Schwab made a motion to adopt ORDINANCE NO. 12-2024 AN ORDINANCE GRANTING DUKE ENERGY OHIO A TEMPORARY CONSTRUCTION EASEMENT ON PROPERTIES OWNED BY THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Fairley seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Ordinance, Building Rules

This was discussed in-depth at the 3.12.2024 Council Meeting – Mr. Fairley asked for additional time.

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

Resolution, CT Consultants – Engineering Services

These professional engineering services are related to the Round Bottom Road Drainage Improvements Project.

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. 13-2024 A RESOLUTION APPROVING AN AGREEMENT WITH CT CONSULTANTS FOR ENGINEERING SERVICES RELATED TO THE ROUND BOTTOM ROAD DRAINAGE IMPROVEMENTS PROJECT. Ms. Boone seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Authorizing Time and Credits Carry-over for Officer Dylan Mohammed

Officer Dylan Mohammed has accepted a full-time position with the Village of Newtown as a police officer. Officer Mohammed has eight years of police experience and has requested to carry over three weeks of vacation that he had earned with his previous employer to use in 2024 and be considered to have eight years of continuous service with the Village for purposes of calculating vacation leave going forward.

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

Mr. Drescher made a motion to adopt RESOLUTION NO. 14-2024 A RESOLUTION AUTHORIZING OFFICER DYLAN MOHAMMED TO CARRY OVER VACATION TIME AND RECEIVE CREDIT FOR HIS PREVIOUS YEARS OF POLICE SERVICE FOR PURPOSES OF CALCULATING VACATION LEAVE. Mr. Fairley seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Purchase of 2023 Chevy Tahoe

Council desires to acquire a new 2023 Chevy Tahoe PPV (Police Pursuit Vehicle) for the Police Department to be fully equipped with lights and decals for patrol. Purchase price from Tim Lally Chevrolet is cost of \$43,462.00

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

Mr. Drescher made a motion to adopt RESOLUTION NO. 15-2024 A RESOLUTION AUTHORIZING THE PURCHASE OF A 2023 CHEVY TAHOE PPV (POLICE PURSUIT VEHICLE) FOR THE POLICE DEPARTMENT. Mr. Schwab seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Darlene M. Pride – Audit Ohio BMV Records

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 16-2024 A RESOLUTION APPROVING AN AGREEMENT WITH DARLENE M. PRIDE TO AUDIT OHIO BUREAU OF MOTOR VEHICLES RECORDS. Mr. Drescher seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, 2024 Ford – Maintenance Department

Council wishes to acquire a new 2024 Ford XL F-250 4X4 Truck for the Maintenance Department – quote from Fuller Ford is \$47,700.00.

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

Ms. Quallen made a motion to adopt RESOLUTION NO. 17-2024 A RESOLUTION AUTHORIZING THE PURCHASE OF A 2024 FORD XL F-150 4X4 TRUCK FROM FULLER FORD. Mr. Schwab seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

Resolution, Cooper Electric Contract

Installation of GFI outlets on 30 utility poles in the Village – amount of \$14,340.00. (Capital Electric quoted \$19,764.00)

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

Ms. Quallen made a motion to adopt RESOLUTION NO. 18-2024 A RESOLUTION APPROVING A CONTRACT WITH COOPER ELECTRIC FOR THE INSTALLATION OF OUTLETS ON CERTAIN UTILITY POLES IN THE VILLAGE OF NEWTOWN. Ms. Boone seconded the motion. Roll Call: Mr. Drescher-Yes, Mr. Fairley-Yes, Ms. Quallen-Yes, Ms. Boone-Yes, Mr. Schwab-Yes. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to approve the 4/09/2024 Council Checklist for \$306,094.06. Mr. Drescher seconded the motion. All Aye. Motion Carried.

Mr. Fairley made a motion to adjourn at 7:05pm, seconded by Mr. Schwab. All Aye. Motion Carried.

Transcribed by Becky Fairley