

The July 24, 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 (absent)  
Tracy Hueber (arrived 7:42 p.m.) Ken Pulskamp

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

#### **Auxiliary Patrolman**

Mayor Hammon nominated Doug W. LaMay as an auxiliary officer for the Newtown Police Department and asked council to confirm the nomination with a motion.

**Councilmember Ken Pulskamp made a motion to accept Doug W. LaMay as an auxiliary police officer for the Village of Newtown. Mr. Evans seconded the motion. All Aye. (Mrs. McCarthy-absent and Ms. Hueber-absent) Motion Carried.**

#### **Swearing-In Auxiliary Officer**

**Mayor Hammon performed the swearing-in ceremony for Mr. Doug W. LaMay.** Council and audience welcomed Mr. LaMay to the Village of Newtown.

#### **Audience Participation / Citizen Input**

**Resident Darwin Brooks** 6620 Crull Street. Mr. Brooks presented council with a letter he received in the mail regarding the Crull subdivision.

**Resident Tammy Thornberry** 6612 West Plum Street. All I know about the letter is I didn't receive one.

**Resident Brian Thornberry** 6612 West Plum Street. Mr. Thornberry came to council to ask for his parking back. Mr. Thornberry presented council with pictures of cars parked in the front of his house. These pictures were from mid-late 70's, satellite pictures from 1986, 1996, 2001, and 2006.

**Mr. Thornberry:** The pictures show gravel and a strip of grass between his parking area and the road. When the road was widened, MSD widened the area and instead of replacing the "new" gravel we had there with gravel they replaced it with blacktop and gave us a parking pad. I just ask for my parking back and ask for council to look at these pictures. There are issues with parking in the back alley; we've had accidents, tree limbs tearing up vehicles, we've had raccoon attacks and it's just unsafe. My family has been attacked by raccoons twice. As you can see in the pictures people parked on the gravel on both sides of the street. I hope it is taken care of today and that we don't have to go to court with this. Jack Phillips told me tell you Mr. Hammon that he will be contacting you shortly.

**Mayor Hammon:** That's fine Brian, but you still can't park in the right-of-way.

**Mr. Thornberry:** Last September, you came down and promised me the sign would be moved off of my property and it has not been moved. Tracy Hueber has a parking pad next to her driveway and I have read in the minutes that if you had gravel, you were grandfathered in. The picture of May 1988, shows my survey and the gravel. They paved over my property and from what I understand, I should be grandfathered in. These markers in the alley are covered up with blacktop and I think it is against the law to do that. There is no question to the legitimacy of the fact that the fence was pulled in and was done so to create parking. The pictures clearly show it.

**Mayor Hammon:** The white lines are irrelevant to it; the ordinances on the book state no parking in the right-of-way. In your case, it is 15 feet off the center and you have to park outside of that right-of-way.

**Mr. Thornberry:** Mr. Jack Phillips said he looks forward to speaking with you. One more thing, as far as the petition I got together, I'm madder than heck about that thing – I was really up with our State Representative Brinkman who is currently up on charges for falsifying signatures on his petition. According to the minutes in the past, it said he wanted to put something on the ballot and Mark told him it was a bad time to put it on the ballot because of the poor voter turnout and he says that is exactly what he wants. He wants to slip one past the voters; I don't like that type of approach. I don't remember which petition it was; I just know Brinkman is being investigated over 1,000 or 10,000 signatures he admits to changing the addresses. My point is, I was accused by the Mayor strong-arming and of using bad tactics when I got my petition together. I'd like to point out the fact, unfortunately because I like Doug, but the fact that he was appointed to the position and has not received a vote from people. The first opportunity he had to represent the people he chose not to because the petition showed 32 or 36 out of 40 were against it and he decided not to back us on that. The only strong-arm I saw at all was when I went to the house next to Darwin's, there was a guy there talking to me about signing the petition and he said he had to talk to his father-in-law, and Mr. Darwin came running out screaming and yelling that he wasn't allowed to sign the petition. The guy said, he was sorry that he wasn't allowed to sign the petition. The only strong-arming I ever saw came directly from Darwin Brooks telling his son-in-law he wasn't allowed to sign the petition. The only reason I stated this is I heard he was running for council and that's the type of leadership we're trying to get away from. Thank you for your time, be seeing you soon.

**Resident Frank Baker:** 6834 East Plum. A guy delivered a trailer and I went over Monday to get license. I went in to work on this and then come home and they trailer was impounded. The state says they can't do that. But you went ahead and did it! It cost me \$90 to get that back and I'm going to try to get it back from you. We're going to do this the right way; there's others that live there that don't have license or nothing and they didn't get a ticket. I did. I've been there since 1945.

**Solicitor Miller:** Mr. Baker, are you referring to your case in Mayor's Court for switching the license plate on your trailer?

**Mr. Baker:** No, I'm referring to them taking the trailer there and it cost me \$90.00 to get it back. If they do everybody else the same, all right, but I don't want to be treated out.

**Mayor Hammon:** So, you had a trailer parked with invalid license or no license plate on it, correct?

**Mr. Baker:** No, the license I put on I thought it was still good.

**Mayor Hammon:** So, you had expired license tags on it.

**Mr. Baker:** No, nothing was said about that.

**Solicitor Miller:** He put the license from another trailer on the trailer he had.

**Mr. Baker:** Now wait a minute. From the state, you don't have to.....

**Solicitor Miller:** Mr. Baker, you've tried that defense in Mayor's Court. We've listened to it and listened to it, you're wrong. You were convicted in court; you haven't paid your fine yet.

**Mr. Baker:** Anything under 4,000 lbs....

**Solicitor Miller:** That's evidence that you should have presented in court. If you thought the BMV was supposed to do something or not, then that's evidence you should have had. I'm telling you, I don't care what the BMV says; you can't take a license plate off of one vehicle and put it on another. And that's what you did! And that's what you admitted to doing in court.

**Mr. Baker:** That's right, but it was a valid license.

**Solicitor Miller:** You can't do that; you can't take a license plate that is registered to one vehicle and put it on another.

**Mr. Baker:** When you go and buy a license now, anything under 4,000 lbs., there's no numbers at all, you just buy a license and put it on.

**Solicitor Miller:** Your trailer was required to have a license. It had a license off of a different trailer on it. That's not legal.

**Mr. Baker:** Why don't you give the other people a ticket?

**Solicitor Miller:** I don't give out tickets, but as far as I know the police department gives out tickets. I'm sure somebody asked you to get it fixed first or any of the other numerous problems that you've presented.

**Mr. Baker:** I want to be treated fair.

**Solicitor Miller:** You were treated more than fair.

**Mayor Hammon:** I know we tow vehicles all the time with expired tags.

**Mr. Baker:** I'm going to federal court with it. I want to see what comes out of it; that's discriminating against me.

### **Bruce Brandstetter, Brandstetter Carroll Inc.**

#### 1. Traffic Signal Interconnection

- Bids were opened on July 18, 2007
  - Elex, Inc. \$ 191,435.00
  - Capital Electric 197,770.28
  - Complete General 203,195.66
  - Engineers Estimate 190,000.00

ODOT award this bid; we're not asking for any motion from you all. Just an FYI; so that project is moving forward. You'll be notified about the pre-construction meeting. I guess it will be two-three months from now. Most of that construction you can pretty much do through the winter and cooler months.

#### 2. River Hills Subdivision Curb Improvements

- Prus Construction's punch list was prepared on July 10, 2007 and there's about 3-4 items on the list that will be done by the end of this week.

#### 3. Ragland Road / GCWW

- I had emailed CWW with when I could meet and haven't heard back from him. We'll continue to push them; I think John has done something about it too.

**Mayor Hammon:** We put a letter in the mail today to him. We might include the asphalt reward project into it.

**Mr. Brandstetter:** We could always put it into the paving program.

#### 4. 2007 Asphalt Improvements: Moundview Park, Ivy Hills Blvd Entrance & Seabrook Drive

- Read through the plans at the site today with John
- August 9, 2007 – Bid Opening – will have for Council's review on the 14<sup>th</sup>

#### 5. 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

List of Slurry Seal Streets in Anderson Township is attached

B. River Hills / Ragland Road Creek

- Reviewed site on July 21, 2007 with Doug Evans
- Property owners, Dave and Geri Vaughn are agreeable to right-of-entry for cleaning, grading, etc., as long as restoration is done
- Temporary Right-of-Entries needed

**Mr. Cosby:** Bruce, the parking lot next to the feed store, there were plans ten years ago. Could we possibly combine it with another project? I'm not talking anything extravagant, asphalt, parking lines, some stops and a sign.

**Mr. Brandstetter:** We looked at three different options two years ago; I just don't have it with me. I can get the plans and estimates to you Curt. We could open these bids and get the unit price and see if that would work for combining projects.

**Mr. Cosby:** The owner of the Newtown Feed said he would be on board with putting a security light on the side of his building and pay for the electric to light it, if that would expedite getting this parking lot paved.

**Mr. Brandstetter:** Between the dates of August 9-14, we can take the unit prices and calculate that for you.

- C. Pre-Application submitted for Round Bottom Road Improvements for OPWC/SCIP on July 11, 2007. The Integrating Committee reviewed condition of the road on July 20, 2007. I answered a few of their questions. The county can move forward with the repairs; it's been evaluated and hopefully, it will get funded. We won't have to submit a full application in the middle of September; we'll need an Ordinance for that application. Doug, it will be the same as last year.

**Solicitor Miller:** Is that the Issue II? When do you need it?

**Mr. Brandstetter:** Yes. If we have it by August 28<sup>th</sup>; the applications are typically due about the 15<sup>th</sup> or 17<sup>th</sup> of September.

**Mr. Evans:** So, they are going to fix it?

**Mr. Brandstetter:** They're going to patch it now. I think the county was going to patch it, weren't they John?

**Mayor Hammon:** I don't remember that commitment, but someone said its developed line survey and you get the stuff on out there.

**Mr. Brandstetter:** We didn't mark the white lines and I don't think the village did.

**Mayor Hammon:** They never committed here; I don't remember that as part of the conversation of commitment to do that.

**Mr. Brandstetter:** I can call Ted and ask him. The Ordinance we would need is due the 15<sup>th</sup> or 17<sup>th</sup> in September.

- D. Church Street Culvert Cleaning. Contractor requested \$14,500 to clean out underneath it. I thought that was a lot.

**Mr. Evans:** I think we can do it with our own guys if maybe they had a little help. There are a couple of different tools they can use to speed it up. A small dingo where they could push the stuff to the end and take it with a backhoe and put it on a truck. It really wouldn't be that big of a project. Bruce and I went underneath and saw the whole thing. It's just like the creek on Ragland Road; it needs a lot of maintenance. It should probably be done once every couple of years.

**Mr. Brandstetter:** That was last cleaned out almost twenty years ago; I think it was the second round of Issue II money.

**Mr. Pulskamp:** I think it was 16-18 years ago when we cleaned out McCullough's Run all the way.

**Mr. Brandstetter:** It's a maintenance item like anything else.

**Mr. Evans:** When we walked the creek there were trees that had fallen down and different things that would clog up the pipes

**Mayor Hammon:** Do you want to take it to Charlie or what do you want to do with it? The drainage ditch that runs along the drive and the parking area by the ball diamonds needs to be cleaned out also. As we walked it today, the bottom of it in some areas is just above the roadway so the water seeps out and comes down. We need get that ditch cleaned out also.

**Mr. Cosby:** Is that not part of the scope of the.....

**Mayor Hammon:** No. It's not part of the project.

**Mr. Brandstetter:** I would hire somebody separate to clean out that ditch. I would say a mini excavator up at Moundview would be best and that would give them a chance to use it and then move down to the other two projects.

**Mayor Hammon**

1. Moundview: We talked and I told Bruce we will stripe the parking spots after the asphalt is put down. Our maintenance department can do that and save the cost. We also need to trim the trees by the backstop.

**Mr. Brandstetter:** There's a Boy Scout monument that needs to be moved. I just hate to have a paving guy try to move it and reset it. You're better off getting somebody that does a little concrete work and do a nicer job.

**Mr. Cosby:** Bruce, a while back Darwin had mentioned that the drain at the top of the steps that lead down to the lower field, it's his opinion that drain is under-size. The water comes off of the parking lot towards that trench drain. Is that something we should be looking at? Have we addressed that at all?

**Mr. Brandstetter:** That trench drain is outside the paving limits; we're just going to leave it where it is and not change it. We weren't going to pave over there and just leave it alone. We can work with Charlie and pick out a better drain. I suggest if you have the money to go ahead and concrete the sidewalk from the steps over to the asphalt; it's in gravel now. That's where you can put that monument. There is one pipe we are going to have to put a casting on and adjust it. There's a condensate line that comes out of the rear building.

#### **Mayor Hammon**

2. **Traffic Signals:** Battery back-up for the one here at Church and Main and Round Bottom, so if the electric goes out the lights continue to work. I don't know how council feels; is that something we should investigate. It used to be about \$5,000 or \$6,000.

**Mr. Evans:** I thought we did it on the last one. I know we discussed it.

**Mayor Hammon:** I don't think you did; I can check. We talked about it when we did the interconnect to come back and do it.

**Mr. Brandstetter:** I'll check to see what we put where to see if we did. I'll look and see if it's in that interconnect project. To be honest with you I don't know.

**Mayor Hammon:** That's something I think we need to follow-up on for those two intersections: Round Bottom & Main and Church & Main.

**Mr. Evans:** The new ones are going to have it, right?

**Mr. Brandstetter:** I hope so; I can check.

**Mr. Evans:** Well, couldn't you make sure?

**Mr. Brandstetter:** Yeah, I would think if you're going to put it in, you would want the two on SR32 and then hopefully the two new ones.

**Mayor Hammon:** The more critical ones; if we have to do it we could stage it in.

#### **Pavement Management Study Update**

**Mr. Pulskamp:** Bruce, can you run us off an updated Pavement Management Study with the projects that have been completed and what streets should be next in line.

**Mr. Brandstetter:** Sure. It's a matter of condition and cost. We'll just have to update the spreadsheet.

**Mr. Evans:** Bruce, what's your professional opinion on that slurry seal compared to the asphalt milling and paving? Which one last the longest?

**Mr. Brandstetter:** You get what you pay for. It's almost four-times the cost. It will look good for about five years. The slurry seal doesn't add any strength to it. It gives you about 1/4". It protects the surface, makes it look better and gives a little smoother riding surface, in some opinions. It doesn't add structural strength and when you do go to pave some day you will mill that up, just like you would any other asphalt. Richard Shelley with Anderson Township likes it; his predecessor, Sparky didn't use it. He did more of a liquid rejuvenator on the asphalt. You get what you pay for; it's a five to seven year fix. An overlay is going to be a fifteen to twenty year fix and more structure.

**Ms. Hueber:** It's \$18,000 versus \$60,000. You might as well do it.

**Mr. Kobasuk:** Given our budget, it would seem to make an economic viable alternative.

**Mayor Hammon:** Why don't we take a physical inspection and see if we like it.

**Mr. Brandstetter:** We'll update the spreadsheet and whoever is interested in the slurry seal can plan to go look at it.

**Mr. Pulskamp:** We need to see the updated spreadsheet because if I remember right there are streets ahead of Ivy Hills Blvd. and Pinehurst.

**Mr. Kobasuk:** Ivy Hills has to be close to the top, based on my view.

**Mr. Brandstetter:** I think it was in the top five. We can update the Pavement Management Study, look at the cost and look at the alternatives. You don't want to slurry seal something that is bad condition; you're just chasing good money after bad. We'll just have to take a look at it.

#### **Chief Tom Synan**

1. **Police Department Webpage:** Officer Orso took the initiative to use his vast computer experience to voluntarily redesign the police department's portion of the website. It's really nice. We added a "Tip Line," anyone can leave their name or it can be anonymous. We also put a "Forum," on there with different parts; there's a general discussion area and local businesses and schools will have a section that is not open to the general public if they have a concern or a problem that they need taken care of.

**Solicitor Miller:** Oh yes it is open to the public if they put it on the website. It's public record, unless it's part of your investigation, it's going to be a public record.

**Chief Synan:** Right. It is part of an investigation, so it cannot be viewed by other people. It's tips, such as crimes and things of that nature. We are putting media reports also on there.

#### **Fiscal Officer Keri Everett**

1. **Health Insurance for Employees:** I gave you a spreadsheet on the health insurance; I just got back some final quotes today. I have been working with Fran Patterson with USI Midwest, she is working for the Center for Local Government. She was unable to be here tonight; she is at Colerain's Township meeting. Do you all want to put her on the agenda for the next council meeting or have a special meeting the first week in August? We were supposed to renew August 1<sup>st</sup>; we can keep United Healthcare for one more month. I didn't know if you want to wait until the next council meeting or have a special meeting the first week in August for Fran to come out and discuss. That next column was another option she came up with, but she just gave it to me today. I don't fully understand it, so she'll have to come out and explain it. United Healthcare, then Anthem and Humana were the two we just got quotes from, then the next one is back to United Healthcare, which is a plan she had offered or worked with through them. I want Fran to come out and explain the reason we were pulled out of the Center for Local Government.

That was the part of joining the Center for Local Government because we were supposed to piggy-back onto a larger group and get better deals. They have singled out a few: Fairfax, the Village of Glendale as well; but I want her to explain why they were able to do that. I thought it would be helpful if you wanted to see what currently Fairfax and Glendale was offering. When I talked to them no one has made a decision yet; meetings were being scheduled, options were being discussed. I'm not sure whatever communities have actually settled on yet. I know we're not the only one in this boat; I know there are several communities that were in the Center for Local Government that is going through the same thing.

**Mr. Kobasuk:** Do you know why the Diamond renewal was so high? That's a sharp increase. Is it our claims or just a general increase in health costs?

**Ms. Everett:** Both.

**Mayor Hammon:** We have been ousted from the Center for Local Government and stand on our own feet now.

**Ms. Everett:** This is definitely a topic we need to have a meeting on and have Fran come out and help explain things.

**Mr. Kobasuk:** Can we do it at the first meeting in August?

**Ms. Everett:** If you guys think....we already extended one month with United Healthcare and that's all we get. We only have the month of August to get health insurance in place for the employees.

**Mayor Hammon:** I would suggest you have a special meeting to focus on it and to understand what the different options. We need to come up with a plan because then we have to present it to the employees. I also think we need to bring them in for some input. A lot of work has to happen in a very short period of time. It would be a very long council meeting if you did it then.

**Ms. Everett:** A lot of options she is giving to not only us, but to these other communities is this "Health Savings Account." She just gave me some of these results today and I've not had a chance to talk to her today. I'd rather her come out to explain versus me trying to explain what she is saying.

**Mr. Evans:** No matter how you look at it, it's going to be raised; it's just a matter of how much.

**Ms. Everett:** I need an answer so I can call her tomorrow to set up a meeting.

**Mr. Kobasuk:** You don't think we can do it the first meeting in August John?

**Mayor Hammon:** My guess Mark, from the time we spent talking to people and that is you're looking probably at a minimum of 1 ½ to 2 hours for.

**Ms. Everett:** Mariemont took three months to decide for their employees.

**Mayor Hammon:** It's going to be an intense meeting and we don't have a lot of time. It's going to take a few hours just get all of the options out there.

**Mr. Pulskamp:** How about Monday before council? That way it's fresh on our mind for the Tuesday council meeting.

**Ms. Everett:** August 13<sup>th</sup>.

**Mr. Evans:** I'd rather do it Tuesday, after court at 7:30 p.m. You need a little bit of time don't you?

**Ms. Everett:** I don't need any time. I've already done my work.

**Mayor Hammon:** She's done all the research.

**Ms. Hueber:** Let the employees know to be there so we don't have multiple meetings.

**Mr. Pulskamp:** August 13<sup>th</sup>, 7:00 p.m.

#### **Councilmember Tracy Hueber**

1. **Motion for Rifles:** We had to retract the last one for the police department for rifles, slings, etc because of the dollar figure. They found better deals.

**Ms. Hueber made a motion to approve Lance Law; amount not to exceed \$3,132.76 for rifles, slings, etc. Mr. Kobasuk seconded the motion.**

#### **Discussion**

**Mr. Kobasuk:** We can't use the local One Shot Gun Shop; weren't they going to do this before?

**Chief Synan:** No.

**Mr. Koasuk:** One Shot was given the opportunity and they can't do it?

**Chief Synan:** Yes.

**All Aye. Motion Carried.**

2. **Fire Department:** The generator backup device for the bay doors were put in last week. This allows the doors to open in the event of an emergency, which before they couldn't.

#### **Councilmember Pulskamp:**

1. **Resolutions:** Last meeting we discussed we needed resolutions for change orders for some of the curb projects and paving projects.

**Resolution:** For a reduction of \$18,548.35 for the Church St. Phase II project.

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 18-2007 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH R. A. MILLER CONSTRUCTION COMPANY, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Roll Call: Ms. Hueber-Yes, Mr.**

**Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Absent. Motion Carried.**

Resolution: For an increase of \$834.95 for the River Hills curb project.

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 19-2007 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH R. A. MILLER CONSTRUCTION COMPANY, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Absent. Motion Carried.**

Resolution: To designate a records manager.

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 20-2007 A RESOLUTION DESIGNATING KERI EVERETT AS A RECORDS MANAGER FOR THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Kobasuk seconded the motion.**

### Discussion

**Mr. Kobasuk:** Keri, are you okay with the new job responsibility?

**Ms. Everett:** I guess so. I think I'm already kind of doing it.

**Solicitor Miller:** There's a new bill that goes into effect September 7<sup>th</sup>; there's not a whole lot of change to the old law; public records are still public records. The two new things it requires you to do is 1) come up with a records maintenance system and 2) you are supposed to appoint a records manager. If you don't appoint a records manager that will go take the required continuing education then every elected official has to go take that continuing education.

**Mr. Kobasuk:** Is the continuing education offered during the day or night?

**Solicitor Miller:** It hasn't been developed yet; the Secretary of State is supposed to develop those courses. It is three hours per term. I would assume it is going to be during the day. It probably wouldn't be a bad idea for everybody to take it once. This way you don't have to and I figured you probably wouldn't want to have to. You can if you want to take it. I went ahead and prepared this resolution so it would be in effect when the law took effect. I just picked Keri because she has to do everything else around here and I figured Lorna was as good a choice as any for the second; ya'll can put in whomever you want.

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

**Mr. Pulskamp:** (Continued)

2. Cemetery: Last meeting we talked about replacing some trees at the cemetery. I have some plans on working on that, so hopefully I'll bring it next meeting or thereafter.

**Mr. Kobasuk:** How much do you think we're talking about Ken?

**Mr. Pulskamp:** Hopefully, nothing.

**Mr. Kobasuk:** Excellent!

**Mr. Evans:** Now, if we can just get them to blacktop Ivy Hills Blvd.

**Mr. Kobasuk:** We've got to do something Doug; those streets look really bad up there. I can't recall seeing many streets that worse, but I have to keep driving around.

**Mayor Hammon:** You want to come up in my neighborhood?

**Mr. Pulskamp:** Come up to River Hills.

**Ms. Hueber:** You ought to come down to my neighborhood. We've got stripes on our roads.

**Mr. Kobasuk:** I talked to Bruce and he thought Ivy Hills was close to the top.

**Mayor Hammon:** It is.

**Mr. Kobasuk:** Let's canvas the neighbors and see if they want to do the slurry seal, the cheap fix or they want to do the milling and paving.

**Mr. Evans:** Why don't you look at them first.

**Mr. Kobasuk:** If they want a tax increase....

**Mayor Hammon:** We've got a lot more work to do on them Mark. It's not necessarily they are next, right near.

**Solicitor Miller:** If the neighborhood decided they want to do this and was willing to accept an assessment for it, you might be able to do that.

**Mr. Kobasuk:** I don't think that's where we're going.

**Solicitor Miller:** Okay, I thought you said something about taxing.

**Mr. Kobasuk:** I'm against taxes; I'm talking about street money. I'm not in favor of any taxes.

### Councilmember Doug Evans

**Mr. Evans made a motion to accept Checklist dated 7/24/2007, with an addition of \$1,025.00 to Dick Weber, Property Maintenance Inspector.**

### Discussion

**Mr. Evans:** John or Keri, the Hamilton County Development Corporation for economic development service for \$1,800; how many people have used that so far?

**Mayor Hammon:** I couldn't tell you. Catherine is coming to the next council meeting; she making a proposal, the contract expires the end of August. Catherine has done a tremendous amount of work. Since the business district had their meeting, they are getting a lot of contact about CRA's. We talked about her staying on board for \$400 to \$500 per month to administer some of this type of stuff.

**Solicitor Miller:** Make sure everybody understands with the CRA; you have to have your agreement all worked out and done and finished with the village before you ever start construction. A lot of times people are anxious to get going to get it done and then come up and ask if they can get the tax abatement; it's too late then. You need the agreement before you start.

**Mayor Hammon:** They did a property inventory for sale, they distribute it to real estate companies, and they did statistical information. Catherine will bring all of this at the next council meeting and present it to you. They're looking to probably scale that back and be more of a contact person for us.

**Mr. Cosby:** How many CRA applications have we had?

**Mayor Hammon:** Zero.

**Mr. Kobasuk:** Do we have the system set up?

**Mayor Hammon:** Catherine and I have been trying to work out our schedules to get the board together.

**Mr. Evans:** Any other questions on the checklist?

**Mr. Evans made a motion to accept Checklist dated 7/24/2007, in the amount of \$53,359.91. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Mr. Evans:** John, why isn't that last street in the Crull subdivision painted with the white lines?

**Mayor Hammon:** I think council, we just simply talked about it and there was no desire to do it. If you want to do it.....

**Ms. Hueber:** No, we decided that it was to be done. I thought if one was going to be done, they were all going to be done.

**Mayor Hammon:** Then you expect Charlie to do that.

**Mr. Cosby:** I don't think anybody from council approved those lines.

**Mr. Kobasuk:** No, I don't think we ever approved those lines at council.

**Ms. Hueber:** I thought we approved it.

**Mr. Kobasuk:** I think that was just done by the.....I didn't vote on approving the lining.

**Mr. Evans:** We approved it.

**Mr. Cosby:** Not at this table we didn't.

**Ms. Hueber:** Yes we did. It was that night we went through

**Mr. Pulskamp:** It was way back in November.

**Mr. Kobasuk:** I sure don't remember approving any lining on those streets. We've been talking about this parking issue for years.

**Mr. Pulskamp:** We talked about it before it got cold. Charlie was supposed to get them done and then he got sick.

**Mr. Kobasuk:** I remember just driving and seeing those one day and wondered what happened. I do not recall a vote on this.

**Ms. Hueber:** Well, no there wasn't a vote on it, maybe. The vote was originally when the streets got peg-lined because we ran an ad in the paper to say and to state on there, anybody that had ..in the newsletter. That's what you had instructed Charlie to do. If all of them are done except for one, that doesn't look right, so either they all get done or they don't.

**Mr. Evans:** John?

**Mayor Hammon:** Make a motion and we'll do it.

**Mr. Evans made a motion for all of the streets in the Crull subdivision are white-lined the same.**

### Discussion:

**Mr. Evans:** For the record: When we all voted on the thing we had it so there would be parking down there.

**Ms. Hueber:** That's when Mrs. Thornberry stood up and said if it passed, we could park outside the white line.

**Mr. Kobasuk:** I sure hate to get into this debate again.

**Mr. Cosby:** If you want to we will.

**Mr. Kobasuk:** There was a meeting where we had a committee structure and it was agreed by the committee of citizens and three councilmembers that we opt for 30' no parking from the intersections in all direction, which failed. Then we had this line-issue, no parking except outside the white lines, which failed 3:3.

**Ms. Hueber:** Then we'll pull the minutes because the lining was instructed.

**Mr. Kobasuk:** I never approved any lining.

**Mayor Hammon:** Doug has made a motion; is there a second?

**Mr. Cosby:** What did he make a motion for?

**Ms. Hueber:** That they all be the same.

**Mayor Hammon:** To white-line West Plum.

**Ms. Hueber seconded the motion.**

**Discussion (Continued):**

**Mr. Kobasuk:** Some citizens have gotten together and filed an Initiative Petition to put this on the ballot. That's not meant to be divisive. It was meant to take the issue "out of council." We have the required signatures on that Initiative Petition and nobody was tricked into signing that. The Initiative Petition is very clear.....it talks about.....

**Ms. Hueber:** Striping has nothing to do with that.

**Mr. Kobasuk:** Let me finish. I think I have the floor Tracy with all due respect. You can speak when I'm done. Let's respect each other. I read the minutes from two weeks or a month ago and the personal attacks were appalling; let's just be civil about this. The Initiative Petition was circulated; we have over 180 signatures. It will be counted at the Board of Elections; it's in plight. Let's let the voters decide where they want to go with this. We cannot at Council decide. We've had three votes and we tied three times each time. In the paper, Chief Driggers said on his watch there has been no problem down there with parking. I think we should go with the committee's recommendation of no parking 30 feet from the intersections and just get rid of this petition.

**Mayor Hammon:** Driggers sat here at the ad-hoc committee and told you he couldn't get the truck around off of Leonard.

**Mr. Kobasuk:** John, read the paper.

**Mayor Hammon:** No, he said on my watch. He told you he couldn't get on Crull St. going east because he couldn't make the swing because of parking.

**Mr. Kobasuk:** Then he said in the paper, "on my watch there have been no problems."

**Mayor Hammon:** No, there hasn't, but there has been other times where they could not get through there. I don't care what he said in the paper.

**Mr. Kobasuk:** He's never taken the stand to contest that safety issue.

**Ms. Hueber:** The sad thing is we re-issued the ordinance to allow parking in front yards on the other side of the white lines, which you guys would have been able to park. They voted against it; that is the issue.

**Mr. Kobasuk:** Where would they park when they have a function or have relatives over?

**Ms. Hueber:** Outside the white line.

**Mr. Thornberry:** As far as that community is concerned, we never had a bit of problem in that two-block area until you moved in there.

**Ms. Hueber:** What about the letter Brian? What about the letter that came to us? Can I read the letter that came out about Mr. Thornberry?

**Mayor Hammon:** No. There is a motion on the table.

**Mr. Kobasuk:** He should not be attacking you Tracy; we all agree it's improper. John, to your point, we had no parking 30 feet from the intersection in all directions. That would take care of Chief Driggers concerns.

**Mayor Hammon:** That's where the 30 feet came from.

**Mr. Kobasuk:** That was the committee proposal and that would end this issue. We wouldn't be here now if we had secondly. Are we going to line Jefferson, Edith and all these other streets? I just feel bad singling out a neighborhood.

**Mr. Evans:** Mark, you sat here and heard from the people that are complaining whether it's Mr. Baker or Mr. Thornberry, a lot of their complaints are how things are different. We'd like to make one area the same to make it so it is fair to everybody. We talked about it to put all of the white lines in one area and then if we have problems somewhere else then we'll address that. You're not going to like it if there is a whole bunch of junk cars in front of your house.

**Mr. Kobasuk:** I don't have that problem. We're not going to have that problem. I have a problem with these white lines.

**Mr. Pulskamp:** Mark, one of the things I think we all forget about is the change this village has been through. I've been here since 1964; I have seen numerous changes, all for the good. I remember when we redid the Valley Avenue; it was a very narrow street with no curbs, no gutters or sidewalks.

**Resident David Lockaby:** There was a sidewalk of Valley.

**Mr. Pulskamp:** There was a sidewalk on the opposite side of the street. There were little parking spaces on each side of the road. When we did that plan all of the residents were down here raising heck with us because they were losing their parking spots. It was betterment for the village. They lost part of their front yard, but it was in the village right-of-way. But it was an improvement for the overall village, not just one little section, the overall village improvement. That's what I look at when I make a decision Mark, I don't look at one tiny area; I look at the entire village.

**Mr. Kobasuk:** I think you need to bring people into that improvement and not make them feel like they are singled out. I thought if we followed that committee's recommendation and had no parking 30 feet from the intersections, and if they abused it I'd vote for more enforcement. I'd vote for the white lines. I just want to give them a chance, make them feel involved. We had a committee set up, they participated and then we didn't implement it. It's a shame! I have a different view of you. I try to represent everybody I talk to and try to do what is best. You try to do what is best too, I'm sure of that. We have a different view. I like to try and make those people heard.

**Mr. Pulskamp:** I still don't understand why we cannot designate an area of a street. This is an area you drive in only; you do not park in this area. That's all we're asking Mark; putting white lines, do not park within these white lines and you can park outside these white lines, no problem.

**Mr. Kobasuk:** Where are they going to park beyond the lines? We want to give people a place to park when they have friends over. What is wrong with the no parking 30 feet from the intersections? I don't see why we can't start there.

**Mayor Hammon:** Mark, are you going to make no 30 feet within an intersection universal across the village?

**Mr. Kobasuk:** I'm not ready to go there yet. This has caused so much trouble; we've spent so much time on this, it's so divisive. It's terribly divisive; I have even coming here to fight on parking anymore. I just want to resign.

**Mr. Evans:** I hate it when my neighbors come up to me and ask, "what's Mark asking about people on Crull Street can't have a party?"

**Mr. Kobasuk:** Where are they going to park? That law says, "NO PARKING!" It is so broad. You want to defend it, fine! I'm trying to help them.

**Mr. Evans:** Mark, I don't know why you're raising your voice; I'm not yelling at you.

**Mr. Kobasuk:** You said I was tricking people. As a lawyer, you don't want to be accused of tricking people. I've been straight-up on this Doug. The ordinance currently on the books bans all parking.

**Mr. Evans:** We had it so that they could have had parking.

**Mr. Kobasuk:** That didn't pass and I had one.

**Ms. Hueber:** Because of you!

**Mr. Kobasuk:** No, I had one that could have passed; no parking 30 feet from the intersections.

**Ms. Huber:** Yeah, but you wanted yours. You're acting like this is the defense lawyer and that you want to win your case and not what is best for everybody. Everybody could have parked their cars outside the white lines.

**Mr. Kobasuk:** I wanted the committee; I wanted to implement the committee. The committee made a recommendation and we disregarded it, totally.

**Mr. Cosby:** The committee made a recommendation that was hand-picked by the Mayor; you disregarded that. You want to throw that to this side of the table, disregarded that. Secondly, the white lines are not uniform in that uniform. I went down there and measured them and asked if we could get uniformity. The white lines go wide, they go narrow. The narrowest point is West Street, 13 feet. I still have the measurements; nobody wanted to do uniformity down there.

**Ms. Hueber:** The 14 feet is what we could have done on that street.

**Mr. Cosby:** I asked to do that; you said no; you all said no. The committee's recommendation of 30 feet from the stop sign, you voted down. So don't throw it on this side of the table, period.

**Mr. Pulskamp:** If you want to go back to the committee, Curt. When the mayor instructed the committee to come back with a resolution to the problem; the committee totally ignored his instructions. Go back and read the minutes and then come back and see what the committee came back with.

**Mr. Cosby:** The committee recommended the 30 feet from the stop sign, period.

**Mr. Evans:** Safety was first.

**Mr. Cosby:** It was totally disregarded.

**Mr. Evans:** Curt, I take offense to that. You can point your finger to me all you want; you weren't even there.

**Mr. Cosby:** Doug, I was here for this committee before and after.

**Mr. Kobasuk:** This isn't getting us anywhere; everybody is getting mad.

**Mr. Evans:** I heard what the people said. The reason it came to council to begin with is there are people there who want to keep their property values up and keep their places cleaned up. They all have parking behind their place.

**Mr. Kobasuk:** I don't think we're getting anywhere here; can we just vote on the motion on striping.

**Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-No, Mr. Cosby-No, Mrs. McCarthy-Absent. 3:2 Motion Carried.**

**Mayor Hammon:** You can instruct Charlie to paint them.

**Councilmember Mark Kobasuk:**

1. Ordinances: August 1<sup>st</sup> at 6:30 p.m. we will meet at Town Hall to discuss the ordinances Dick Weber has proposed. I advised Dick to mail these to the members: Doug, Curt, Doug Miller and myself.

**Mr. Kobasuk made a motion for amount not to exceed \$1,500 for Council to approve funds for the publication in the Cincinnati Enquirer and the Forrest Hills Journal for the advertisement of Building Commissioner position. Mr. Cosby seconded the motion.**

**Mr. Evans:** Have you talked to Bruce Brandstetter.

**Mayor Hammon:** Yes, one of the key pieces is to be certified. He has a gentleman that does it for Madeira on his staff. He is not certified. Mike Cornette has talked to Mike Hester who does it for Fairfax. He has also talked to a few others who are interested.

**Mr. Kobasuk:** Mike won't continue on, as I understand it.

**Mayor Hammon:** Mike will stay on as long as it takes for us to get someone hired as long as we show we are working on hiring somebody. If we desire, he will go with us with the selection process. He will train them and transition the position over, so he'll stay as long as it takes to get the guy on board and fully up to speed. Mike wrote up some specs for the ad; I'd say go ahead with it.

**Mr. Kobasuk:** It looks fine to me. If we approve this tonight, I understand the ad could be placed by Friday, July 27<sup>th</sup> and we could start advertising.

**Ms. Everett:** It will run for a month.

**All Aye. Motion Carried.**

**Councilmember Curt Cosby:**

**Mr. Cosby made a motion to approve June 26, 2007 council minutes. Mr. Pulskamp seconded the motion. All Aye. Motion Carried. Ms. Hueber-Abstain, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes. Motion Carried.**

1. Village Auto: Paul Frede asked if he can put some shrubs at the island area in front of Village Auto.

**Mr. Evans:** As long as the plants don't get too high.

**Mr. Pulskamp:** I think what he had before was too tall. I think we should put a maximum height of 2 feet. It's a matter of visibility.

**Mr. Cosby:** I'll tell him to keep them short; but do you care if he puts some bushes in there, not to exceed 2 feet?

**Ms. Hueber:** No.

**Mr. Evans:** No.

**Mr. Pulskamp:** There are also zoning issues.

**Mayor Hammon:** He should run it past Mike to make sure there are no issues.

**Ms. Hueber:** We don't have a problem with it; just tell him to call Mike and ask what the height regulations are.

**Solicitor Miller**

1. Initiative Petition: We received the initiative petitions; they went down to the Board of Elections. They certified the signatures; there were 152 valid signatures out of 183.

**Mayor Hammon**

1. Website Additions: I'd like to add a couple of sections to the website. One for the Newtown business district. We can list the businesses and let them post their minutes. I'd also like to add a page for senior citizens. I have recently learned of many things available to seniors through helping my mother-in-law and aunt. Council on Aging will help my aunt with a roof if she meets the qualifications. They help coordinate Meals on Wheels and they will help condition your house with rails, grab-bars, etc. The co-pay is based upon the ability to pay. It's funded by Hamilton county with a levy.

**Mr. Cosby:** Do you know what the cost will be?

**Mayor Hammon:** It won't be much.

**Mr. Evans:** You're allowed to do that without asking us, right?

**Mayor Hammon:** I could; I just want you to know and I think it expands the use of the web.

**Mr. Kobasuk:** Doug Miller, is this initiative petition going back downtown?

**Solicitor Miller:** That is a point of dispute I'm having with the Board of Elections. They are saying the clerk now certifies this again through the Board of Elections. I keep asking where in the statute it says that and they can't answer my question. They have this book the Secretary or State puts out and the book says, according to the statute 731.28,29 and 34, the clerk makes this second certification. Both the director of the Board of Elections, who is a lawyer and myself sat down and looked at those three statutes, we can't see where it says that.

**Mr. Kobasuk:** So, what is your plan?

**Solicitor Miller:** I asked, "what do you want us to do." I don't think it makes any difference because I don't think we're required to do it anyway. If they want this second certification then we'll give them the second certification. I think they have to put it on the ballot at this point anyway. The second certification is when the petitions go to the Board of Elections, the Fiscal Officer has to give them a certified copy of proposed initiative, which she did. They are checking with the Secretary of State's office because they are curious as to why it says that and they can't find it in the statutes.

**Mr. Kobasuk:** You don't need anything else from the committee?

**Solicitor Miller:** Not that I'm aware of, no.

**Resident Tammy Thornberry:** I think it is ridiculous everybody is putting the blame on Brian for the letter, just because he is the one brave enough to speak out for everybody else. We never had problems with any neighbors until this parking issue. I can't believe there is no common ground. I thought the committee had a good idea and why no one went with the committee, I don't know. I guess the lawyer will have to deal with it now. My understanding is from the center line go 15 feet and we are allowed to park there. Is that correct?

**Mayor Hammon:** The center peg, measure 15 feet off of that and you should be outside the right-of-way.

**Mr. Pulskamp:** As long as you have an approved parking spot.

**Mayor Hammon:** I'm not going to tell you that you can put a parking pad there.

**Mrs. Thornberry:** There's a parking pad there.

**Mayor Hammon:** You'll wind up with 4 feet.

**Mrs. Thornberry:** The lines are not uniform and look ridiculous; they are fading and look crummy.

**Mr. Cosby:** It's going to be on the ballot in November.

**Mr. Pulskamp:** Tammy, when the white lines get painted down there, measure and if you can park outside that white line, that's what it would have been and this would have been done months ago.

**Mrs. Thornberry:** Why couldn't it have been done months ago when the committee was up and they said no parking? I've lived there and have seen the busses make turns with no problem.

**Ms. Hueber:** We're here because people in that neighborhood complained; let's not forget we had 50% of the neighborhood come down and complained.

**Mrs. Thornberry:** I don't know who did the letter; it said a resident from West Plum Street. There is only one resident I can think of that might be this vindictive.

**Mayor Hammon:** I'm not going to read the letter because if you don't sign your name I don't put any value in it. As far as I'm concerned, there is no credibility to the letter. You should be able to face your accusers.

**Mrs. Thornberry:** I think it is ridiculous with the mud-slinging that is going on.

Councilmember Kobasuk left the meeting at 9:10 p.m.

**Mayor Hammon:** I'm sorry Mark left. Mark and I talked a few weeks ago and he wants us to come up with some more options. I have a few options; Mark says if you have parties, you have guests. Here is an alternative: "no overnight parking on the streets." That way if you have a party, you can have all the guest you want parking on the streets. When it comes 1:00 a.m., you have to clear the street. That's a thought; think of it – Mark asked me to come up with some things and that is one. Another thought the committee had is "no parking in the fire lane."

Ms. Hueber made a motion to adjourn at 9:15 p.m., Mr. Pulskamp seconded the motion.

Transcribed by Becky Fairley

