

The June 26, 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)

Mayor Hammon welcomed those attending the council meeting.

Councilmember Doug Evans

Mr. Evans presented Linda Siegel with a gift of appreciation for her husband, Charlie Siegel for his many years of service and dedication. Due to illness, Charlie was unable to attend tonight.

Mr. Evans: Charlie has been a resident here in Newtown since he was five years old. He is one of the hardest workers I have known. There are a lot of negative things that go down here and a lot of times, the positive things don't come up. I can say from all of my years of being here, Charlie has always given his all. Never once did I go by Ivy Hills Blvd. and it wasn't black; he always did a great job removing the snow. He always did an excellent job on the streets. I have seen him pick trash up in the middle of the night. I want to thank you and thank him for all of the work he has done here in the village. The shop is immaculate and he started the recycling program. Charlie is a great person and has helped so many different people. Not too long ago, he helped the little girl that was lost. From the bottom of my heart, I want to thank you for everything that Charlie has done for us. (Everyone applauded)

Mrs. Linda Siegel: I really appreciate it.

Mayor Hammon: Wish him well for us.

Resident Dale Myers: 6920 Ragland Road

1. Thank you: I want to thank Chief Synan and Sergeant McBreen. There were a couple of guys up there busting the road (speeding and running the stop sign). They shut them down real quick.
2. Ragland Road Water Problem: We were told last Fall that this problem would be addressed this Spring and Spring has come and gone. Any news?

Mayor Hammon: Basically, a representative from Water Works, lost his father suddenly and so he has not been available to Bruce. Bruce did say he met with him and they are planning to try and put a final plan together next week. That's the commitment he gave Bruce.

Mr. Myers: (Continued)

3. Checklist: This checklist that Doug Evans brings up at every council meeting and you guys pass, why can't that be read or a copy given out to the audience so we'll know the expenditures?

Mayor Hammon: All right, we'll consider it.

Mr. Kobasuk: I think they ought to see it if they want it.

Mr. Pulskamp: It's a matter of public record; you can just ask for a copy.

Mr. Myers: Not that I think you're cheating; there are some of us who would like to read it.

Mayor Hammon: I'm glad I don't vote.

Solicitor Miller: It's a public record.

Councilmember Mark Kobasuk:

1. Ragland Road: John, could you elaborate on the plan for fixing Ragland Road. You said Brandstetter and Carroll was going to get together with this Water Works person.

Mayor Hammon: There is no plans; it's Water Works project. They are the ones who basically is going to do the project. It's their responsibility through the contractor to do something.

Mr. Kobasuk: Do you think we're going to get it done by the time it snows? We don't want to have that ice again.

Mayor Hammon: I think so.

Mr. Kobasuk: What can we do to move it along, if anything?

Mayor Hammon: Nothing. Like I said, the guy had a death that is responsible for it and said Bruce met him and they talked it over and made a commitment to get it done next week. They put a plan in place.

Mr. Cosby: I'd also like to say I have asked Bruce a couple of times now about Ragland Road. How long ago did this person's relative pass away?

Mayor Hammon: I have no idea.

Mr. Cosby: It seems like it has been going on for a while. Like Dale said, this was last winter that we said we couldn't get to it in the winter, because of winter. Here we are in July and we're no further along so maybe you could give Bruce a little pry to get this project moving.

Mr. Kobasuk: Doug, sometimes we talk about liability issues. If we know about a water issue and it freezes and cars get in accidents, is that not an issue?

Solicitor Miller: Typically, you're not responsible for natural accumulations of ice and snow.

Mr. Kobasuk: Even if you know it's of congregating; it's not a natural accumulation.

Solicitor Miller: It's actually to the point if you shovel your walk and then somebody slips and falls because you missed a spot, you have a problem. If you let it go and it's a natural accumulation. It's not necessarily like a pothole, where if you know there's a pothole there, you have knowledge of it and somebody runs their car through it and ends up with a flat tire you can have liability there. Ice and snow are typically acts of God.

Mr. Kobasuk: This is a little different. This is a defect in the paving that allows a lot of water to get on the street, as I recall.

Mr. Cosby: It pools between the edge of the road and over the sidewalks is what happens. It has nowhere to drain.

Mayor Hammon: There's a very small project; this could be minimum. It's not going to take care of the problem because of the issue where it collects in a dip. They all know the roadway has gradually increased higher than the sidewalks; people have taken their downspouts and channeled their water to the sidewalk and it can't escape so it accumulates on the sidewalk in-between the roadway. That's the majority of the problems up there. There is a problem where they changed the drainage towards the dip at Harriet.

Mr. Myers: The ones that I know got their drains from their roof channeling out to the walk that causes this problem.

Mayor Hammon: There is four or five of them up on your street. Your neighbor is one of them.

Mr. Myers: His drains across his driveway, I can tell you that. Where does the burden lie, in case somebody gets hurt on the ice? It can't be with the landowner because we're down here telling you there's a problem and it hasn't been fixed yet.

Solicitor Miller: There probably isn't any. If you fall on ice and snow, liability isn't necessarily the point. Whether you are liable for it or not, I don't think anybody wants anybody to get hurt.

Mr. Kobasuk: Right, you want it fixed. John, the plan is to have somebody contact Bruce Brandstetter.

Mayor Hammon: Bruce has to meet the schedule. There's nothing more he can do. He's met the guy and they are putting the plan together. Execution of it, I'd tell you it's going to probably be three months. You can't get a contractor to come in and do the work that quickly, this time of year.

Mr. Kobasuk: That's what I mean, it worries me that it is going to take a number of months and we're going to be in the winter before long. But, you think it will be done before winter.

Mayor Hammon: Yeah.

Resident Darwin Brooks: 6620 Crull Street.

1. Senior Citizen Picnic: We had a good turn out at the Senior Citizen Picnic Sunday. Everyone had a good time.

Resident Joan Waits: 7133 Monongahela.

1. Property Maintenance Inspector: I'd like to say, Mr. Dick Weber is one of the best things that has been done to this village. It was really bad in River Hills subdivision and since Mr. Weber has been very conscientious and drives around twice a week. If somebody starts to slide back, they get a letter. I know his contract is up in November or December and I hope to God that you people renew his contract. If he goes, everything is going to go back and will be worse than when he took the job. I just wanted to say thank you to Dick.

Dick Weber, Property Maintenance Inspector: (handout)

1. Ordinances: I have given you a list of a few issues that I feel need reviewed. I would like to see a committee of two or three formed and I would meet with them to discuss the logic and thought process behind my recommendations to the ordinance.
 - Trash Ordinance: We have an ordinance that tells when you can place it at the curb and when you must remove the cans. Nothing in that ordinance addresses where you can place your cans. There are numerous locations in the village where residents keep them in their front yard, in front of the garage and it's very unsightly. I'd like to see that modified; we'd meet as a committee and work out the details and hash out the language. If the committee doesn't agree with my recommendation, we would leave it as is.
 - Parking Regulations: We have two or three ordinances that deal with parking. One deals with campers and RV's and boats and the placement of them. It wasn't until recently, after dialoguing with the chief that I just learned about an ordinance that does deal with residential parking. The issue I feel with this ordinance is it is difficult to enforce because it's a hassle to enforce. Attached to your handout is a recommendation where we developed a sticker. This educates the property owner that there is an ordinance. As it exists today, for the officer to enforce that, he has to track down the property owner and that is a burden. In another municipality where I work, we have a sticker that I use and it is very effective.
 - Kennel: The Mayor seems to think we have an ordinance for the definition of a kennel and whether a kennel is prohibited or not in the village. If we have a committee, we will discuss it as a group. I don't see any issues out there at this point and time, but the basis of an ordinance is to prevent a problem from occurring.
 - Exotic Animals: Currently, nobody has chickens, goats, sheep and pigs in their yard, but I've dealt with that in the past. I'd like to check into this as an ordinance.

- **Sign Ordinance:** I want to research to confirm if we have it or not. The placement of a sign in the right-of-way area: "We Buy Ugly Houses," those types of signs get stuck in the right-of-way. If have an ordinance that prohibits, the public works guys, as they are driving around they could stop, grab it and throw it in the back of the truck. Likewise on my driving around, if I found one of those I would do the same thing. They are ugly and deter from the appearance of the business, so if we have an ordinance that addresses that in the sign ordinance, great. If not, I think it would be good to enhance that. The same thing with old signs, a business that leaves Newtown and leaves their sign behind, the verbiage would have to come off if the business doesn't re-open within a year.

Mr. Weber: If we could develop a committee it would be easier to dialogue the details and come up with recommendations that the committee would bring back to council.

Solicitor Miller: On the "Parking" ordinance, "Parking on Gravel," I seem to recall having drafted an ordinance to that effect, but I was not here in 1980 or 1985 or whenever it was. You might want to check; there may be a more recent ordinance on that.

Mr. Weber: The ordinance reads, "you must park on a hard surface." That phrase is in the ordinance that strictly deals with campers, boats and RV's.

Solicitor Miller: Right, but I'm saying there may be a later ordinance like in the early 90's that deals with that situation also. I just seem to recall having drafted one. I don't want you enforcing one that maybe we revoked because we passed another one.

Mr. Weber: A lot of this information I got from the chief, so I'm thinking if he doesn't remember it might not be there.

Solicitor Miller: The chief wasn't here back then.

Mr. Weber: I'll get with Keri.

Solicitor Miller: The other thing on the kennel, on this I'm a little more positive in recalling that we do have something that limits the number of animals you can have on your property. I know we had somebody in court one time.

Mr. Kobasuk: What's the limit; three?

Mr. Evans: How many do you have Mark?

Mr. Kobasuk: Two.

Mayor Hammon: Five is a kennel; there is an ordinance that says two is the max.

Mr. Kobasuk: In Newtown?

Mayor Hammon: Yeah. It's there; we just have to dig it up.

Mr. Weber: I'll go through the books this week.

Mr. Pulskamp: Mark, you're in charge of the Zoning Committee, right?

Mr. Kobasuk: Yeah.

Mr. Pulskamp: Dick, we've already got a committee set for that. I think you need to get with Mark, as the chairperson on that committee and set up a date and have a meeting to go over these things. I think everything you brought up here is something we need to talk about.

Mr. Weber: I'll call you Mark.

Mr. Myers: I came down here at Town Hall; John was here, Keri was here and I asked what the number of dogs was and you people could not come up with it. I come down here two or three different days and your words was, "we said two, but somebody forgot to transpose it to the minutes."

Mayor Hammon: That's not quite correct. My understanding of the situation is we do have an ordinance on the record. When they codified them, they basically was left out the last time. We don't do that any longer; we need to go back to the original ordinance and find it.

Mr. Myers: What happens to the people who had more than two dogs and has had them for years? They're under the kennel deal.

Mayor Hammon: State law says you can only have three in Ohio.

Mr. Myers: I have three and I talked to you about that. There is an organization called OVDO, "Ohio Valley Dog Organization." They have worked with villages who try to limit the number of dogs. If somebody would get on their website, they would be glad to come down here to the village and talk to you people about this. It's not the number of dogs; it's the dog's owners. I don't see how you can penalize folks who have three dogs, four dogs if they're under the kennel requirement, as long as their dogs don't bark and such and the yard is cleaned up.

Mr. Kobasuk: It sounds reasonable.

Mayor Hammon: I look at the Ohio Revised Code says three dogs.

Mr. Myers: I'm under that, I have three. The Hamilton County code for a kennel is five.

Mayor Hammon: That's correct; five or more you have to have a kennel license.

Mr. Myers: You know, you're about to open up a can of worms, which I think is not needed.

Mr. Kobasuk: There is a lot of dog lover's around here.

Mr. Myers: If you penalize the irresponsible dog owners, you're problem is solved. OVDO has worked with Madeira, Indian Hill on this situation. I can get the number and the contact information.

Mr. Kobasuk: If you want to give that to me I will be happy to take it; I'll be on that committee.

Mayor Hammon: Dick asked me about getting the grass height lowered from ten inches, because of the length of time it takes; it gets to be fourteen to sixteen inches before we get it cut. Dick asked me what I thought about eight inches, so I'll put that out on the floor also to look at the grass ordinance about the height before we could step in.

Solicitor Miller: Does our ordinance actually say ten inches?

Mr. Weber: Yes sir it does.

Solicitor Miller: I don't know that you'd want any height, just when it becomes "obnoxious." You need a standard, "this is what it is." There's a state statue on it and I don't know that they have a height in there or not.

Mr. Weber: I'm not familiar with the state; I know Glendale's is ten inches, North College Hill's is eight inches, we're ten here. As it is now, council has to determine whether we're going to cut it or not and draft an ordinance. I was going to dialogue on that as to whether it reaches it height, we satisfy the ordinance by sending a notice giving it five days, is council dead-set on making that determination whether it needs to be cut. If it is we leave it alone; if it is not that would be something the property maintenance inspector could make the determination; makes the determination that the grass is high enough to be cut; if it's not cut within the five days as dictated by ordinance and there is nothing in the picture there that somebody is going to get it on the eighth day or the ninth day, then you move forward and cut it. As it is, the way you draft the ordinance that council decides to cut it, then that ordinance has all the information we need to draft the document to take it directly to the auditor. If we modify what we're doing now, after it is cut we send a letter saying to pay it within thirty days per ordinance. If you don't pay in thirty days then you would have to go back and draft the ordinance to assess the taxes. You draft the ordinance now authorizing it to be cut; then that ordinance suffices for the auditor and we attach the form they need. The two we have cut, I sent the thirty-day letter to pay in thirty days or the village will assess the property taxes. I'll fill that form out and just take it to the assessment person at the auditor's. That ordinance satisfies the auditor so if we modify it then that ordinance would come at the end, instead of at the front. It makes it go faster, instead of waiting for council to convene to give the order to cut it; we're cutting it faster.

Mr. Evans: I'm all for cleaning it up and lowering the height to eight inches. Has the grass been cut behind Miami Motors?

Mr. Weber: Yes sir. In front and around Miami Motors; the village cut that. I'll have to look behind there; it's been cut once this year. There is a big thing back there and the Iron Skillet called me twice about it.

Mr. Evans: Keep up the good work.

Mr. Weber: Thank you.

Mayor John Hammon:

1. Police Clerk: Probation period is over and I would like to nominate Lorna Rose full-time, retro back to May 27th.

Mr. Kobasuk made a motion to nominate Lorna Rose for full-time, ending the probation period. Mr. Cosby seconded the motion. All Aye. Motion Carried.

2. Council Meetings: A lot of people have asked me if we want to change the time; it seems with people leaving early and various other things, some have suggested 7:00 p.m., 8:00 p.m. Does council want to change the time we start? Council decided to leave the start time at 7:30 p.m.
3. Church Street: The hole at McCullough's Run at the bridge, it's basically the side wall, the footers have been undermined by the water and the roadway is collapsing into the creel. It's a cone-shaped hole. Bruce has talked to Lucky and they are going to pump grout in there this week and should be done this week, if they have to work Saturday to try and stabilize that. That is Phase I to correct the problem. We'll have to get Barrett back in to repair the blacktop. Then we'll have to do something about the channel, for the water underneath the bridge. The urgency is this is cone-shaped and with a heavy vehicle and additional heavy rains can make the whole thing collapse. It's years of erosion underneath of it. They have never touched the footers; the top has been done ten to twelve years ago. They re-did the bed; never the walls and footers have been touched. I'd like to have council make a motion for the contract of \$5,500. I went ahead and signed it because of the urgency of the nature.
4. River Hills Curb Project: This is going to be the last week; they've done all but a small amount of blacktop and back-fill to go. They used a super seed and already have grass growing in some of the bare spots.
5. Chamber of Commerce: We met with Carolyn Mosely, from the Anderson Chamber of Commerce and Catherine Fitzgerald, Chief Synan, and Asst. Chief Ramsey. We're trying to get a program together for the local businesses to meet, the week after the fourth of July. We'll meet July 10th at 8:30 a.m., at Main Street Café.
6. Newtown Road & Ragland Road: Bruce and I met last week with Hamilton County Engineers and discussed a project of straightening out Newtown Road, Ragland Road and re-doing Ragland and Turpin. It's not much more, except they're looking probably to do the construction in 2009. They will seek funding in 2008 and then do it in 2009.
7. Moundview: There is a resolution to hire Bruce; he is working on the Moundview project and hopes to have it out to bid in the next couple of weeks.

Mr. Evans: John, I saw a bunch of white lines on Round Bottom Road where it looks like they are going to dig out some holes? Who is supposed to do that?

Mayor Hammon: I hope nobody. The problem we have, the reason we're not getting the funds for the road is every time we make a repair we get less points, so we keep dropping further down the funding-scale.

Mr. Kobasuk: The logic is we let it deteriorate?

Mayor Hammon: Unfortunately, it looks like you get more points the worse the condition.

Ms. Everett: They called today and they want Bruce to do a pre-application now. The project is going to be considered in the Fall. He said every time we do a repair it makes the road look better.

Mr. Evans: If Newtown didn't do the markings, who did?

Mayor Hammon: The County could have; we sat with Bill and discussed some of the things on Round Bottom Road. Curt Maynard, Bill Hill's replacement was also at the meeting and he may have done something. I'm not aware of the County doing anything at this time.

Mr. Evans: It's bad; it jars your teeth when you drive a truck through there.

Mayor Hammon: I know Doug; when you lose your teeth maybe we'll get funding.

Mr. Evans: Is it our road or a county road?

Mayor Hammon: It's a county road but it's our road because we're incorporated. That is why we're seeking county funding. It is possible if there is some leftover funding that we may get it at the end of the year.

8. Individual Imitating Mayor Hammon: There is an individual in the village it would appear that is imitating me on the web. They have signed up for free mail accounts in a couple of different places: the Mayor of Newtown, the Idiot Mayor of Newtown, and various versions of the Mayor of Newtown. Because of that, I have elected not to go to any website participating, unless they can guarantee the securities there and not to let these individuals get on. They are using my name; they are signing me up for different things. They have email accounts set up through Yahoo, MSN as the Mayor of Newtown, Village Mayor of Newtown, Village Idiot Mayor of Newtown and they are going to websites and posting information. They are going to the rumor lines and asking for them to post rumors.

Mr. Kobasuk: That's terrible.

Mayor Hammon: Yes it is pretty terrible.

Mr. Kobasuk: Do you have any idea who is doing this?

Mayor Hammon: I've turned it over to the police; I'm willing to go to whatever level it takes to the individual doing this. There is a person out there impersonating me and I want you to be aware of it. Because of that don't believe anything you see as the Mayor of Newtown; unless it comes from my counsel. Beware, you may be next.

Mr. Kobasuk: Right. Sorry to hear that; we should do anything we can to stop that. Who is looking into it? Tom?

Chief Synan: The police department is looking into it.

Mayor Hammon: (continued)

9. Budget: Keri and I met today to discuss the budget. We talked about the resurfacing program; how we can keep that going and get momentum. I talked to Bruce about it and it's his recommendation that we have a chairman of the road committee, myself and Keri form a committee to look at what it is going to take to continue the resurfacing of the roads. For the record, the Election of 1999, a 2.0 mill operating levy was defeated at the polls and we've operated without those funds for eight years. We continue to have less and less money with the increase and all the fuel surcharges we continue to see our costs escalate rather rapidly. My thought would be if we could potentially put on a roadway levy for a limited time to try and raise the funds to get all of the roads upgraded. It seems to be an issue, a topic that people want to see. I know the people in River Hills are enthused about the curbs. In order to keep that momentum that is something we need to think about. I believe we're against the wall right now.

Solicitor Miller: You would be time wise because if you want to put a levy on the ballot it would have to get to the board of your ordinance, doing that would need to get to the Board of Elections by mid-August. Before you do that, you have to make a request by ordinance or resolution to the County Auditor to certify how much money would be raised by whatever millage that you would be putting on the ballot. You have to pass a resolution to the County Auditor asking to tell us how much 2.0 mills would raise in the village for road purposes; you have to get that back. Once you get that back then you can pass your resolution to put the issue on the ballot and that has to get to the Board of Elections 75 days prior to the election.

Mr. Pulskamp: I'm not in favor of a new tax levy; I'm in favor of collecting our income tax that we should be collecting and looking at not giving a credit a full-percent credit. I think can get a whole lot more taxes and let the people that live here start paying the village for living here. Everybody else does.

Mr. Kobasuk: Let me state for the record, since we're going to make speeches here. I'm totally opposed to taking away that tax credit. I have spoken to my neighbors in Ivy Hills and others and nobody wants that tax credit going away. I'm going on record saying I'm opposed to it; I'm also not sure we need this levy. Do we not have a large capitol account?

Mayor Hammon: Yes we do.

Mr. Kobasuk: How much is in there John?

Mayor Hammon: Five

Mr. Kobasuk: Five-hundred thousand?

Mayor Hammon: You could liquidate it and do Ivy Hills Blvd. and one other road and that would take care of it. Ivy Hills Blvd. is \$300,000 and that was before the escalation in asphalt, so it's probably going to cost us \$350,000 to \$400,000 for Ivy Hills Blvd.

Mr. Kobasuk: I'm not in favor in taking back that tax credit. Let me be clear on the record; people do read these minutes and they hold people accountable. I'm totally opposed to taking away that 1% tax credit. For people who live outside the village and pay it, they pay somewhere else and we have people here that pay it at Meridian and other places.

Mr. Pulskamp: They live in this village and receive all the benefits that everybody else in this village does. For the ones that do pay the taxes, Mark. That's what I'm saying.

Mr. Kobasuk: But we get it from other sources; it basically is a wash. I'm going on record I'm opposed to it.

Mr. Pulskamp: We don't get it from other sources.

Mayor Hammon: I think that when we sit down and talk about a levy, it is the property owners who will benefit by having the streets look beautiful in front of their property. I do believe there are certain things we have to cover, which is the income tax. I do believe there is somewhere in between the two of them; I'm not really sure what that is right now and I'm not going to make a decision right now. We need to develop a firm plan and stick to it; I'm telling you I don't think we can continue to go – we have Moundview sitting there needing \$100,000 worth. How much can we keep going and be able to do the projects we have?

Ms. Everett: Mark, financially, the bottom line is our total income usually runs around \$1.4 million. Every single year, our expenses are around \$2.1 million. The reason we have been able to survive so far is because we've always been able to manage a carryover and with expenses continuing to go up and our income not really going up. As a matter of fact, you've heard from people that have come and addressed this council that they are even taking more funding away from municipalities. You're going to plateau; you're going to hit that point – we're already seeing the carryover get smaller and smaller. The more we use it, you're going to plateau to where there is not going to be that carryover.

Mr. Kobasuk: I appreciate your comments; but we just passed a fire levy that was substantial. We had the school board levy that raised property taxes. I don't think the voters are ready....

Ms. Everett: Before you passed the fire levy, I made it very clear financially and I have for several years now that the day is going to come where you're going to run out of that carryover money and we do not have the income that supports our expenditures.

Mr. Kobasuk: I just want to say for the record that I don't think most residents want anymore taxes right now after the fire levy and after the school levy.

Mayor Hammon: I understand that Mark, but you made a request, "when is my street getting paved?" You received a letter saying, "when is my street getting paved?"

Mr. Kobasuk: Right, sure, we've got to look at the budget and prioritize. I think we need to get more information to the people like Mr. Dale Myers wanting to see the checklist. Let's put a budget together showing people what it would cost re-pave Ivy Hills; show them the budget and let them make the decision.

Mayor Hammon: That's what you do by putting on a levy and they vote. It's not just putting it on the ballot; you have to go sell it. Bruce did it for Anderson Township; he spearheaded it up there and he has talked about the need for it. I'm going to meet with another senior administrator in another community and talk about what they have done and how they have approached it. I do think it's a sales pitch Mark; but people have to understand that we've been operating a deficit from our income from way back. Eight years ago, we turned it down. Over one-million dollars we have not collected over seven and a half years and that is starting to catch up with us.

Mr. Kobasuk: Maybe we should start this transparency tonight and start passing out the checklist; it's a public document. If people in the audience want to participate I think we ought to do that John. Do you have a view on that?

Mayor Hammon: I have no comment. I don't think we need to sit there and make one now for everybody here; we can start doing it at the next meeting. We can plan to have some of them. I'd rather have Keri at the table than back at the copier.

Mr. Kobasuk: Absolutely. Next meeting, let's do it though if they are interested in seeing it; it's a public document I think we should give it them. The more transparency we have the more support you may get for these levies if that is their desire.

Mr. Evans: Mark, I'll go on record. I don't want anymore taxes period. I'm taxed enough; there is not enough days to work to pay the taxes for everything. I think most of my neighbors feel the same way; but I will say I don't think it's fair that some of work that work here and live here pay the taxes and other people that don't work here don't pay some of the taxes. I'll go on record and say that.

Mr. Kobasuk: Are you saying you are in favor of rolling back that 1% tax credit?

Mr. Evans: I'd say "yes." I said I'd have to think about it; I don't know if I'd roll the whole thing back. Before I go clear across the board and raise everybody else's taxes another notch, why should these people have the best snow plow service, the best trash pickup? There are some people here that might rent a house and not pay anything. In reality, they don't pay any property tax and they're sure not paying income tax if they work somewhere else. They get all the services for free; is that right? I don't think so.

Mr. Kobasuk: We're getting money from other people that may not live here that work in the village.

Mr. Evans: That's why, when I look at it I don't look and say, "hey, whose all my buddies and what they're doing?" I say what's there for everybody? I might hurt some people's feelings.

Mr. Kobasuk: That's your position and I have mine; I don't to touch that tax credit.

Mr. Evans: I'd like to see the village cleaned up and have property values raised because of the things we do. Do things like the CRA; do things like Dick Weber, have good employees here and see through positive things and not the negative things.

Mr. Kobasuk: Totally in agreement. I think we want to be positive; we want to develop Newtown. But we don't want to turn into a police-state: three dog limit, two dog limit. I mean, why are we more restricted than the State of Ohio. That's just an example. I don't want to move to some police-state where we over regulate things. I think Dick is doing a good job; let's just not get carried away that we put a burden on citizens. If they want to have three dogs and that is the state limit, I think we ought to not be more restrictive than the state limit. I'm in favor of your view; let's clean up Newtown. Let's do it so we don't inconvenience a lot of people.

Mayor Hammon: My comment to you Mark is "that's the law." The law has been in effect for at least ten years.

Mr. Kobasuk: I understand we can change it though John. That's the first time I heard that there is a two dog limit. You can always change the law.

Mayor Hammon: Absolutely! I would like an Executive Session for property disposition.

Councilmember Doug Evans:

1. We talked a long time ago to have two officers on duty all of the time. Would you say 75%, 98%, what is the percentage that there are two officers on duty all of the time?

Chief Synan: It's about 75% or more.

Mr. Evans: Why not 100%

Chief Synan: We've had trouble with part-time people not filling the shifts or they are not available to work. We hire people; John and I and the safety committee will sit there, I think Debbie has been in the meetings before where we'll tell them we need them this amount of hours. They say they will definitely work those amount of hours and when it comes down to it their life changes or they don't want to work it or whatever so we're having problems filling shifts because of that.

Mr. Evans: What can we do to help that because I don't feel right promising people two officers per shift and then not have two here?

Mayor Hammon: We have already taken action. We just moved a part-timer into a fulltime position, C. J. Popov, who is going to be sworn in at 6:15 p.m. this Friday. We have an advertisement out for part-timers.

Chief Synan: We're going to hire six; but you're going to have this problem with part-time people and full-time cost money. You all are talking about the budget, taxes and fuel's going up. We are going to have to look at other options to bring money in. If you want to fill the schedule, to be honest with you it is going to take full-time people. However, I'm realistic enough to know that there are benefits that go on top of that. Just because you have a base salary that is not what the officer gets; the village pays out a lot more money. We could hire 100 part-time people and we will not fill every shift. That is just the nature of the business with part-time people.

Mr. Cosby: Tom, is there a cost-cutting measure in there as well that there were certain time periods where you didn't feel two cars were needed?

Chief Synan: We did cut back four hours, between five and nine. I used my authority as far as scheduling. I was having some trouble with discipline; I talked to Ken, the Mayor and Tracy. I took the initiative for two weeks to cut back on some things; it wasn't to hurt the village. To be quite honest with you, this wasn't out in the public; but people were on vacation anyway and I felt it was a good time to send a message to the officers that were not performing their duties. To be quite honest with you it was a lot of part-time people. I used my initiate to send a message to them that we're not going to tolerate being lazy and/or not doing their job. I come in and try to as best I can; I'm a police chief working the street and everything else. I expect the part-timer to come in and put in a good eight hours. I wasn't getting that and after talking over and over and over again I didn't get the results. Some of you may have heard rumors that some hours were cut back; I did talk to Ken, the Mayor and Tracy. I did that and that was more of a wake-up, this is what the village wanted; this is what the village asked for, you're expected to do the job and you will do the job. We are going back to the regular hours; where before, except for the 5:00 a.m. to 9:00 a.m., part of that is cost, part of it is gas, part of it is we were having trouble filling those late hours with part-time people. A lot of guys are working full-time jobs. and my concern with especially part-time people, an example was this weekend, an officer who works in another department comes straight from there to here. I have one officer who works here, goes to another department and goes to an off-duty detail. That's how he makes a living for his family. These people are working two or three jobs and a lot of times they can't come in between 12:00 p.m. – 6:00 a.m., so it is difficult for a part-time person. You're inherently going to have problems with a part-time staff. Like I said, I can't guarantee you every single shift will be manned unless you go full-time. Maybe we need to do some kind of study; we are having problems with people quitting. There is an investment with the part-time people, not only with uniforms, equipment and training and everything else. First of all, you need to figure out how to bring more money into the village and then we need to sit down and think about the part-time/full-time thing and then sit down and find out what the cost really is. How much in the long-run would it cost to have a full-time person versus six to ten part-time people. There is definitely a cost we're incurring with part-timers revolving and the cost with personal safety; you're right, we're not getting full coverage.

Mr. Evans: With added traffic and I just don't want it to go back to the old way where they know there is one cop that works and all of a sudden they know where he is. I want to make sure there is two as many, as much as we can possibly get.

Chief Synan: It's not the same as it used to be, a couple of years ago, we would have twenty-three shifts open. Now we may start with about ten or fifteen; I try and put my foot down and it will go down to about five or six. Based off my numbers from last year, the two cars per shift have made a huge impact on the safety in this community; we had zero breaking and enterings last year. I contribute that to two cars. Our drug activity has shot way down. We're picking up on stuff; at Shell we had another incident with, we used to have a problem with crack-dealers selling crack at Shell. We had an incident about three weeks ago; we hit Shell really hard for about two or three weeks and it is zero and our drug arrests have dropped dramatically. We definite sent out a message that we're out there, we're visible and that we are enforcing the law; the two cars have made a huge difference in the safety of the community.

Mr. Pulskamp: Tom, the shifts that are not covered is only four hours at a time; am I correct?

Chief Synan: Right.

Mr. Pulskamp: I don't want to broadcast that time but it's not necessarily a dangerous time that we should have two officers on duty, correct?

Chief Synan: I won't use that there is a time that is dangerous. A lot of people say weekends are busy; I can tell you one of our most active days is Thursdays. The murder at Shell was early in the morning. It's not a particular time.

Mr. Pulskamp: The shifts that we are losing the four hours are probably the best possible shift to have somebody not there, correct?

Chief Synan: Right.

Mrs. McCarthy: Tom, how many other departments have part-timers? I think that is going down isn't it?

Chief Synan: I don't know off the top of my head. When I worked at Terrace Park we had fifteen auxiliary part-time people back in the early 90's. They ran into the same problem; there was a time they slotted twenty-thirty officers and they just couldn't get the shifts filled. They actually hired an extra full-time person and cut back on auxiliary and part-time because they weren't able to count on them. I don't mean to say that our part-time people aren't dedicated and not doing their jobs; it's just that a lot of guys are trying to get into the police-field. You'll have this cycle and after fourteen years of being here I have gotten used to the cycle, which we're in right now. There will be a period of time we'll have a good six to ten part-time people; then all of a sudden people will get jobs, their other full-time jobs are too restrictive and the next thing you start losing people and we've lost quite a few people. We are way down right now.

Mrs. McCarthy: That's what I was wondering; with the time and the money that's invested in these part-timers, if any other places that have part-timers, if they could advise us what they do to keep these people.

Chief Synan: What they have done is gotten away from them. I know Fairfax has gotten away from them; Terrace Park is backing off from the part-timers. There is a lot of time invested; I have to take an officer off the road to train them. That cuts back on the amount of people on patrol. They found other ways to finance another full-time person and cut back on their part-time people.

Mr. Pulskamp: Debbie, I think your question was how to keep the part-timers. I don't think there is a way; I think the part-timers dream is to be a full-time officer and that's why we lose them. We train them and they go to another department.

Mr. Cosby: Didn't you just come up with something now for part-time people that if you train them and they leave within a year they have to reimburse.

Chief Synan: Yes and Doug Miller wrote that up for me and like we discussed, the reality is we're not going to take them to court and sue over that. We'll try and get the money back and Doug has to put a portion in there for them to agree to allow us to hold pay from their check. We're fortunate here because we allow our part-timers to do the same thing as a full-time person. They do huge investigations they wouldn't do anywhere else. There is no pressure to write a certain amount of tickets, make a certain amount of arrests; they get good training. We keep a lot of people for a number of years; fortunately, three to four years. We have one guy now who is down to one or two days a month and it kills him that he can't come in, but his company is saying they won't give him time off anymore and he has mouths to feed at home. It's definitely a dilemma; I can't guarantee you we will fill every shift with part-time people, but I understand also that there is a huge call for full-time. I honestly don't know if we're paying more having all of the part-time people in the long run than having a full-time person. I haven't looked into it.

Mr. Evans: How many full-time police officers live here in the village?

Chief Synan: I don't think any.

Mr. Evans: How many part-time people?

Chief Synan: I don't think there is any.

Mr. Kobasuk: Do you think you want to do that analysis to see if it is more economic to bring on full-time than part-time?

Chief Synan: No problem; if that is what you guys want me to do I'll look into it.

Mr. Kobasuk: I'd like to know if it is more economic to have full-time versus all of these part-time people that turn over.

Mayor Hammon: I can tell you now the answer.

Mr. Pulskamp: I was going to say I can you that answer too without putting into it.

Mr. Kobasuk: What's the answer?

Mayor Hammon: It's going to cost you \$75,000 for a full-time person.

Mr. Pulskamp: By the time you get health benefits and everything else into it. It's probably one-third of the cost for the part-time.

Mr. Kobasuk: Even with the turnover?

Mayor Hammon: I think as Tom says, there are cycles. Three left for full-time positions. We have good reputation for our training programs; we have good people here. Unfortunately, you have a small staff and after a period of time people are going to move on when an opportunity for employment comes their way. I know there are a lot of costs there; it may be worthwhile to look at it. I may be wrong. I know with the basic salary around \$44,000 per year, plus vacation and sick time and health insurance. That's the big thing; you're not paying the part-timers benefits, which we usually figure about an extra \$30,000-\$40,000 on top of their salary with benefits.

Mr. Kobasuk: That may be your answer right there; it may be more economic for the part-timer.

Chief Synan: But then again, you have twelve part-time people and also you're not covering shifts and if you're wanting shifts covered, that's one of the problems we're having. I don't know if you can put a dollar amount on not having that shift covered or if you're bringing extra part-timers in or hiring extra part-timers and they are leaving. It's around \$2,500 to \$3,000 just to get uniforms and everything else going. Doug and I agreed that we would just go with the uniform kind of thing and we're asking for \$1,200 reimbursement, but it is more than that just to get one officer on the road.

Mr. Evans: John, how hard would it be to go back ten years and graph out what the police was and what the fire department was and how much money we spent on the roads? Those are the three main things, right?

Mayor Hammon: Generally. You have trash collection, which was \$30,000 and it's now...

Mr. Evans: Trash collection is going to go up 2-3%.

Mayor Hammon: It's gone up 200% in the last couple of years.

Mr. Evans: On the big picture of the pie, the fire and police and roads are what, 85%?

Mayor Hammon: I can tell you ten years ago, the fire department probably existed on \$200,000. Now they are collecting almost \$900,000 from the village, \$867,000 or so and that was volunteers with some part-timers. Ten years ago, the police were probably at \$200,000 to \$250,000.

Chief Synan: In the past five years, we just did a study and our budget has been around \$430,000; we've come in under budget every year for the past five or six years. We usually budget around \$430,000 to \$440,000 something. It's increased a little bit but we've never gone over budget; even though, there is an increase on paper we have not gone close to that. We're usually \$30,000 to \$40,000 under budget.

Mayor Hammon: The fact is and Tom has hit on it; if you want 100% coverage you have to hire full-time. When you have part-timers you will always have little holes in the schedule. How much is that worth to you, that 100% coverage?

Chief Synan: We'll sit down and try to figure out some numbers for you and whatever way it works out, it works out.

Mr. Evans: Curt, can we do a quick thing for the next meeting to go back ten years and see that so even some of the residents can see where things are kind of going?

Ms. Everett: You can find it in the records. I've been here for seven years; I have seven of them.

Mayor Hammon: I'm not sure we can do exact end-of-year expenditures

Chief Synan: On the budget end, one of my priorities has been to try and give the best service possible without increasing cost or decreasing cost. Like I said, last year we saved almost \$40,000 with a lot of the shifts not covered by part-timers. We try to do little things; I talked to Ken today about business cards, where we used to spend \$500 and only get 2,000-3,000 cards. We hooked up with one of our officer's wife's company who is doing a huge amount of business cards and got 4,000 for \$355. After a while you're only saving a \$200,000 to \$500,000 at a time. You hit it on the head; traffic is increasing, our calls are increased. Today, I received a bill from the communication center for \$2,800. Those are dispatch calls, traffic stops, auto accidents and everything else; but we're not really bringing money in and all of these people are coming through and using businesses and using the services. You and I talked about Anderson Township has 10,000 people down at the park; guess who gets the brunt of that, we do. We get the accidents, we get the people with road rage, we get the people driving down the center lane and businesses calling telling us they almost got hit by a car. So your services are increasing but you're not really bringing a lot of money into the village. Your services are also increasing because of outside circumstances. I can tell you as the Police Chief, I'm trying to save as much as I can. I'll be honest with you; it will be nickels and dimes, we'll save our normal \$30,000 to \$40,000 under budget for the salaries because we won't fill a couple of shifts here and there, but eventually you are going to have to do something to bring some money in. If you want coverage we're going to have to bring money in; we're trying to save as much as we can. Keri is right, you're only bringing so much in and so much is going out. We're trying to do the best we can with the two-car coverage but it is difficult.

Mr. Dale Myers: Tom, what is your average call per month?

Chief Synan: This is not how many we write, but we average around 300-400 traffic stops per month. The calls vary in anywhere from ten-twenty accidents per month; it's around 400-500 total calls per month. Those include everything from little stuff from people wanting us to call them back; we had a gun-run the other day with shots fired. It's just a wide variety, wide gamut of calls.

Mr. Kobasuk: Tom, could you just clarify for me your position on this 100% coverage? Do you think we need this?

Chief Synan: Yes, it has made a huge difference. Doing my numbers from the stats last year, I was stunned how much some things had really gone down. Curt and I kind of joke, Curt will ask what is going on and I say nothing and he says that's good; that's what a police department should be. You want your police department really doing nothing; his point is if you're not doing anything then there's no crime.

Mr. Kobasuk: When you're talking about full coverage, you need one officer on duty all the time?

Chief Synan: The two cars have made a huge difference; not only in the safety. Darwin brought up a point about a car parked in the front yard and I wish I would have had my facts before I got a little frustrated last week. The incident with shots fired the other day was actually one of our officers and this is one of the nights we couldn't get a shift filled. My priority is no one takes comp-time, vacation or nothing unless we can get a shift filled – they have to make the attempt and we've been having trouble getting their shifts filled. That particular night we didn't have a shift filled. The house you were talking about, we had one officer on duty and he got a call for shots fired. He knocks on the door and the neighbor said it was actually fireworks. He knocks on the door, the guys comes out, long story short, the officer asked if it was fireworks and the guy tried to run, the officer tackles him and a struggle ensued; the guy is armed with two handguns and was actually reaching for a handgun. Fortunately, the officer had a lot of experience and realized something was wrong and took him immediately to the ground and handcuffed him. The two guns were loaded and the guy was out in the backyard shooting off guns; like I said, he was reaching for a handgun. As far as officer-safety, I want two people on duty. It would have been a lot easier to have two people there and I double the guy would have fought if two of my officers would have responded. The other part of it is, it is tremendous how much – people know what we do. These cars, like we talked about, we put out an image and I hear it from all over. I have people on I-275 talking about these cars. I was over in Kenwood today and they were talking about our cars. We did that for a reason; to put out an image and with our two cars on duty, the drug dealers know we're out there. Our drugs have dropped dramatically; I want to say it is anywhere from 50-80% decrease in drug-activity. We don't have the drug-activity like we do at Shell. Last year we had zero breaking and enterings; there have been years where we had 20-30 breaking and enterings, in one year. So far we're doing pretty well; the two cars have made a huge difference in crime in Newtown and officer-safety - it's actually a positive thing. If you're going to spend money on something, this is the one thing, in my opinion and this is why I wanted to live in Newtown, if I have my tax money spent, I want it spend on a police department where I go home at night and know that no one is breaking into my place and the police department is responding when there are calls. Two cars is a huge improvement.

Mr. Evans: Thanks.

Chief Synan: You're welcome.

Councilmember Ken Pulskamp

Mr. Pulskamp made a motion to approve an amount, not to exceed \$5,500 to Lucky and Sons, for street repair/culvert repair on Church Street.

Mr. Evans: Did Bruce see it?

Mayor Hammon: Yeah, Bill Brayshaw saw crawled under to see it and everybody agrees with what is going on; Dave Stenger, Lucky.

Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp: (continued)

1. Flagg Spring Cemetery: We have two dying trees in the cemetery that have become dangerous. I have an estimate to have them removed. There are two large maple trees to remove and the stumps and to haul away the grindings and replace them with topsoil and seed – from Wessling Tree Service for \$1,650.

Mr. Pulskamp made a motion to remove the two large dying maple trees at Flagg Spring Cemetery, including removal of stumps and grinds and to replace with topsoil and seed for \$1,650 to Wessling Tree Service.

Mr. Cosby: Have we gotten other bids?

Mr. Pulskamp: We've always gotten other bids and Wessling has always beat everybody. He's always done our work and has beat everybody. He's been very fair with us for years.

Mr. Kobasuk: Don't you think we ought to get a couple of other bids?

Mr. Pulskamp: I can; I don't want to put it off any longer though. I know Doug has probably done fifteen jobs for us in the last five years. He's beat everybody, every single time.

Mr. Evans: Mark, I looked at them and I figured it would be \$2,000 or less.

Mr. Kobasuk: Okay, if you looked at them I will go with your experience. As long as it's reasonable; you have the experience, that's fine.

Mr. Evans: It's bad and I hate to see it get worse and break headstones or whatever.

Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp: (continued)

2. Anderson Township Property in Newtown: Anderson Township owns property within the Village of Newtown, on Round Bottom Road. They are utilizing it as a parking lot every weekend heavily in the dirt/grass area. Should they be made to come up to our ordinances for our zoning that the parking lot should be paved or gravel?

Solicitor Miller: The fact that it is them, I don't think it makes any difference; they still need to comply.

Mr. Pulskamp: Who needs to send a letter to discuss this with them?

Ms. Everett: Mike. What's the address?

Mr. Pulskamp: It's the last parcel property in the Village of Newtown, on the left going out on Round Bottom.

Ms. Everett: I'll talk to Mike.

Mr. Pulskamp: Anderson Park District owns it.

Solicitor Miller: If that is a separate entity from Anderson that is who you need to notify.

Mr. Pulskamp: At this point, it would have to be blacktopped, correct?

Mr. Weber: Or concrete.

Mr. Pulskamp: No more gravel; it has to be a paved surface or close it off. They bought this specifically for overflow parking and they have never done anything with it.

3. Village Pizza: Council, did everybody see this letter from the Village Pizza?

Mr. Kobasuk: I was appalled when I saw that Ken. Could somebody explain to the audience and for the record what it is.

Mrs. McCarthy: I was going to read it.

Mr. Pulskamp: It's a letter from Daryl Foster addressing some concerns he has with his business on the corner of Debolt and SR32. He has upgraded the property dramatically. I know when the smoking ban went into effect; he planted a hedged-area with trees to screen off the area so his customers could go outside and smoke. Apparently, he has a letter from Mike telling him the bushes cannot be over three-feet tall. I can't find that in the zoning ordinance where he is quoting for that. At one point, he had an outdoor dining permit for the west side of the building and he just moved the area to the east side of the building. He basically got a cease-and-desist order for this problem. I don't know what us as council can do, but I'd like to see him be able to operate and continue doing this until this gets back to zoning and report zoning appeals, planning commission, whatever.

Mr. Kobasuk: I think he has done a nice job developing that property; it's one of the beacons along on Main Street. I think you ought to be commended; not chastised.

Mayor Hammon: First off Mark, he was disallowed this at Planning Commission. He wanted to have a beer garden there and was told no that he had to go to the other side of the building. Planning Commission determined that was inappropriate.

Ms. Everett: Also, I want to interject one thing. That is also residents from the area were present and requested not to have it on the street-side where the residents were.

Mayor Hammon: First off, it's not to the code, in Mike's opinion, to the liquor laws. It's got to be gated, fenced and protected and it's not doing that. The smoking law is you can't have a canopy; if it is covered, you have to have it no smoking. That is Mike's interpretation. When I talked to Mike, he said he needs to trim the hedges when the weather will allow for the trees not to suffer. He has to take the canopy and the tables down and he can have chairs there for people to come out and smoke a cigarette.

Mr. Kobasuk: Man, I mean this guy is trying to do something nice for the village.

Mr. Pulskamp: Why do the hedges need to be trimmed?

Mayor Hammon: I don't know; I didn't ask Mike that. I'm guessing it is because of the height requirement of the fence or whatever else up front.

Mr. Cosby: Where did he cite the ordinance?

Mayor Hammon: I have not seen anything. I haven't seen this letter.

Mr. Daryl Foster, Resident/Business Owner: He sent the certified letter Tuesday.

Mr. Cosby: Doug Miller, can we as a council grant him, as a business owner, a stay until he is heard before the Planning Commission?

Solicitor Miller: I don't know where he is in the process and I haven't seen the letter. It sounds like he's been to the Planning Commission.

Mayor Hammon: He has not made a request to be on the agenda, as of Sunday. You have not requested to be put on the planning session; have you or have you not requested to be put on the agenda?

Mr. Foster: I have; we told me it wasn't until July 30th. At the time when we came for Zoning to do the beer gardens, there was a little kid who was autistic who lived in the apartments behind there and that the only reason. The only people who did show up was Don Marcum and his wife.

Ms. Everett: I think he got some letters. Didn't he get some letters?

Mr. Foster: Didn't get no letters. They was the only ones that showed up. Nobody else had problems and still don't have a problem; I ask them all the time. I don't know if you have a problem or if anybody else does. The people close to the Tavern have no problem with it at all. I'll get it in writing if you want me too for the Planning Commission.

Mr. Cosby: Again, can we as council make a motion to grant a stay?

Solicitor Miller: Your zoning code has a procedure; whatever that procedure is before somebody starts operating business. I'm at a disadvantage here; I don't know what the problem is and I don't have the zoning code in front of me.

Mr. Pulskamp: The letter stated something about ten days to remove and rectify the situation or be cited to court.

Solicitor Miller: Why is that going to Planning, instead of BZA?

Mayor Hammon: He's come before Planning before.

Solicitor Miller: If it's a BZA matter and if he's in violation of something and Mike says he has thirty days to file an appeal to BZA, typically they're still operating during those thirty days or at least once he puts it under appeal.

Mayor Hammon: This is a bad move for getting involved; I'll go on record now.

Mr. Evans: I say you need to get on the thing for July 30 and do what they ask you to do. If it's a matter of the Iron Skillet has one; we understand that. We have to do it to the best of our ability to keep equal and fair to everybody.

Mr. Foster: I have no problems with that. That's all I ask for.

Mr. Evans: I say Frankie Baker has been doing it for more than four years; we ought to at least give you more than ten days.

Mr. Foster: I just don't think it is right for somebody to come in and say that Iron Skillet can come in here and put a fence in the front yard and then him tell me I have two front yards and I cannot put a fence. I asked for a fence originally around there and he said no.

Mr. Evans: That's why you just need to bring a drawing to the 30th meeting; it would be a lot easier to do it that way.

Mr. Cosby: The problem is Doug, in the meantime, his letter says he has got to remove everything

Mr. Foster: I've got to shut down; pull my tables, he was there today.

Mayor Hammon: What did Mike tell you?

Mr. Foster: He told me to pull my tables and you said that you and him agreed that I could leave my chairs.

Mayor Hammon: He said you got to pull the tables and pull the canopy.

Mr. Foster: I did that two Saturdays ago.

Mayor Hammon: He said that's all you've got to do and you can keep operating.

Mr. Foster: Why couldn't I leave my tables there for my customers to sit down? What does that hurt?

Mr. Evans: We haven't had any complaints.

Solicitor Miller: There's a zoning process that anyone has to go through when they open a business. Apparently, you're not in compliance with what the zoning code says so you're not supposed to start operating in opposition to the zoning code until you have permission to do so. What's happened is, apparently, you just went ahead and did something without going through the process to get permission to do it.

Mr. Foster: Why I thought it was fine because the State of Ohio says we have to have a smoking area, so all I did was put tables out there along with chairs.

Solicitor Miller: But, you're totally ignoring the Village of Newtown regulations. Again, I'm telling you this without having seen anything or talk to Mike or what the problem is. That's no different than going into a residential area and opening a business and saying, "let me operate this until I can get the zoning finished." What if they say no?

Mr. Foster: We have people in this village that do that.

Mayor Hammon: It doesn't make it right.

Mr. Foster: There's a lot of things that doesn't make it right; doesn't make it legal.

Solicitor Miller: The point is you started operating without the proper permission to do so.

Mr. Foster: It's been there for six months and all of a sudden I get a letter.

Solicitor Miller: Mike is the Building Commission and has no option, as to when he finds that out, that's his job. If council doesn't like that then change the procedure.

Mr. Foster: That's all I ask for; things in that letter need to be changed.

Solicitor Miller: You're going to get involved before July 30; before the system gets changed. It probably takes three months to change the zoning code. The village has set this up to say, "this is the procedure people must go through if they want to operate a business in a particular area."

Mr. Foster: If things do not change, you are not going to have new businesses want to come to this village; plain and simple.

Solicitor Miller: Then what Newtown ought to do is just get rid of your zoning code.

Mr. Foster: No, I ain't saying that.

Solicitor Miller: Yes you are; you're saying ignore it.

Mr. Foster: They just need to change the law.

Solicitor Miller: You are saying ignore the zoning code.

Mr. Kobasuk: This is getting a little heated.

Mr. Foster: For no reason.

Solicitor Miller: I don't know any other explanation to that; I don't care, personally, whether he operates his business or not.

Mr. Kobasuk: He is developing the property.

Mayor Hammon: Mark, he came before Planning and Planning said, "NO." He just went ahead and did it.

Mr. Cosby: Why isn't he going to the Board of Zoning Appeals?

Mayor Hammon: He wasn't allowed an appeal; you'll have to ask Mike. I know Mike has went and did the investigation. He's gotten complaints; there was a discrepancy between what Mike has determined happened and what Daryl is saying is happening. This council is giving the time and I don't think it needs to be here. The plan is there, he's going to work through, and he's been given a stay. You can't have tables; you don't need a table to smoke. I can understand the canopy if it's raining.

Mr. Cosby: All I'm saying John, if they've already been through the Planning Commission and the Planning Commission turned them down. The next step, in our ordinances is to go to the Board of Zoning Appeals.

Mayor Hammon: Turned him down two years ago?

Mr. Foster: Well, we built a pizza place then...

Solicitor Miller: I don't have the zoning code in front of me but the procedure is not to appeal from the Planning Commission to the Board of Zoning Appeals. There are two different procedures; I don't know why the gentleman is going to Planning Commission, instead of the BZA. I know when you go to the BZA, typically, it's because you've been issued a citation that you're doing something wrong and he says you have thirty days to file an appeal. Typically, during that appeal-time you don't close them down.

Mr. Foster: You know I would have never done this if it wasn't for the smoking-ban.

Mr. Cosby: I think that's what we're saying, same time.

Mayor Hammon: Mike had said he can stay and operate until the meeting; he can leave his chairs out there, the bushes don't have to be removed.

Solicitor Miller: You may also be appealing the decision of the Building Commissioner and saying the Building Commissioner is wrong. You can also appeal on that basis; you can also get there by a conditional use, requesting conditional use permit. There are a number of reasons why you might be going to the BZA. I don't know why he is or isn't.

Mr. Foster: I just got this letter Thursday, so I'm supposed to sit tight for thirty days.

Solicitor Miller: Not all at all. If it's a matter of it needs to be appealed, then you need to get your appeal in so you're getting on the docket to have your case heard.

Mr. Foster: I'm going to; this all just happened since Thursday. Today is Tuesday and he was there today telling me what I should and shouldn't do; pull everything or you're going to get cited. That's what he said to me.

Solicitor Miller: Well you can; the village has a procedure, apparently, that wasn't followed. You just can't come in somewhere and start running a business. You've got to follow whatever the law says you have to do.

Mr. Foster: Like I said, "I wouldn't have even put the bushes out there or anything if it wasn't for the smoking-ban. Things have not been easy.

Solicitor Miller: I understand that; I know that's been a problem. I'm a smoker myself so I sympathize with you and I apologize for raising my voice before. It's getting late. There's a procedure you go through; our zoning code has that. If council is not happy with the procedure, then change the zoning code. Again, I haven't seen any of this, but I'm assuming Mike is just doing what you hired him to do.

Mr. Evans: Within reason, I'd agree with that.

Mr. Foster: I agree with that too. I know he is just enforcing the laws. I'm going to get on the 30th; I'll bring new plans and try to set this up straight.

Solicitor Miller: Is the 30th BZA or Planning?

Mayor Hammon: Planning.

Solicitor Miller: You got denied at Planning, at some point?

Mayor Hammon: He came in late last week at some time; there wasn't time to get on the agenda.

Solicitor Miller: I thought somebody said two years.

Mayor Hammon: He was at Planning a long time ago. He first wanted a beer garden and he worked with Planning Commission and built it on the other side and has since closed it in and opened up the Village Pizza.

Mr. Evans: What's the easiest way so we don't the man's business, his livelihood until the 30th of July?

Mayor Hammon: If he has taken the canopy down and the tables – there’s nothing. That’s what Mike, unless he has changed his mind, I talked to him at 1:00 p.m. today about it and he says the chairs out there and the bushes can be cut when they won’t suffer from the weather. That says he has until the 30th.

Mr. Evans: Why not let him leave the tables there until the 30th? Is it a major thing?

Mayor Hammon: I hate to get into this Doug, but I believe that people believe alcohol is walking to the street and outwards property that is not property fenced in. I don’t know that; I don’t know what Mike is basing it on.

Mr. Foster: We never let nobody walk outside in the parking lot with any kind of alcohol.

Mayor Hammon: I know I talked to him and he says when you have this kind of facility you are supposed to be gated.

Mr. Foster: I asked to fence that area and he said, “no, it’s a front yard.”

Solicitor Miller: Doug, the reason you don’t is because you have a procedure and somebody is getting rewarded for not following it. I don’t care what you do. If council says, “well gosh, it doesn’t bother us so go ahead and do it until the 30th,” then what if zoning says no. I’m just playing devil’s advocate.

Mr. Cosby: Then you would go to Board of Appeals, I assume.

Solicitor Miller: I think you then go to Council; you don’t appeal from Planning to BZA.

Mr. Cosby: Yes you do.

Mr. Pulskamp: No, it goes from Planning to Council. If Planning denies something, then whoever is applying for Planning comes to Council and Council can overturn Planning.

Solicitor Miller: The BZA’s role is somewhat limited; they handle variances, conditional uses and they can handle an appeal from the decision of the Building Commissioner. If the gentleman says, “I think the Building Commissioner is wrong,” you can file an appeal and go to BZA. But, if Mike is right the BZA can’t say no because Mike is correct. What he would want to do is go to Planning to get permission to do what he wants to do, even though the zoning code may say you can’t do this; Planning may have the ability to overrule that. Planning and BZA have two different functions. I’m pretty sure you don’t appeal Planning decisions to BZA; I think you would appeal to Council.

Mr. Kobasuk: All I can say, we ought to try and make this conducive to people that come in. We set up the CRA; it seems that we’re giving this guy a rough go. I’m on Planning; I don’t remember this.

Mayor Hammon: It was before you. It’s been a couple of years ago.

Mr. Kobasuk: We ought to be welcoming people like this in.

Mayor Hammon: Mark, I’m going to give you a John Russell speech. It’s nice that Daryl is here, he’s a nice guy. Daryl could sell tomorrow and you’re going to live with your decision that you make tonight. It’s not Daryl, it’s the business and decisions you make that you live with for eternity.

Mr. Kobasuk: We want to develop Newtown; we have to be business-friendly and receptive and work with people.

Mayor Hammon: I’m just saying, that is what John Russell is always warning Planning, when you make a decision you have to take the person out of it because you’re going to have to live with the decision and that building is going to live longer than the individuals. That’s the thing you have to focus on; what’s appropriate for the zones and the building, not the individual. You cannot let the individual come into your decisions.

Mr. Foster: We have people come from all over Cincinnati and all they do is talk about this place and I think it has made Newtown look better.

Mr. Kobasuk: Absolutely! I agree.

Mayor Hammon: A little history, you can talk about Neeley’s Café. Neeley’s was a great place, family-owned and they sold it.

Mr. Foster: It was a dump for all those years.

Mayor Hammon: It went down, but we started having people have fights and get run over; the clientele changed and the property continued to go down. That’s what I mean, you’ve got to live with the decision. It’s not the individual and nothing person against Daryl.

Mr. Foster: So you’re going to hold me back....

Mayor Hammon: No, I said the decision to go forward is based upon the impact on the village.

Solicitor Miller: That’s what Planning has to look at; or Council if it is appealed. Your issue now is he has opened a business without the zoning certificate to do it. You want to allow him to continue to do that while it’s under appeal; I’m not looking at the zoning code, but I don’t think you have a provision for doing that because the idea is people are supposed to make an application and get approval before they start. Not come in and do it and they say, “oh, can I continue?” That’s my point. Whether, it’s this gentleman, Doug or anybody else or me running the bar, that’s irrelevant. Those are the things you look at Planning to say, we do want it screened, we do want it buffered, we do want it on this side of the building because we don’t know who is going to own that ten years from now. That’s irrelevant as far as this discussion; he’s not going anywhere before the end of July.

Mr. Evans: But, his customers are.

Solicitor Miller: Well, then just don’t pay attention to your zoning code, Doug. That’s what I’m saying.

Mr. Cosby: I think maybe this is something we need to look at on a larger scale. We have brought in the CRA to try and spur development. Maybe it’s time again that we sit down with a large committee with councilmembers, business owners, residents and look at our zoning code and look at the structure. Maybe it’s time for a change again. If we’re trying to spur development and growth, but the business from their standpoint, feel impeded by our process; maybe it’s time we review this process again. The last time we did it I was Mayor; it was a lengthy process and took about eighteen months.

Solicitor Miller: The zoning is there; the problem is he didn't follow the procedure. If you don't like the procedure, change the procedure. I don't know that you are displeased with your zoning code, but is the procedure going to be you come in and open your business and then you make an application? That's what happened in this case.

Mr. Cosby: I hear what you're saying; I think I'm trying to move beyond that though and look at the bigger picture. Some things need to be tweaked; it hasn't been done in ten years. If we have business owners, and he's not the only one that has come forward and said, "I would love to open a business in Newtown but feel the obstacles are just too great to do so" and they've gone elsewhere. Maybe that is a wakeup call and we need to take a look at this. That's all I'm saying, not whether his individual case is right or wrong or procedure he is following is incorrect or correct.

Solicitor Miller: I'm not hearing a complaint from him that the procedure was too onerous; the complaint is he went ahead and violated the procedure and now he wants to be able to continue to operate until he complies with it.

Mr. Cosby: In his letter, he actually is saying that other businesses would like to come in and people that are here would like to expand. Maybe we need to sit down and form a panel and review; maybe it's time for a review, it's been ten years. We've got a CRA going and we're spending all kinds of money on and nothing is happening.

Mr. Evans: Just because our Planning Commission didn't meet this month it's not his fault. Why should he have to wait for another month?

Mayor Hammon: That's the procedure.

Solicitor Miller: That's the matter of what Curt is saying, you need to look at your procedure. Maybe you would want Planning to meet twice a month.

Mr. Foster: This letter was wrote June 1st; I received it twenty-three days later.

Mayor Hammon: I remind you, FEMA plays a big role in what we do.

Solicitor Miller: If there is a letter dated June 1st and had you gotten it a few days later there would have been time to have gotten into the June Planning Commission meeting. That may be a legitimate excuse; you're still not supposed to open up until....

Mr. Kobasuk: We also had a change in the law here that I think he's articulated, the smoking issue.

Mayor Hammon: Mark, that's nothing that I can control.

Mr. Kobasuk: I'm just point it out in his defense.

Mayor Hammon: I talked to Daryl and told him I understood and for him to come back to the Planning Commission, make your case based upon the change in the law and let them hear what you have to say.

Mr. Kobasuk: Right, and I say give him a reprieve until July 30. We can just tell Mike Cornette not to do anything.

Mayor Hammon: He's been given it, to take the canopy down and take the tables out.

Mr. Cosby: I don't understand the table issue.

Mr. Foster: I took the canopy down.

Mr. Kobasuk: Just let him leave his tables until the July 30th.

Mr. Evans: Just leave the tables.

Mayor Hammon: Alright, if Mike cites him to court.

Mr. Cosby: Well, then he'll appeal it to council.

Mayor Hammon: No, he would go to Common Pleas; not to this council.

Mr. Foster: I was told I would be fined \$100 per day.

Mayor Hammon: If you're in violation you can be cited.

Mr. Kobasuk: Make a motion to let him leave his tables there.

Solicitor Miller: If there is that split of opinion then you probably should. This is a particular exception circumstance because Planning Commission did not meet in June.

Resident Joan Waits: I haven't been in business since 1988. Early in the 80's they passed an ordinance; our business had to be blacktopped, Muhlberger's had to be blacktopped, Neeley's had to be blacktopped. Today, none of those places are blacktopped, none of them. If that was a good ordinance then why don't they go after those people also?

Mr. Cosby: I think you have a great point.

Mayor Hammon: Actually, I think that ordinance was overturned and reversed.

Mr. Cosby: Whatever. I'd like to put a motion on the table.

Mr. Cosby made a motion to grant of stay of Mike Cornette's order until it is heard by the Planning Commission on July 30th; on the basis there was no Planning Commission meeting for it to be heard on June 30th or whatever that date was. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mrs. McCarthy: Does he get his canopy returned or just the tables?

Mr. Pulskamp: Just the tables.

Mr. Foster: Canopy is down; just need my tables and that's it.

Solicitor Miller: If you get cited to Mayor's Court then call me.

Mr. Kobasuk: I'm sorry you had to go through this; I think you're doing a nice job.

Mr. Foster: I'm sorry I had to too; I feel it's terrible you have to come up here.

Mr. Kobasuk: The law changed, we have one meeting a month.

Mayor Hammon: What's that got to do with our laws are we supposed to go back and change.

Mr. Kobasuk: We've got to be receptive.

Solicitor Miller: Mike is only doing what is there.

Mr. Kobasuk: I know. We're not quote Mike.

Solicitor Miller: He is, he's saying this shouldn't be happening like Mike did something wrong.

Mr. Kobasuk: It's just a hassle though; I feel bad for the guy.

Solicitor Miller: I do too.

Mr. Kobasuk: I'm trying to fix it; I'll talk to Mike tomorrow.

Mr. Cosby: That's where we just maybe need to sit down and look at this as a whole.

Mayor Hammon: Call Mike on Friday so we don't get billed for it.

Councilmember Doug Evans:

Councilmember made a motion to accept Checklist dated 6-26-2007. Mr. Cosby seconded the motion. All Aye. Motion Carried.

1. **Frank Baker's:** I did stop down at Frank Baker's place after last council meeting. I've tried to get a hold of the guy; his place is bad. Believe me, I know what you're going through. I've been kicked out of Newtown myself; by my dear friend John Russell, when I was 20 years old from behind Feld Printing. It always opened up bigger and better doors for me. Don't give up hope. I don't know what you do about Frankie Baker.

Mr. Weber: The village took Mr. Baker to court three to four years ago and there was never an order issued by the court to clean it up. At that point, it was a minor misdemeanor offense. It's now a misdemeanor offense; we've sent him a letter, which on the 1st of July, his twenty-day timeframe, as predicated by the procedure, expires. He is also under two separate orders from the Health Department. Two separate departments within the Health Department have been there. He is under order from them to clean up the interior of the structure, do necessary changes to the interior and likewise the exterior, as well as violating our ordinances. On the first of July, that will expire; I'll prepare the documents to give to the chief and we'll cite him to our Mayor's Court. The ordinances reflective of the Property Maintenance Code will go down town. The ordinances that address the village ordinances will be heard in Mayor's Court. Solicitor Miller more than likely, will ask the court for an injunction that authorizes the village to go in when necessary steps have to happen, because I see him no having the physical capability of doing it. I would think in six months to one-year the village will go in and spend the money it takes to clean it up, assess the property taxes. The following January, the village will be reimbursed by the county for the cost incurred. That lean will go against the property; whoever buys it will absorb that cost. We'll get our money back. That's really the only way that I see it ever happening.

Mr. Evans: Thanks.

Councilmember Mark Kobasuk:

1. **Ivy Hills Roads:** I think the roads and streets in Ivy Hills need some repair. Many neighbors have talked to me about it. We did the repair of the blacktop with very squiggly lines.

Mr. Kobasuk made a motion for the Village to use Brandstetter Carroll or some other engineering firm to secure cost-estimates to recoat, re-top, re-pave the roads in Ivy Hills.

Mayor Hammon: You actually have the estimates.

Mr. Kobasuk: I'm talking recoat, re-top, maybe not repave.

Mayor Hammon: Surface-seal is what it is scheduled for. We looked at it today and Bruce is going to come and sit down with me again and look at it to see what it takes and what is planned to do there. To refine that estimate; but I can tell you the estimate for repair fifteen months ago was \$280,000 for Ivy Hills Blvd. That for resurfacing; that's what they call it and I'm not sure exactly what that means. You're talking about a half- million dollars to go in there and do the job. You have a copy of the document we paid Bruce to work up.

Ms. Everett: That is the pavement study.

Mr. Cosby: That's for total repaving.

Mayor Hammon: I don't think it's repaving.

Mr. Kobasuk: I think my motion is different John.

Mayor Hammon: It's surface-sealing is what it's there for Mark. Make your motion; I don't care. If you want to pay him to talk to me; I don't care.

Mr. Kobasuk made a motion for the Village to use Brandstetter Carroll or some other engineering firm to secure cost-estimates to recoat, re-top, re-pave the roads in Ivy Hills, estimate not to exceed \$2,000. Mr. Cosby seconded the motion.

Discussion

Mr. Pulskamp: I think it should have been started with the Street Committee and there are a whole lot other streets in the village that are in worse need of repair than Ivy Hills. Ivy Hills are some of the newer streets and there are a lot older streets in worse need of repair. I think a \$1,500 to \$2,000 expenditure that Keri is talking about that we our extra dollars that we shouldn't be spending.

Mr. Kobasuk: People want to know why we're not doing anything. I'd like to have estimates.

Mr. Pulskamp: Give them the report we paid two years ago from Brandstetter Carroll. Every street in there has gotten worse since then. There is a timeline schedule in there with recommendations from our engineer of what we should be doing. We have that information. As council, we need to sit down and figure out when we can implement these because of dollars-wise.

Mr. Cosby: Ken, I think what Mark is trying to say is there are alternatives until that point-in-time where they go down and mill the street and re-pave it. Maybe the motion should be that we look at alternatives for all the streets in need of repair and not just Ivy Hills Blvd.

Mr. Evans: Mark, I'll do you one better; I'll get you some estimates for free. I put down 5,000 tons of blacktop today and have a whole bunch more going. I got the same price I got last year. There are two in town that do it: Jurgensen and Barrett; I know them personally. I'll do it for no cost and will make sure we have it by the next meeting.

Mr. Kobasuk rescinded the motion.

Mr. Evans: If you sit here and listen to people, most people care. I can too. That is why I come to these meetings. When I hear my neighbors asking who is this guy going around asking them to sign a petition for no parking so people can have a party. It just makes my blood boil. I'm going to tell you that.

Mr. Kobasuk: I think you're personally attacking me Doug.

Mr. Evans: No I'm not!

Mr. Kobasuk: I'm standing up for people that I think you've been discriminating against.

Mr. Evans: I know that, but I stand up for the people that work here, vote here and want to make things better.

Mr. Kobasuk: I have the legal right to go to the people.

Mr. Evans: You can do whatever you want – it's America Mark!

Mr. Kobasuk: They are ultimate power in this country; to go to the people and let them vote on that issue. I think it's incomprehensible that we take parking away from people on those streets. They can sign the petition or they cannot. Everybody but one person has signed that petition.

Mr. Evans: I sure don't want a whole bunch of junk cars in my neighborhood.

Mr. Kobasuk: I showed it to them; I've talked to them about it. You have the right to go and do your own petition Doug.

Mr. Evans: The people that live in Ivy Hills, the people that live in Crull Street, the people that work here and pay taxes – I just think you're trying to trick them.

Mr. Kobasuk: I am not trying to trick anybody Doug and I take offense to that. I truly do. I take offense that I'm trying to trick people.

Mr. Evans: I'm not here to just go along with whatever everybody wants to do.

Mr. Kobasuk: I showed them the petition; I explained it as much as they want; they are entitled to vote on it. It's going to be on the ballot.

Mr. Evans: Mark, you didn't come to my house but I found out about it.

Mr. Kobasuk: I haven't worked down the street yet Doug and you weren't home when I was across the street. You had a party at your lake house.

Mr. Pulskamp: When you're explaining your petition are you explaining also that council did come up with a plan that did allow residents to park out there, but it was voted down by half of council.

Mr. Kobasuk: I'm not going to answer you Ken.

Mayor Hammon: This is outside of council business; you guys stated your opinion. That's on Mark's personal time; I hope he's not representing himself as a council person doing that.

Mr. Kobasuk: I'm a neighbor when I'm doing it.

Mayor Hammon: Let's move on.

Councilmember Curt Cosby:

1. Ragland Road Creek: I met with Bruce again sometime ago, about two months ago on the creek problem that is the result of the outfall channel from River Hills. It runs down and pipes under Ragland Road; it comes out into what should be a catch basin down on the south side of Ragland and Harriett. I've repeatedly asked Bruce to get me some ideas on what it would take to fix that flooding problem that is occurring down through there. I've not heard back, so I would like to go on record that I think he needs to respond. He and I met; he said he would get back and has not. We've had a dry season but rains will come. Flooding has been a problem for those people down there. There are solutions he and I have talked about and they need to get back to the table so we can address these solutions as a council.

Mayor Hammon: That's part of the problem; I've talked to Bruce about taking the water from River Hills over to the drainage creek and taking it out of the pond going across Yeager's property and on out. You're looking at a piece of it; I've asked him to look at the whole length. How we're going to get water from A to B effectively.

Mr. Cosby: That's great, but we need a report at some point-in-time. It's been two months and I can't get an answer back.

Mayor Hammon: He's working on it and I talked to him before you talked to him about the whole problem. When maintenance department goes in they get tires and debris and everything else people from River Hills are dumping in the channels. It's washing down and jamming up the gates.

Mr. Cosby: It's also natural debris as well.

Mayor Hammon: We always have the problem of keeping that clean. The problem goes up stream a little farther and how do we get it out of River Hills and channel it down and out – not to Yeager's pond because he has asked me about the possibilities to try to keep that flooding down. He hasn't demanded anything; he understands that was the condition when he bought the property but asked what we could do about it. I've asked Bruce to look at from River Hills all the out to the edge of the village.

Mr. Cosby: That's great we have a total plan on that but I don't want to get bogged down if there is something we can do to provide relief for the residents that live along there, as far as flooding is concerned. I think if you build up that one side of the creek with a flood wall or something like that to channel that water, you can still look at the overall picture and not get bogged down with what we can do in the interim to help those people out.

Mayor Hammon: I know we had the pipe corrected that was off-set.

Mr. Cosby: Yeah, but that's not the problem.

Mr. Pulskamp: Are you talking about the corner behind the shed?

Mr. Cosby: Actually, I'm talking about back up where it comes down behind the homes on Edith Street and Pine Street; it floods into those yards. Bruce said there are couple of things we can do to try to alleviate that problem. I think it's great we're looking at the creek from one end to the

other and the discharge point. I just don't want it to get bogged down there if there is a few things we can do in the interim to provide relief for the residents.

Councilmember Debbie McCarthy:

1. Center Island: What is the status of the Center Island?

Mr. Evans: I can tell you what it is; I'll tell you straight to your face what it is. I don't feel like doing anything else because of negative things that come out of this village. That's how I feel about it Debbie. I asked Meridian Diagnostic for \$100,000 and turned it to John and his wife to handle. I don't have the drive in me to go donate a whole bunch of stuff. When the negative things that come out of this council just ruins everything; whether you guys want the votes or whatever you want it doesn't make any difference to me. I used to donate all sorts of stuff; I do things for free all the time – I help people. I'll help Frankie Baker, I'll help Charlie, I'll help everybody. I don't like to come to these things anymore because of the negative things. It makes me upset. If you want to do it Debbie, you do it.

Mr. Cosby: If you're going to bail on it; then perhaps it should come back to council.

Mr. Evans: I'm not bailing on anything; I've done my part and now it's over to John.

Mayor Hammon: It's in the works; Rhonda is trying to get it together.

Mr. Cosby: I think it's a fair question to ask.

Mr. Evans: It is a fair question to ask; there's a lot of fair questions to ask.

Mr. Cosby: Why are we jumping down people's throats?

Mr. Evans: She wanted to know and I'll tell her.

Mayor Hammon: Curt, I've resented every week Debbie saying that and she can call me up and ask me about it anytime. I do resent it every week saying, what's the status, what's the status!

Mr. Cosby: If neighbors are asking her what's going on with the Island and she feels compelled to bring it to the table, what's the problem?

Mr. Evans: There's nothing; I just told you the answer.

Mr. Kobasuk: Can we move on, I guess you got your answer Debbie.

Mrs. McCarthy made a motion to approve council minutes for 5/22/2007. Mr. Cosby seconded the motion. Roll Call: Mr. Pulskamp-Abstain, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes, Ms. Hueber-Absent. Motion Carried.

Mrs. McCarthy: (Continued)

2. Fire Board Meeting: In the minutes I had noticed that at the 5-17-07 meeting that Darwin and Tracy were both absent from the meeting. Mark, why weren't you there?

Mr. Kobasuk: Nobody told me about it. I'm an alternate Debbie; I am not one who attends on a regular basis. Nobody told me I was supposed to go.

Mrs. McCarthy: That's unacceptable.

Mr. Brooks: I was not there; I was informed the next day by the chief as to what went on. I got letters back who addressed the Fire Board that evening; what would you like to know? You also got a copy I think.

Mrs. McCarthy: That isn't the point Darwin. We're supposed to have two representatives there at the meeting; not after the fact.

Mr. Brooks: I understand; then I apologize for missing and are you aware of how many meetings I have missed?

Mrs. McCarthy: Zero. This has nothing to do with you Darwin.

Mr. Pulskamp: Debbie, I believe I was asked also to attend in Tracy's absence because I believe she tried reaching Mark and she could not reach him to ask him to attend, but my father was in the hospital at that point.

Mr. Kobasuk: Where did she call me?

Mr. Pulskamp: I don't know; she called me and said she couldn't get a hold of you. We tried to cover it Debbie and it was the first time it's ever happened.

Solicitor Miller: What is the procedure for letting an alternate know they need to be there?

Mr. Pulskamp: Usually, the person will call.

Mr. Brooks: I was aware that Tracy was not going to attend; I knew the day before when the packets were delivered. It was my understanding that Mark would be there.

Mr. Kobasuk: Nobody contacted me.

Mr. Cosby: Maybe we need to look at the procedure if the procedure is not working to let the alternate know.

Solicitor Miller: There ought to be some way; email if you can't reach them on the phone.

Mr. Cosby made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Cosby made a motion to adopt RESOLUTION 16-2007 A RESOLUTION APPROVING A CONTRACT WITH BRANDSTETTER CARROLL FOR PROFESSIONAL SERVICES FOR MOUNDVIEW RE-PAVING, IVY HILLS BLVD. AND SEABROOK, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY.

Discussion

Mr. Pulskamp: Keri, do we have the money?

Ms. Everett: We had an estimate; you need to prioritize, there is not money for both. You would have to add to the money if you wanted to completely do the bathroom.

Mr. Cosby: We've put that on-hold right now and this does not include the bathrooms.

Roll Call: Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes, Ms. Hueber-Absent. Motion Carried.

Mr. Pulskamp made a motion to enter into Executive Session to discuss property acquisition. Mr. Evans seconded the motion. All Aye. Motion Carried.

Council meeting reconvened at 9:37 p.m., no action to be taken as a result of Executive Session.

Council meeting adjourned at 9:38 p.m.