

Public Hearing was held on July 10, 2007, meeting was called to order at 7:30 p.m. by Mayor John Hammon. The 2008 Budget was discussed.

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

**Mayor:** John R. Hammon  
**Fiscal Officer:** Keri L. Everett  
**Chief of Police:** Tom Synan

The July 10, 2007 meeting of the Newtown Village Council was called to order at 7:50 p.m. by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

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

**Mayor:** John Hammon  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri L. Everett  
**Chief of Police:** Tom Synan  
**Street Commissioner:** Charlie Siegel (absent)

**Norma Wolf, Ohio Valley Dog Owners Inc.** (handout)

Resident Dale Myers contacted Ohio Valley Dog Owners to come to council and explain their organization, in regards to Newtown having a dog limit. Ohio Valley Dog Owners has been around for about twelve years. They help educate the public about responsible ownership of dogs and also help various entities when faced with problems in their community. Ohio Valley Dog Owner worked with the City of Madeira several years ago when they proposed a dog limit. They also have worked on state laws. They have worked with Hamilton County Planning and Zoning when they did new zoning rules on dog ownership, kennel ownership, etc. They also work with the state legislators on cruelty law and kennel licensing and so forth. Ohio Valley Dog Owners organization encourages municipalities, agencies and councils to look at specific dog problems and to design reasonable dog laws that protect the dog owners and their neighbors. They do not believe dog limits are a way to accomplish good relationships in the community. The majority of dog owners are responsible; regardless, of the number of dogs they own. If dogs are not a nuisance in the community, they don't feel owners should be limited as to the number of dogs they own. Mrs. Wolf passed out information and asked council to call upon Ohio Valley Dog Owners before something is imposed on the responsible dog owners, which could be detrimental in the long run. Mrs. Wolf said the State of Ohio does not have a dog limit.

**Mayor Hammon:** Basically, it says if you have five animals you have to have a kennel permit.

**Mrs. Wolf:** That is the way it has been implemented in many places, but the actual law says that if one breeds dogs for sale or for hunting you need a kennel license.

**Mayor Hammon:** There may be a misunderstanding; Newtown is not looking to change or implement any new laws. Newtown's zoning has a definition that if you have four dogs that you are a kennel and that requires zoning permission. There is a document in our 1995 Codified Ordinances that says three or more dogs is the limit; we are trying to find the root of that. Basically, right now if you have four dogs, by definition is a kennel in the Village of Newtown. A couple of years ago, this came to light because people had dogs and a number of cats; I see cats are now counted in the numbers. They couldn't keep the yard clean. That's where we became interested and started researching and looking at some of these laws on the books.

**Mrs. Wolf:** Definitely, if you have a health problem you need to deal with that, but it can be dealt with from a perspective of dirty property rather than you have "x" number of dogs or cats. There is no state law that affects cat ownership.

**Mayor Hammon:** One of the problems is we have a dog owner that basically throws the waste of the animals into the drainage ditch and just lets it float downstream to everyone else.

**Resident Margaret Greiss**

Mrs. Greiss said there had been an argument about the jurisdiction of the parsonage. Mrs. Greiss thought Newtown should dig up the stump of a tree that is on church property. She state the damage to the gutters of the parsonage was from the branches that had fallen and feels it is under Newtown's jurisdiction.

**Mayor Hammon:** Thank you.

**Resident Frank Baker**

I had put tires out front to be thrown away and was told the village will not pick them up. The Board of Health asked if I had running water and asked how I flushed the toilet. I appreciate everyone coming down to talk to me. Everybody has said they are going to do this and going to do that – no they're not! I told them I would die fighting over it and I mean what I say. Now, if they'll be nice, I'll be nice too. The house was built in 1861 and I don't know why so many people want to buy it. I do have it torn apart on the inside and the trim is original that I'm putting back in. I don't know why they gave me a ticket and not one to Patterson who has boats up and down there for three or four months and he didn't get a ticket.

**Mayor Hammon:** Dick Weber is not here and you need to address it with Dick.

**Mr. Baker:** The policemen are very nice and they can talk to me anytime.

**Chief Tom Synan**

1. Summer Warning: I want to urge you all to close your garage doors when working in the back yard. We had an incident over the weekend in Ivy Hills where two bags of golf clubs were stolen out of the garage. The owner of the resident asked me to pass this along. Most burglaries do happen during the day; people become complacent because they don't expect it to happen during the day. Keep your eyes open and if you see someone that doesn't belong in the neighborhood, call us – that's what your tax dollars are for.
2. Channel 12: Newtown had a domestic incident that turned into a barricaded subject armed with a shot gun. The officer did a tremendous job; we were able to contain the incident very quickly. We activated the SWAT team; however, the officer assisting and our officer were able to make a verbal contact with the person and they ended up giving up peacefully.

**Bruce Brandstetter, Brandstetter Carroll:**

1. <u>Church Street, Phase II:</u>	
Original Contract	\$ 1,362,131.70
Final Quantities	- 18,548.35
Final Contract	\$ 1,343,583.35
Funding Summary	
OPWC Grant	\$ 658,355.85
GCWW	337,331.00
MRF	300,000.00
Local	<u>47,583.35</u>
	\$ 1,343,583.35

*Note: Final payment to R.A. Miller will include the deduct of \$17,500.00 for Barrett Paving overlay.*

2. Traffic Signal Interconnection
  - Project was bid by ODOT
  - The first two low bids were from contractors not pre-qualified with ODOT. The third low is pre-qualified but was more than 10% over the estimate.
  - ODOT is re-bidding
3. River Hills Subdivision Curb Improvements
  - Phase I, R.A. Miller, work is complete, final quantity is \$834.95 over the contract amount.
  - Phase II, Prus Construction, construction is complete. Punch list was prepared on July 10, 2007
4. Ragland Road / GCWW
  - Per May 7, 2007 email from GCWW, would have alternatives within two weeks
  - Follow-up email and phone calls have been placed
5. 2007 Asphalt Improvements, Moundview Park, Ivy Hills Blvd Entrance and Seabrook Drive
  - Schedule to be advertised on July 24, and opened on August 8, 2007. Council review on August 14, 2007
6. Miscellaneous
  - A. Estimates, Pavement Improvements Alternatives

	<u>Ivy Hills Blvd.</u>	<u>Pinehurst Drive</u>
Slurry Seal	\$ 25,000	\$ 18,000
Asphalt Milling/Paving	90,000	60,000

Per estimates from Jurgensen and Barrett (1-1/2 to 2" overlay)  
Does not include curb repairs

**Mr. Kobasuk:** Could you explain the slurry seal?

**Mr. Brandstetter:** Slurry Seal is ¼" black material with a sandy aggregate and should last about five to eight years. It does protect the streets and protects moisture from penetrating the cracks. The slurry seal kind of looks like the seal that is currently on the cracks on the streets. You may see some of the cracks show through; it's just a thin overlay.

- B. River Hills / Ragland Road Creek
  - Channel Improvement rip rap at culvert and trash rack, \$15,000
  - Rubbish and limbs still need to be removed periodically
  - Temporary easements will be needed

**Mr. Brandstetter:** River Hills / Ragland Road Creek: One option is to clean out the stuff right in the banks and get a better hydraulic flow in the creek. I don't suggest removing any of the bars we put in ten to twelve years ago. Coming off the back of the houses on Edith, you can grade the channel out and outline it with rip rap to try and protect the banks better and get the flow going better.

**Mr. Cosby:** Bruce, the bank is pretty much non-existent on the one side. Is it your thought to clean it out and create a bank or you build a some type of retaining wall.

**Mr. Brandstetter:** If you build a bank or retaining wall on the Edith side, on the property owner's side then those yards won't drain during non-heavy rains. Our thoughts are you do as flat a grade as you can at the culvert and get as much channel as you can dig out. If you build up a channel high enough to keep the water in, the grade is going to be higher than the back yard.

**Mr. Cosby:** I'm not sure that those back yards, I think the fall is away from that creek, so even with your scenario I'm not so sure those back yards drain to that channel. I think they fall away from it.

**Mr. Brandstetter:** I think you dig it out and follow along the bank and make the channel wider and bigger. You'll need some easements from those living there.

**Mr. Cosby:** You'll need more than just digging it out; you're going to need some kind of rip rap to protect that. What about the other end where it discharges? We had looked at that as well.

**Mr. Brandstetter:** That needs to be cleaned out and the pipe needs to be found. You can fill it and put rip rap in. This is more of a short-term issue; the back yards are being flooded. If you want to look at the whole channel and study the whole thing up into River Hills, you can do that.

**Mr. Cosby:** I think this is something that needs to be done as a short-term solution. I also think where that is eroding away it's getting fairly serious back behind those properties and going into Yeager's at the discharge point.

**Mr. Brandstetter:** Curt, we can take a little closer look at how it might drain if we do dike it up and put the embankment up and see if it will still drain. I want to make sure the back yards drain if we do put the dike up.

**Mr. Cosby:** Yeah, but I'm talking about where it goes out the discharge pipe into Yeager's. I think that has to be looked at as well.

**Mr. Brandstetter:** When we were doing Church Street, we got a price from R.A. Miller to come up there and hoe and clean all that rubbish out. It was \$40,000 to \$50,000. The stuff behind Edith and Ragland, you could probably do with your own crew and maybe supplement with a couple of people.

**Mr. Cosby:** Are we going to try and move forward on fixing that or what are we going to do?

**Mr. Pulskamp:** It hasn't even made to the Street Committee yet Curt. We need to go back and look at it and Bruce just gave us some prices and see what we have in the budget and see what we can do.

**Mr. Evans:** What about the easement issues?

**Mayor Hammon:** Mr. Miller will have to write the process to get the easement to go into the property, the right-of-entry. We need to get the address and give it to Doug Miller and let him draft it.

**Mr. Brandstetter:** Typically, if it's benefiting their property the people don't mind. The yard you have to use to get to it will suffer, but you restore it back to its original condition.

**Mayor Hammon:** Bridge at Church Street: Bruce, in talking about this, this points to the issue underneath the bridge at Church Street, re-channeling McCullough Run through there. We basically have the hole fixed, correct?

**Mr. Brandstetter:** The bottom of the footing washed out on the north side of the wall and as water came down and started to wash it out and some of the gravel back-fill against the box culvert that was put in. The new roof was put on it about fifteen to twenty years ago. The walls have been up probably since the channel was built. The water eroded underneath the footing; backfill had washed out. We came in and filled it with a grout from T. Luckey Sons; it's real watery when it's pushed it, filled the void. Barrett did the patch.

**Mayor Hammon:** The reason why I brought it up, if you're going to consider some of this I think you ought to look at that also when you're trying to do this, digging that channel.

**Mr. Brandstetter:** I would be inclined to put something firmer like rip rap or spray grout across the footing and onto the floor to give you some protection. The problem is you can't get even get a small machine in there. You might be able to get a motorized wheelbarrow in there; it's mostly going to be handwork. It's going to be difficult.

C. Pre-Application to be submitted for Round Bottom Road Improvements for OPWC/SCIP so that repairs may be completed prior to full grant application due September 21, 2007. New traffic counts will be taken in July/August.

D. Hamilton County Engineer is re-considering Lower Ragland/Turpin Lane construction

**Mr. Brandstetter:** Hamilton County Engineer's office is reconsidering lower Ragland Road and getting it out of the flood plain. There are a couple of alternatives; they were in to visit with the village, they are also talking to Anderson Township. The work would probably extend up to upper Ragland with a couple of scenarios they had just to make the alignments work. Then they'll take the realignment of lower Ragland Road over to Turpin Lane and then rebuild Turpin Lane out to SR 32. It'll be a two-lane wide road. John expressed concern to go ahead and see if they would take the sidewalk on down and try to get it up to Moundview Park. I think that makes sense to coordinate that into the project.

**Mr. Pulskamp:** The driving force is Anderson Township wants to connect to the bike path.

**Mr. Brandstetter:** I don't know. Brayshaw has said over the years that this is the only county road he has that floods. It's a safety issue. We asked them why they wouldn't just come in and put a cul-de-sac and close them both off. I forget the answer.

**Mayor Hammon:** They can't do that with a county road. If the Village of Newtown would like to take it over they would be more than happy to work on us making it a cul-de-sac. It's their suggestion that we annex it in.

**Mr. Cosby:** Bruce, what's the timeline on lower Ragland?

**Mr. Brandstetter:** They haven't gone out for engineering qualifications yet.

**Mayor Hammon:** It's financing for 2008 and possibly construction in 2009.

### **Mayor John Hammon**

1. **Newtown Business District Meeting:** The Greater Anderson Area Chamber of Commerce had the first meeting of the Newtown Business District this morning. The meeting went well and everyone was pleased with the turnout. They will meet again the second Tuesday of August. Some questions came up about the parking issue; some that have parking problems are in favor of it. I would like to personally thank Catherine Fitzgerald with HCDC. She will be here in August; her contract is running out so she wants to come in and talk to you about what she has accomplished and make a recommendation to you about the contract. Catherine has worked very hard to get Carolyn Moseley and others together to make this meeting happen. She did a tremendous amount of work for us getting the business list together for contacts.
2. **Charlie Siegel:** Charlie is back to work and will ease back into a routine.
3. **Mike Cornette:** Mike has tendered his resignation, effective August 28<sup>th</sup>. We need directions on what you want to do; contract with Hamilton County or go out for a search.

**Mr. Kobasuk:** Any chance of talking him out of that letter; have you discussed it with him?

**Mayor Hammon:** Two conversations with him, I think it's a pretty firm, "I'm not coming back." The impact is he is probably the local expert on the FEMA law; we're going to lose that. He is also the CRA administrator; this is probably going to set that back. He's continuing to do the job we have asked him to do. I want to solidify some of the different issues we have opened with him.

### **Councilmember Tracy Hueber**

1. **Flagg Spring Cemetery:** Can we replace some of the trees that we have had to cut down in the cemetery. We've taken down quite a few and haven't replaced them. We'll need about ten trees to replace what has been taken out over the years.

**Mr. Cosby:** That would be parks; what type of tree would you suggest?

**Mr. Evans:** Red Sunset Maples, some maples would be best.

**Mayor Hammon:** Doug Wessling removed the trees; we ought to ask him what he would recommend, as an arborist. We can contact him and talk to him about it.

### **Councilmember Doug Evans**

**Mr. Evans made a motion to accept Checklist dated 7/10/2007. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.**

1. **Mike Cornette:** Do we want to talk about Mike Cornette now?

**Mayor Hammon:** Mark and I talked briefly; he is going to have his committee on the 1<sup>st</sup> of August. I talked to him again today and he said he just doesn't feel like he wants to come back.

**Mr. Kobasuk:** Over that issue of what we did at the last meeting?

**Mayor Hammon:** I would say, yes that is true.

**Ms. Hueber:** We need to weight it out to see if we want to hire somebody else or go with Hamilton County.

**Mr. Kobasuk:** I'd like to talk to him and try to convince him. We're going to lose a lot of experience and expertise. I explained to him that we did that to give Mr. Foster just a reprieve until the Planning Commission could meet on July 30.

**Ms. Hueber:** You were the one working on the prices to go to Hamilton County or hire somebody like Mike.

**Mr. Kobasuk:** It's cheaper to go to Hamilton County; but we would lose a lot of expertise.

**Ms. Hueber:** Right, and if we interview now and we don't get the expertise we have then we might just have to go to Hamilton County.

**Mayor Hammon:** The problem we have right now, the State of Ohio requires your Building Department to be certified. That's the process we're going through; your inspector has to be certified, you can't take anybody off the street. When we started the certification about six months ago, there was only one individual in Hamilton County that was certified.

**Ms. Hueber:** It looks like we're going to have to go to Hamilton County.

**Mr. Kobasuk:** Would it make sense John to sit down with Mr. Cornette and try one more time, heart-to-heart?

**Mayor Hammon:** We're going to sit down Friday and talk.

**Mr. Kobasuk:** I personally called him and apologized if he thought we were usurping his authority; that was not my intention. My intention was to give Daryl Foster a reprieve so he could come before the Planning Commission and make his case. That was not my intention to usurp Mike Cornette's authority; when you give people a job you have to let them do it. I didn't expect this outcome that he would resign and leave us in this position.

**Ms. Hueber:** If we have to go to Hamilton County, we have to go to Hamilton County, they can do the job.

**Mayor Hammon:** It's going to be a difficult situation to get somebody in quickly.

**Mr. Cosby:** Personally, I like the touch of an in-house building inspector.

**Mayor Hammon:** If you talk to Barb Greve she will tell you how instrumental Mike was in talking her through the process to get her business up and going. Mike has also talked residents through the restoration process for the homes and told them what had to be done. Mike has had a tremendous impact on this village that we don't recognize, by doing that personal touch.

**Mr. Cosby:** If he is indeed resigning, which you indicate he is doing, we need to look at that at the meeting in August. In the meantime, we would contract with Hamilton County.

**Mayor Hammon:** I will tell you, Mike is not burning a bridge; he said he would be part of the interview process if we wanted. He'll give whatever help he can in a positive way.

**Mr. Kobasuk:** Do you think he might extend his departure date?

**Mayor Hammon:** He very well could.

**Mr. Evans:** (Continued)

2. 2008 Budget:

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

**Mr. Evans made a motion to adopt RESOLUTION 17-2007 A RESOLUTION ADOPTING THE VILLAGE BUDGET FOR 2008 AND DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion. Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Absent.**

**Councilmember Mark Kobasuk**

1. Planning / Zoning Development Committee Meeting: Last council meeting, Dick Weber wanted us to adopt some ordinances. The Planning/Zoning Development Committee meeting is typically held on the first Wednesday; for August that would be August 1 at 6:30 p.m. I hope Doug and Curt can attend; you're on the committee. I would hope Doug Miller can attend also to give us legal help. I will forward the documents I receive from Dick Weber to you all for review so we can move forward.
2. Mike Cornette: The second issue for the meeting will be Mike Cornette.

**Councilmember Curt Cosby**

1. Council Minutes: June 12, 2007 needs to be approved.

**Mr. Cosby made a motion to approve June 12, 2007 Council Minutes. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Solicitor Doug Miller**

1. Petitions: The petitions were delivered and stay here for ten days. They then go to the Board of Elections for verification of signatures; they come back here and then we present them to the Board of Elections. That's the procedure.

**Mr. Kobasuk:** Doug, could you tell us a few words about that new law for contractor verification on the political contribution.

**Solicitor Miller:** They changed the law a week ago Saturday, when the governor signed a budget bill that takes effect September 28. I don't know what your campaign contributions limits are and I don't know what anybody might get from anyone. Any contract that you entered into for more than \$500 for goods or services, the contractor is supposed to give you a statement saying they had not made political contributions to any of the councilmembers in excess of \$1,000. If there were two partners and both of you give \$750, it aggregated everybody together. It counted spouses and children under the age of 7 or 17, I can't remember. We were supposed to have after April 4<sup>th</sup>, which is when it took effect, a letter from anybody you do a contract with that you had to have this certification that they had not made those campaign contributions. It didn't apply to municipal court; it all grew out of this workers comp thing where the guy was investigating coins, the state's money in coins but it was typical over-kill. One of the problems they had was they made it retroactive and said even though a campaign contribution of \$1,500 may have been legal in 2005, note if you made a contribution to somebody of \$1,500 you couldn't contract with the village because of that contribution. They went back and clarified it; I haven't even seen the whole bill yet, they changed it and it's effective September 28. I don't know if anybody is really enforcing the old law because it is going to change. There was a judge in Columbus that ruled that law was unconstitutional. Anyway, as it applied retroactively you couldn't go back and all of a sudden make something you did two years ago illegal and it count now. I don't know that it is anything to worry about at this point; but it will still apply it just won't be retroactive on those other contributions. I think they may have taken out the certification requirement so you don't have to get that.

**Mayor Hammon:** There's also a House Bill that talks about Mayor's Court. In communities 1,600 and under the Mayor's Court will be eliminated.

**Mr. Kobasuk:** How is that going to affect our revenue?

**Solicitor Miller:** You have more than 1,600. I don't know what your expenses are for Mayor's Court nor do I know your income, so I don't know if you make money on it or not.

**Mayor Hammon:** The Ohio Municipal League put an article out and they were saying that a lot of small town police forces live and die with basically their traffic violation citations. They say there will be no impact on them; they are just going to cut off the funds to them. They will not receive the funds from any of the citations anymore.

**Solicitor Miller:** Chief Justices of the Supreme Court have been after Mayor's Court for years trying to get rid of them. I'll be honest with you; there is an awful lot of justice that gets dispensed in your Mayor's Court. You have a magistrate that bends over backwards for the defendants, but he's a fair guy, maybe more than fair. Anybody coming in this court is getting a fair shake.

**Ms. Hueber made a motion to adjourn meeting at 9:10 p.m. Mr. Evans seconded the motion. All Aye. Motion Carried.**

