

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

The July 9, 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  
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

**Public Hearing – 2025 Annual Village Budget**

Mayor Kobasuk opened the Public Hearing at 6pm, giving the public a chance to ask questions.

**Audience Participation for Public Hearing – Village Budget for 2025**

Mr. Ed Wolfer asked how much was budgeted for the Police Dept. for the next year. Ms. Everett answered....\$1,244,250.00. Mr. Wolfer told Council to get together and call Hamilton County Sheriff's office and see how much it would cost to take over patrolling Newtown. Mr. Wolfer asked for one of council to be his liaison as he has been coming for 1 ½ years talking of being lied to and threatened with committing a felony. He said he wouldn't be here if he had been addressed and not ignored by everyone. He also commented about the amount of money spent on the sound system we have had problems with but tonight the sound system was working fine. Mr. Wolfer said he didn't think we got a good deal for \$24,000 to redo the system!

Mr. Wolfer read from a copy of a post Chief Synan had posted on August 31, 2022. The post/copy read...."thank you Steve Frede, Village Auto Service "The Motor Car Hospital" for going out of your way to help me with a flat tire on my birthday." Also for installing the Batman door lights so when I get out of the car everyone knows Batman is in the house. Yes, it was my 15-year-old birthday, at least that is my brain's age." Mr. Wolfer asked who would brag on their Facebook that he is 15 years old.

Mr. Wolfer was reminded that this portion of the meeting was for the 2025 Budget. Mayor Kobasuk told Mr. Wolfer people don't want to call Hamilton County – we like our police department and the service provided. Mr. Wolfer left saying he would be back. Mr. Wolfer told Mayor Kobasuk – three of the police officers committed a felony and brought it in on him. He told Mayor Kobasuk, you just don't bring felonies in on people! Especially, when you're a 52-year businessman, federal firearms licensee, veteran....how about a little consideration! As he was leaving, he said he would be back and said...I guess Becky quit talking to me. He said, Becky, good work on the minutes for putting all of the stuff I said at the last meeting.

Ms. Kristen McClane asked about the Meridian numbers that have been talked about at the last few meetings and how the payouts done would effect revenues. Regarding the income, she said she doesn't see that in the numbers. She asked how that figured into the actual income number. Ms. McClane said every time it was mentioned, it was in a percentage rather than a dollar number. Her second question said another big employer is Evans Landscaping and last time it was voted on for them to do some work – she felt it was represented they were located in town. Ms. McClane said she had heard they had moved their salary/payroll headquarters just outside of Newtown so they don't actually pay those taxes anymore – she wondered how this might impact the Village's income.

Mr. Fairley said to answer the first question...the Meridian payouts and bonuses that were paid out – that was in the 2023 numbers, not 2024. If you look at the 2023 numbers, you will see revenues that are more of an outlier than 2022 and 2024.

Regarding Evans, Mayor Kobasuk said Evans operations are in Newtown but the headquarters is in Anderson Township – the employees that work at the Round Bottom location, in the Village-proper, are paying the taxes...if you work in the Village, you pay the 1%.

Ms. McClane thanked Mr. Fairley and Mayor Kobasuk.

**Mr. Fairley made a motion to close the Public Hearing – Ms. Quallen seconded the motion. All Aye. Motion Carried.**

**Approval of Council Minutes**

**Mr. Schwab made a motion to adopt the regularly-scheduled 06.11.2024 Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.**

## SPECIAL PRESENTATIONS

Mayor Kobasuk said he would like to bring to everyone's attention No. 7 (below) – a developer would like to put 20 homes in on Church Street by St. John Fisher where the soccer teams practiced. They are working with the Village connecting to the sewer system for the overflow of the detention pond. They also asked if we would expand West Jefferson – Mayor Kobasuk told them to discuss with the Village engineer and come back and see. They wanted to do a curb-cut on Church but it would not align with Edith Street – the developer is planning right now to use West Jefferson Street to enter the subdivision of twenty (20) \$700,000 homes. They will also get a 50% tax abatement so that should make the homes very marketable. This is just an update – nothing has been brought before Council or Planning. This is the third interested developer – two others backed out – it's a hard property to develop because the church will not give them an easement for a drainage pipe to the culvert on Church. They somehow would have to keep the water onsite and they need some overflow so they want to tie into the sanitary sewer system. The big issue is access to the site.

## Engineering Report, submitted by CT Consultants Engineering July 2, 2024

1. **Church Street – Funded**
  - Design work is at approximately 25%
  - Staff will be in the Village for a site visit to check against preliminary design drawings.
  - CT will meet with Village staff to review the 80% design drawings toward the end of July.
2. **Little Dry Run – MRF Funded**
  - The County has approved Municipal Road Funds in the amount of \$175,000. A 50% funding match was applied for- the total project estimate is \$337,000.
  - CT will evaluate the possibility of OPWC funding to determine if application is warranted.
  - The project would resurface Little Dry Run from SR 32 to the Village Corp Limit.
3. **McCullough's Run**
  - A Preconstruction meeting is planned within the next week and contracts are being prepared for signature.
  - A schedule for construction work will be coordinated with the Village and the Fishery.
  - Low bid on the project was from Evans Landscaping in the amount of \$261,710. Hamilton County funding was received in the amount of \$214,000 and State Funding through ODNR has been received in the amount of \$50,000 for the project.
4. **Moundview Park Sanitary Sewer – Project Bid**
  - The project has been bid with a bid opening scheduled for July 17.
  - The project was not awarded funding from through the State Capital Budget.
5. **Eastern Corridor Project – No Update**
  - OKI Application was submitted by the deadline on June 7.
  - OKI received 18 applications that totaled \$74M in requests. They have \$29M in this round available for funding projects.
  - It is anticipated that priority projects will be announced at their September meeting.
  - 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**
  - CT held a meeting with the Village to review design concepts. Utility conflicts are preventing a solution on the western side of the road, which was the preferred concept.
  - CT met with Hamilton County Garage to determine viability of solutions on the east side of roadway.
  - Additional preliminary design is being completed to determine drywell size.
  - County is reviewing needs for an MOU to place drywell on their property.
7. **General Engineering**
  - Staff is reviewing drainage plans and calculations for a proposed single-family development on property west of Church Street south of Main. The developer is proposing using the existing storm sewer in Church Street as the outlet for the detention pond on the site.

## Audience Participation (3 minute limit - *per person*)

Mayor Kobasuk was prepared to read a statement since there was a disruption at the last council meeting. It is a felony to disrupt a public meeting and we can't have that like we had at the last meeting.

## Golf Cart Inquiry/Request

Scott Whitehouse, 5039 Village Drive – said it is encouraging to have recently brought an issue forward and to already see the legislation on the agenda for council's consideration. Mr. Whitehouse said it makes him proud to be a part of this Village. Mr. Whitehouse said while researching other's legislation (ordinances) there is the ability to be creative with the speed limit. Solicitor Supinger said the ordinance was created to have the First Reading and looking at what other communities around us are doing – she is finding very few that allow – the jurisdiction allows 35mph – they are limiting it to 25mph so in drafting the ordinance, a more safety approach was taken listing all of the safety requirements in then after discussions, the ordinance can be amended. Solicitor Supinger ran the draft by Chief Synan before it was sent to Council. She said it's open for discussion and agrees there are ways to mitigate roads that are 35mph. These are council policy decisions that council can make as long as it doesn't go beyond the what the Ohio Revised Code would allow. Mayor Kobasuk said it doesn't solve the problem of people wanting to get from the Villages to the Country Club and drive the golf cart on Little Dry Run. Mayor Kobasuk said a few years ago, a resident from the Villages came down to Council and argued for speed cushions or guard rails on LDR because cars have jumped the curb with people almost being hit. If you're in a golf cart and you're driving on LDR and get hit by a speeding vehicle, there's not a lot of protection in a golf cart. Mayor Kobasuk said he doesn't vote on this and has safety concerns – he sees cars speeding on LDR coming

down the incline – it's up to Council. He asked Mr. Whitehouse how he would respond to that. Mr. Whitehouse said yes, the curve is dangerous and believes it would be if you're in a car – he also sees pedestrians walking on the sidewalk constantly so it will still be a danger whether golf carts are allowed or not. He said he actually goes left on LDR and go right into the Overlooks which is just right to that section then takes the backroads of Ivy Hills to get to the Country Club. Mr. Whitehouse said it's a risk he's willing to take as long as it is legal. He thanked Mayor and Council again for considering the ordinance and taking into consideration the ability of being creative in the ordinance.

## **MAYOR CLOSED AUDIENCE PARTICIPATION AT 6:22PM**

### MAYOR AND COUNCIL MEMBER REPORTS:

#### Mayor's Report

##### Creek Maintenance Under Ivy Hills Blvd.

There are two pipes that run under Ivy Hills Blvd. There is a 30" pipe that is the Village of Newtown's responsibility then the larger pipe is the Ivy Hills Country Club's responsibility – it basically takes the overflow. The Village entered into an agreement with Ivy Hills Country Club on May 22, 2018, that the Village would do a cleanout at \$650 per clean out, subject to Newtown's approval prior to each clean out. Both pipes need to be kept clear to make sure the water and the flooding system works. Once the 30" pipe reaches capacity, the overflow water goes into the big pipe then into the retention pond at the Country Club. Therefore, the culvert needs to be kept free of debris. The cleanout was basically Evans Landscaping taking a bob cat and pushing the debris onto a resident's property and that didn't work so we stopped doing that and they cleaned it out recently and the cost was \$13,915.00. The IHCC is looking for the Village to possibly contribute to the expense since we haven't cleaned it out since 2020. The Village would have paid \$7,800 over a four-year period at three clean outs per year (\$650 per cleanout). Mayor Kobasuk said being good neighbors, he feels the Village should share the cost with the Country Club – they already incurred the cost and did not ask the Village – they just did it. Technically, we would owe them \$650 but that isn't adequate – Chuck Morgan will meet tomorrow with the Club and our Engineer to consider a long-term solution, which may consist of looking at the culvert and cleaning it out. It's so expensive because they bring in a Hydro Excavation Truck vacuuming out the rocks and debris. Ivy Hills Country Club reached out to Mayor Kobasuk, Chuck Morgan and Ms. Everett were on the call – Norb Mayrhofer was asking if Newtown would consider something. It's up to Council's consideration – it does benefit the Village – the 30" pipe takes water into the Village so it must be kept open or the Club floods – the pipes work in conjunction so the area in front of the pipes need to be kept clear. Accumulation of the debris is determined by the weather – so much water and debris come down McCullough's Run from Anderson Township. Ms. Donohue asked if this was on private property. Mayor Kobasuk said the Village is responsible for keeping clear the 30" culvert under the road – the culvert going up stream is behind those houses so it's owned by the homeowners. Solicitor Supinger said the Village has done this before – there are drains from LDR that go into McCullough's Run so it's draining water from the roadway into that area so it is not all golf course water. The Village has an easement under the driveway that the Village is responsible for, explained Solicitor Supinger. Ms. Boone said it makes sense when you add up the number of cleanings that would have taken place had the cleanings continued like they should have so we would have spent that anyway. She asked why the cleanings were not continued every year so it didn't get so bad.....Ms. Everett said someone dropped the ball, plain and simple! Mayor Kobasuk we will figure out a process moving forward. He feels this is fair and reasonable to split the cost this time. Ms. Boone said she agrees based on the example given.

**Mr. Fairley made a motion to approve the Village of Newtown splitting the cost of \$13,915.00 to Tele Vac Environmental, Inc. for the Ivy Hills Country Club Creek Bed cleanout that took place 6/11/2024. Amount approved is \$6,957.50 – Ivy Hills Country Club will be responsible for the remaining half. Ms. Boone seconded the motion. All Aye. Motion Carried.**

##### Anderson Township Fire and Rescue Department "June 2024" Report

Mayor Kobasuk said Council will be given a monthly report - A total of 41 runs were made in District 22 Newtown. Six were fire-related and 35-EMS with most of these from Angel Care.

##### Property Maintenance Activity Log (Mayor Kobasuk)

Mark Yontz, Property Maintenance Inspector submits this monthly to Council. The report pointed out three cases that are problematic and currently being worked on to be compliant. There were no questions.

## Council Members Report:

### June 2024 Finance Packet (Mr. Fairley)

With 50% of the year elapsed, the revenues in the General Fund are up 54% which are 4% over par. All departments have remained well within budget. Revenues are down 14% vs last year but again, the Meridian payouts were more of a one-off year. A better benchmark would be 2022 and we are slightly down in revenues and income tax collections from 2022 – about \$15,000.

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

### Safety Services Update (Mr. Drescher)

At the June meeting, Council voted to give Anderson Township the Village's changes to the contract. At the end of June, Anderson responded that they would take the changes to the Trustee meeting – a revised contract will be given to the Village before they present to the Trustee's on July 18, 2024 so we should hear something by next week.

### Planning Commission Update (Mr. Schwab)

Members met June 27, at 6pm – discussion: Miami Valley – landscaping which is next to Chuck Short – basically it was unanimously approved so nothing changed it was the same and presented prior, other than a bush or two may be added.

Regarding the Church Street developer – they contacted Kevin Sigmund and discussed his safety concerns – so there is nothing to review at this time. Ms. Donohue said her grandmother purchased the property in 2014 when it was being rented to Cincinnati Soccer Club – her family has lived on the property back behind this for over 100 years on the additional acreage. The property purchased in 2014 was from the Sticksel family who had owned it for the prior 100 years and wanted to continue using it as a soccer field – but Ms. Donohue said the soccer club was told they are not allowed to use the St. John Fisher parking lot any longer. Ms. Donohue said she lives next door to the property owned by her family so she is not allowed to comment since members of her family are trying to sell the property to developers – Ms. Donohue said there was an effort to keep the property green – however, it's unfortunate as she also is not in favor of the land being developed into a subdivision. They were told the property could not be accessed via Church Street, nor Jefferson Street so it seems the developers are having the same issue. Mayor Kobasuk said the developers can access it via West Jefferson – they are just saying it isn't the ideal entrance.

### Maintenance Report for July (Ms. Quallen)

Ms. Quallen reported that the newly-hired employee Gary Spires was recently let go. This position remains open at this time. The guys have been busy just doing regular summer-maintenance.

### Summerfest Update August 3<sup>rd</sup> (4-10pm) (Ms. Boone)

Ms. Boone gave an update on the planning for the August 3<sup>rd</sup> event from 4-10pm. Church Street will be closed during the event. Council approved the expenditure last month - A few contracts are ready for signatures. The Naked Karate Girls will perform two 90-minute sets with a 30-minute break in between. Mayor Kobasuk signed the liquor permit for the event. The grant is \$14,000.

**Ms. Boone made a motion to approve all contracts for Summerfest, Mr. Fairley seconded the motion. All Aye. Motion Carried.**

### One Ohio Recovery Foundation Grant

Ms. Boone received an email – their Board Meeting will be tomorrow – she is cautious but optimistic her grant for a prevention program will be funded.

### Village Solicitor's Report

Solicitor Supinger reported that the last State Budget Bill – they included a requirement that changes the State of Ohio's Fraud Reporting system. Previously, local governments were just required to tell their employees there was a Fraud Reporting System - Now it requires all elected officials and employees to take an eight-minute online training provided by the Auditor of State on Fraud Reporting and certify they have taken it. Deadline is Sept. 28<sup>th</sup> – new employees are required to do the training within thirty days of employment. Everyone will be required to repeat every four years. A certificate will be provided at the end of the training that should be kept in one's personnel file. This will be an audit item to make sure everyone has completed the training.

## Legislation

### Resolution, 2025 Tax Budget

Council is required to adopt a Tax Budget for calendar year 2025 – two copies are to be filed with the County Auditor by July 20, 2024.

**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. 25-2024 A RESOLUTION ADOPTING THE 2025 TAX BUDGET FOR THE VILLAGE OF NEWTOWN. Seconded the motion. Roll Call: Mr. Fairley-Yes, Ms. Boone-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. Motion Carried.**

### Resolution, Funding Agreement w/Board of County Commissioners

Newtown was awarded a 2024 Small Event Grant by the Board of County Commissioners of Hamilton County, Ohio for the Summerfest event to be held in the Village.

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

**Ms. Boone made a motion to adopt RESOLUTION NO. 26-2024 A RESOLUTION APPROVING A FUNDING AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS, HAMILTON COUNTY, OHIO TO ADMINISTER A 2024 SMALL EVENT GRANT. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Ms. Boone-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Mr. Schwab-Yes, Ms. Donohue-Yes. Motion Carried.**

### Ordinance, First Reading - Regulation Operating Golf Carts

Section 4511.215 of the Ohio Revised Code authorizes municipalities to adopt regulations that would permit and regulate the operation of golf carts and utility vehicles on public roads within its jurisdiction.

**A First Reading of AN ORDINANCE TO PERMIT AND REGULATE THE OPERATION OF CERTAIN GOLF CARTS AND UTILITY VEHICLES IN THE VILLAGE OF NEWTOWN, OHIO.**

## New Business

### Council Checklist

**Mr. Fairley made a motion to approve the 7/09/2024 Council Checklist for \$233,385.29. Ms. Boone seconded the motion. All Aye. Motion Carried.**

**Council adjourned at 7:08pm – Motion made by Mr. Fairley, seconded by Ms. Boone.**

Transcribed by Becky Fairley