

The October 9, 2007 special meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor John Hammon.

Councilmembers: Curt Cosby Mark Kobasuk
Doug Evans Debbie McCarthy
Tracy Hueber (absent) Ken Pulskamp

Mayor: John Hammon

Agenda: Building Commissioner Interviews

Michael Spry

I am currently Building Inspector for the City of Cincinnati and a building official for the State of Ohio. I have experience in both commercial and residential and a vast knowledge of the building industry. On October 24th I am scheduled to attend the Ohio Flood Plain Managers Association meeting. I coordinated the effort for the recent flood in Findlay for the State of Ohio, Ohio Building Officials Association, of which am a member. I am president for the Southwest Ohio Building Officials Association. As far as flood plain administration, I understand the FEMA regulations. I am certified as a building official. A building inspector is one thing, but as a building official you have to be certified. A building official actually can run a building department. A building inspector obviously inspects, but a building official has the last say. I am a building official. For the city, I inspect all commercial, industrial and high rises and all new construction, whether it is new residential or new sky scraper. My area primarily right now is Paul Brown stadium, City Hall, all of the new multi-family residents that went in on Glynn Street and I have Good Sam Hospital.

James McFarland

I've have been with the City of Cincinnati since 1989. I've dealt with probably all types in the Building Code, everything you can imagine, nursing homes, hospitals, high rise structures, fire alarm sprinklers from the east side to the west side. I have certifications; I got on my own, as far as Building Official. I'm currently a supervisor, assistant supervisor for the City of Cincinnati for three years. I also do building inspections a couple of hours a week in the evening for the City of Loveland. As far as dealing with flood issues, back in 1997 we did reports for the houses from California all the way down to Salem Park. I'm willing to take any classes to learn. I'll try to help the residents as much as I can with a good understanding of the zoning code. I will help the residents to meet their objectives and goals. I served in the Air Force. I have done remodeling and additions for commercial and residential.

The October 9, 2007 meeting of the Newtown Village Council was called to order at 7:30 p.m. by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

Councilmembers: Curt Cosby Mark Kobasuk
Doug Evans Debbie McCarthy
Tracy Hueber (absent) Ken Pulskamp

Mayor: John Hammon

Solicitor: Doug Miller

Fiscal Officer: Keri L. Everett

Chief of Police: Tom Synan

Street Commissioner: Charlie Siegel (absent)

Citizen Input

Resident Randy Smith 7492 Pinehurst Drive

I am running for re-election to the Forest Hills School Board. I have been interested in developing a better relationship with government entities. I hope my reports back to you, as well as to the Anderson Township Trustees have been helpful. I would ask for your support again. I am the only candidate from the Village of Newtown that is running and also the only incumbent. Thank you for your time this evening and I would ask for your support.

Resident Darwin Brooks 6620 Crull

I received this flyer in my mailbox, "Councilman Doug Evans wants to raise your taxes." Did you see this Doug?

Mr. Evans: No.

Mr. Brooks: We were not here last week. Could you explain to repeal that 1%? That so states that you were against doing that.

Mr. Kobasuk: Are you speaking to me Darwin?

Mr. Brooks: Yes, Mark.

Mr. Kobasuk: I haven't seen that. I have nothing to do with any of these.

Resident Brian Burns: I'm just asking why this is at this meeting. If you have a problem, please bring it out; those were from the official meetings.

Mr. Brooks: Quarterly, we file a report with R.I.T.A. and pay the 1%. Is that going to change?

Mr. Kobasuk: No.

Mr. Cosby: To be clear on the 1% issue is if you lived in the Village of Newtown and work in the City of Cincinnati and pay their 2.25%, you have a 1% credit with the Village of Newtown. So you do not pay a 1% tax to the Village of Newtown, as long as you pay greater than 1% to another entity.

Mr. Brooks: Is there revenue coming back to the Village of Newtown?

Mayor Hammon: No. It is a 100% credit.

Mr. Kobasuk: May I see that flyer; will you pass it around?

Mr. Brooks: Council approves the budget and in doing so I understand at that time there wasn't enough money being earned to pay the liabilities of the village? Is that true Keri?

Ms. Everett: That is correct.

Mr. Brooks: If spending is continued at the rate that this council and the past council has done, there was conversation about an earnings tax vs. real estate tax.

Ms. Everett: An option was to do away with the 1% credit.

Mr. Pulskamp: Or a percentage of it.

Mayor Hammon: There has been a lot of discussions about how our income has been stagnant and not growing and how to keep up with it. Since 1999, we have been operating without a operating renewal levy back in so funds have been down for the last eight years. It is really tight. We've talked about a levy for road construction to upgrade the roads. We've talked about a 100% credit and a 25% credit.

Mr. Kobasuk: The information on this flyer is from a June 26, 2007 council meeting where we debated some tax issues. This is not the last meeting and it is from the minutes.

Mr. Brooks: Thank you. But that appeared in my mailbox and I'm hear that you might explain; Doug, why you are going to raise my taxes.

Mr. Evans: That is the first time I knew about it tonight.

Ms. Everett: Darwin, to clarify what you just said, the tax credit would not raise your taxes. You're paying your 1% and would continue to pay your 1%. That is not going to go up.

Mayor Hammon: When I worked in the City of Cincinnati I paid 2.25% and I did not pay income taxes to the village. I paid property taxes and that is it. I get the same service you do paying 1%; should I be getting off clear and free or should I be paying 25% or 50% of that income tax? That increases my taxes because of where I lived and where I worked. It doesn't increase yours because you work within the village.

Mr. Kobasuk: And there are residents here working in the village that don't live in the village that pay that tax because they work here and they don't get the benefit of the services. There are pros and cons.

Mr. Pulskamp: But they do get the benefits of the fire and police.

Mr. Kobasuk: But they are not living here with the benefits of 24/7. They are working here and driving somewhere else.

Mr. Pulskamp: No they are not.

Mayor Hammon: That is what we have talked about back and forth, being conscious of where we are financially.

Dave Lorei, Brandstetter Carroll Inc.

1. 2007 Asphalt Improvements, Moundview Park, Ivy Hills Blvd Entrance & Seabrook Drive
 - Asphalt paving has been completed
 - Dave Stenger will meet with Charlie Thursday, October 11, 2007 to create punch list (topsoil, seeding and mulching at Moundview)
 - Irrigation system at Ivy Hills Boulevard (We think it is the responsibility of Ivy Hills) We will notify the country club with a letter.

Mr. Smith: It is the responsibility of the country club; having been through the Homeowners Association discussion, for the one down at the lower level, that one is the responsibility of the club. It is not a Homeowners Association responsibility.

Mr. Evans: Talk to Kyle; he is the superintendent of the golf course.

Mr. Lorei: Okay.

2. Route 32 Interconnect
 - Elex has started construction. Construction schedule attached to September 11, 2007 project status sheet
3. 2008 ODNR – Nature Works Grant Application
 - Grant applications are due in February. I looked back and the file was not part of the application for 2007. It looks like we did the Short Park restroom. We should probably think about that. That is one-third, two-third share. We'll keep that on the project status for the next couple of meetings.
4. Ragland Road
 - I believe construction is completed. We have not gone up there to take a look. We can address any concerns or questions when we do take a look. We'll talk to CWW also about it.

Resident Dale Myers: The problem is we have 550' of sidewalk and every time it rains and freezes we have 550' of ice. That has not been corrected. They put a drain across from Harriett Lane and all that will do is correct the first 50' when the water pulls from the hills. But the rest of it has not been fixed. If it stays dry like the spring we won't have a problem, but I don't think it is going to. Somebody is going to end up getting hurt. The kids at 6:00 a.m. have to get up on the road and walk down to Harriett to catch a bus and they shouldn't have to do it.

Mr. Lorei: That is an issue we can address after walking it and we'll take those concerns into consideration.

Mayor Hammon: At the meeting up there everybody basically said it is from the crest of the hill down is where the problem exists. Where the water pooled is what was addressed and has been taken care of by the next catch basin.

Mr. Kobasuk: How would we fix that?

Mr. Myers: You're going to have to take the roadway down.

Mayor Hammon: This is nothing new Mark. This has been over the year's accumulation; the road has climbed. This is not part of the recent project because it is only a one-inch overlay.

Mr. Myers: It is new John because they pitched the road different. We did not have this problem before.

Mr. Pulskamp: Right. We pitched the blacktop differently.

Mr. Myers: My walk and my driveway have been raised at my expense to keep the water out. I cannot raise it anymore.

Mr. Kobasuk: I thought CWW was going to come in and fix this problem.

Mayor Hammon: They addressed what they were told where water accumulates at the valley of the dip of the road. They put another drain in and tied them all together. They did some work over an existing drain, so they addressed what they were told was the problem.

Mr. Kobasuk: It doesn't seem like the problem has been addressed.

Mayor Hammon: Mark, you need to walk it up there. Down spouts have been run out to the sidewalk and excess water is coming out there. That is improper for them to do that. It's been done over the years, so what do you when people have taken their downspouts down and run them to the roadway.

Mr. Kobasuk: So what are we going to do as a village, anything?

Mayor Hammon: I don't know. Dave, you'll have to talk to Bruce and ask him to go back and talk about it.

Mr. Cosby: I think a long-term solution that we may want to address is to lower that street and put in curb and gutter. Would there possibly be some grant money available? That road does leave Newtown and go into the township. With that would it qualify for some type of a grant program?

Mr. Lorei: I'll take a look.

Resident Becky Fairley: And while you're look for grant money for that would you look for grant money for the creek at Edith and Pine Street.

Mr. Lorei: I'll talk to Bruce about Ragland and into grants. I agree to solve the problem long-term would be to look for funding or some grants and not just put a bandaid on it.

Resident John Williams

I was just wondering how we can attract more businesses on SR 32?

Mayor Hammon

1. **CRA:** We are working on it; we've put a lot of programs in place to do it. We have implemented the CRA, we have a business district formed. There is a lot of interest, but we don't see anything actually being executed at this time.
2. **CRA Board:** Daryl Foster has declined the invitation to be part of the board so council needs to add another person to the committee.

Mr. Kobasuk: What about Heather Patton? She expressed an interest.

Mayor Hammon: I'd impose it is the desire of this council to sit there and have a property owner.

Mr. Kobasuk: That was never my desire. I was opposed to having some type of limitation on people to be property owners to sit on the CRA board. She expressed a desire and came to meetings. We have to be all encompassing and invite people on who express a desire to serve the village.

Mayor Hammon: I said council; I didn't point a finger or name a name.

Mr. Cosby: I think she would be a good candidate and we certainly need somebody to fill the position.

Mayor Hammon: I would recommend you guys go back and make a contact of people and come back with a suggestion two weeks from now.

Mr. Pulskamp: I'd like to look around because I agree they should have a vested interest in the village and a renter does not have a vested interest in the village.

Mr. Kobasuk: That is archaic to say you're going to discriminate against people. I think that is archaic to say we have to have a property owner to sit on a CRA board. This is a village of renters, property owners and you don't discriminate between. And she is one of a board.

Mr. Pulskamp: No it is not Mark! This board is making decisions affecting property owners.

Mrs. Donna Brooks: John, I think she has purchased the house.

Mr. Kobasuk: This goes back to the middle ages to be a vested property owner to be on the board. I just have a problem with it. We treat people the same whether they are renters or owners, in my view.

Mr. Pulskamp: Mark, you and I can agree to disagree. I disagree with you don't pay any village income taxes. That is just something you and I disagree on.

Mr. Kobasuk: We have. I pay taxes to the city as others do.

Mr. Pulskamp: To another community.

Mr. Kobasuk: I kind of resent that personal attack.

Mr. Pulskamp: It is something I disagree on.

Mr. Kobasuk: You brought that up in a totally different context. But we do disagree on tax issues.

Mayor Hammon: I know Heather said may have the opportunity to buy the home and she may well have purchased it. I suggest everybody goes back and talk to their candidates and bring them to the table in two weeks. With that I am going to name Greg Thomas to the board along with Brian as my replacement.

Mr. Kobasuk: Who are the people on the board?

Mayor Hammon: Leo Honebrink, Greg Thomas, Brian Burns, Barb Greve and a missing person from council. Once you name that the five people convene and then they find two people to sit on the board with them. It's a seven member board.

3. **HCDC:** You have a contract from HCDC. You can look it over since you just got it tonight. The last contract was \$18,000 per year. On this contract she scaled down about one-third of what it was. A lot of the work has been done. She doesn't have to do the inventory of the property. I think it is important because she does a lot of business retention contacts and tries to market Newtown to other businesses. She actually put a packet together for some realtors so they could be aware of what is in Newtown.

Mr. Kobasuk: Is it an option to pay her on an hourly basis to call as needed and not have a fixed-monthly fee?

Mayor Hammon: Who would administrate it and tell her what to do? I meet with her every month and review what she has done. But that's hard for me to say I want you to do this or that. It is like going to the business district meetings; that will cease unless you pay her. I have never asked her about an hourly fee. I'm sure you can. We talk in general about what we would like to do and take council's wishes to her.

Mr. Evans: It is dealing with corporations, just not her. I know she has been mostly our salesperson. There are behind the scenes people that do stuff to compile all of the stuff and do some of the other things.

Mr. Cosby: I think she has put programs in place and I think it is up to us to agree to be ambassadors for the village. I agree with Mark, it makes more sense to look at that on an as-needed basis vs. paying \$6,000 to someone, when by her own admission all the programs have been put into place.

Mr. Pulskamp: Are you or somebody else at the village going to process all of the applications for the CRA's?

Mr. Cosby: How many applications have we had?

Mr. Pulskamp: Once that starts promoting it once it is in place. Who is going to do that?

Mr. Cosby: At that point and time we could review the process if that is needed. It may be well handled in-house. I don't think you spend \$6,000 on something like that until you see what the outcome is going to be. A year ago we heard people were knocking the door down to get into this program and we have yet to have a single application.

Mr. Pulskamp: You're correct. But also look at the economy and where the interest rates are and everything. I agree that with a group like this that has the contacts that can be out there promoting and marketing our village. I think we need that. I don't think we need to let this program so stagnant. If we try to take it upon ourselves I guarantee you it will go stagnant. There is nobody sitting here at this table that has the time to dedicate to it.

Mr. Cosby: Again, with the money we have paid we don't have anybody beating our door down and we do have the programs in place. It is up to us to educate the people in the village. A lot of this is residential. I think the residents just need to be made aware of what is of service to them, as well as the businesses.

Mr. Pulskamp: Or attracting the new businesses.

Mr. Cosby: Attracting new businesses is definitely something that I am 100% for, but I don't know that I'm for spending \$6,000 right now with this company. I think more of an as-needed basis makes more sense.

Mr. Pulskamp: We've made an investment into this program and if we quit investing into it then that money is going to be a wash within a year's time.

Mr. Cosby: The program is there and it is not going to go away.

Mayor Hammon: Catherine and I have talked. I will go back to her. I had told her I didn't think she needed to come to this meeting that I would let council review it and will invite her back in two weeks. One of my concerns is if she is not on a retainer, would she sit there and recommend Newtown to them? She is not getting paid for it.

Mr. Kobasuk: We have a lot of expenses with road repairs and we've paid this company for two years in a row. We've got the playbook; maybe we could take a hiatus for a year given the finances.

Mayor Hammon: I'll invite her to the next meeting and ask her to put a proposal together.

Solicitor Miller: I'll go ahead and prepare a resolution to approve it just so we'll have it if that is what you want to do. If you decide after talking to her then you would have to wait another two weeks.

Mr. Evans: You could always put the hourly rate on the bottom. Have her come next week.

Solicitor Miller: then I won't unless I hear from you.

Councilman Ken Pulskamp

1. **Salt for Winter:** We have been approved to buy the salt from the county.
2. **Street Meeting:** I'd like to have a meeting before the next council meeting at 6:30 p.m. to discuss a paving program. Keri, can you attend that meeting to discuss financial questions.

Ms. Everett: Sure.

Mr. Pulskamp: (Continued)

3. Drug Offender Fine Fund: We're going to spend some funds for some tactical uniforms out the drug offender fine fund and this is something that John and Tom are the trustees of. We just want to make a motion to approve it by council.

Mr. Pulskamp made a motion to approve the purchase of tactical uniforms from the Drug Offender's Fine Fund, amount not to exceed \$1,083.30. Mr. Kobasuk seconded the motion.

Discussion:

Mr. Evans: What are tactical uniforms?

Chief Synan: Kind of like our S.W.A.T. uniform. One of the issues we had when did our heroin bust was trying to do surveillance. We didn't want to put them in uniform and some guy out in civilian clothes and while one of our officers was trying to video tape some things someone came up and asked, "Why are you in this tree?" I'm hoping by having these uniforms it will help show that they are a cop and it is official business. It is a uniform like S.W.A.T. so we can continue to reuse and it is a military-design and if we did something like the heroin bust I want it to reveal the message that we are serious about that type of activity in our community.

Mr. Kobasuk: They money is coming out of the Drug Offender's Fund and not out of the village cauffers.

Mr. Pulskamp: No.

Mayor Hammon: You can't spend it; let's put it that way.

Mr. Kobasuk: So it is a good way to spend the money.

All Aye. Motion Carried.

Mr. Pulskamp made a motion to have an Executive Session to discuss personnel hiring.

Councilman Doug Evans

Mr. Evans made a motion to accept Checklist dated 10/9/2007. Mr. Cosby seconded the motion. Roll Call: Mr. Pulskamp-Abstain, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried (Ms. Hueber-Absent)

Mr. Evans: For the record, I just don't want to raise anybody's taxes.

Mr. Kobasuk: For the record, I do pay taxes in some years and Ken, you're inaccurate. I resent the personal attacks. We have to limit this.

Mr. Evans made a motion to suspend the rules. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.

Mr. Evans made a motion to approve RESOLUTION 31-2007 A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION AND A TRANSFER RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2007, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried (Ms. Hueber-Absent)

Councilmember Mark Kobasuk

1. Planning Committee Meeting: A couple of weeks ago we discussed some ordinances that Mr. Weber suggested. One relates to trash receptacles; his suggestion is to make the village look better and have people store their trash cans behind their homes. Doug drafted it; people in the audience can look at the copies I have here. Section III deals with storing the trash cans, not in the front yard or side yard unless containers are shielded from view. Section II states receptacles must be removed from the curb on date of collection by midnight. I would suggest doing three readings and not do it by emergency.

Mr. Kobasuk made a motion to have a First Reading on an ordinance to regulate the procedure for placing receptacles containing garbage and trash to be collected by the Village of Newtown's independent contractor and regulating the type and size of said receptacles. Mrs. McCarthy seconded the motion.

Discussion

Mr. Cosby: Section VI, "Guilty of Minor Dismeanor," on a first offense.

Mr. Kobasuk: I don't think that changed from the original version.

Solicitor Miller: You can't get any less than that. The misdemeanor offense is the same as speeding.

Mr. Kobasuk: That is the lowest it is Curt. I don't see how you could go any lower Doug, do you?

Solicitor Miller: I don't know how you would enforce it without some penalty.

Chief Synan: I personally have never issued a citation for that.

Councilmember Curt Cosby

1. Creek at Edith & Pine: I was wondering John if you or Doug contacted Tony and what we are going to do about that?

Mayor Hammon: I did not walk it. I know Doug walked it.

Mr. Evans: I walked it and I don't mind showing Tony what needs to be done if it is something he can fit in his schedule.

Mr. Cosby: I was just wondering; according to the minutes, somebody made contact with Tony and if not who is going to do it? It wasn't quite clear who was going to do it, but I think we need to pursue it. If we get heavy rain it is going to be a mess. It might be a good time to get in there.

Mr. Evans: I'll call him tomorrow. I think there are a couple of trees that fell from your property in the back.

Mr. Cosby: My property doesn't go to the creek. It's actually a hillside and is not my property.

2. Moundview Park Paving: The top coat looks good; I drove up there today.
3. Mirror at "S" Curve: Ken, what about the mirror issue?

Mr. Pulskamp: I haven't contacted anyone to do that yet. We could have Tony look at it.

Mr. Cosby: It may be a tree issue; maybe if we could thin a couple of the trees would help. If you could follow-up.

Councilmember Debbie McCarthy

Mrs. McCarthy made a motion to approve council minutes for 9/11/07. Mr. Cosby seconded the motion. All Aye. Motion Carried.

1. Business District: This morning I attended the Newtown Business District meeting and they discussed maybe a Holiday Walk, or Light-up Newtown. Burger Farm and Joe Motz is going to do wagon rides. They are shooting for December 8th between 4:00 p.m. and 8:00 p.m. They asked if council could put up some money, maybe \$1,000. They want to have gift certificates and posters made.

Mayor Hammon: A month ago they talked about raising funds. Have they talked about that again? They had all of these ideas but no one seemed to be interested in putting up any money from the group.

Ms. Everett: Gift Certificates come from the businesses.

Mr. Cosby: Another issue is the insurance. If the village sponsored it would our insurance cover it Doug?

Solicitor Miller: You'd have to check with Keri.

Mr. Cosby: One of their concerns is we come behind it as a village and personally I think we should embrace it as a village.

Ms. Everett: Would it be insurance for these wagon rides?

Mrs. McCarthy: Yes.

Ms. Everett: I'll call them.

Mrs. McCarthy: Can I go ahead and have some money approved for this?

Ms. Everett: I'd wait and get an answer from the insurance first. Hasn't it been all along that we had difficulty with the festival because we're not allowed to give donations?

Solicitor Miller: If it is a village function if you're taking it on.

Ms. Everett: That means the expenses would have to come through here.

Mayor Hammon: We'd control the functions.

Mr. Pulskamp: And approved by the village, by this council.

Ms. Everett: We can't just hand them over a check for \$1,000.

Solicitor Miller: Possibly you could. Are they an official organization?

Mrs. McCarthy: No.

Mr. Cosby: I think if we could cover the insurance for them would go a long way for them.

Mr. Pulskamp made a motion to enter Executive Session at 8:22 p.m. for personnel hiring. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

Council reconvened at 8:27 p.m.; no action to be taken as a result of Executive Session.

