

The April 12, 2005 Regular Meeting of the Newtown Village Council was called to order at 7:30 PM by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

Present:	Tracy Hueber	Ken Pulskamp	Doug Evans
	Solicitor Doug Miller	Greg Thomas	Debbie McCarthy
	Police Chief Daryl Zornes	Fiscal Officer Keri Everett	
	Police Lt. Tom Synan	Street Superintendent Charles Siegel	

### **Citizen Input**

**Mr. Don Stringfield, Valley Avenue** addressed Council and stated he and Mayor Hammon had a conversation this afternoon that was rather disturbing for him and Mayor Hammon invited him to come to Council and discuss the matter. He thanked Mayor Hammon for the invitation. The matter he is referring to is Mr. Krings situation in the Village of Newtown. His reference point is based upon ignorance because his impending employment seems to be the biggest secret in town. He urged Council to open and cleanse their minds when they look at this issue. It is a very important issue. Nobody can debate that he probably could make a contribution to this community but he doesn't think the Village can afford him. There are other troubling aspects to this whole thing. His first question would be is there a job description for the job? It's very difficult to go out and look for a specifically qualified person when you don't even know what you're looking for. Also, he would like to know if they have discussed this in private sessions and is that why the information has not jumped out to the community and instead slipped out to the community? If that's the case, he is absolutely oppositional to that kind of approach in the Village of Newtown and he would request that it cease and assist. Is there a general idea of what frame of time he would be in a contract with the Village? How are we ever going to know if we've succeeding in evaluating the success of this gentleman? He is a very talented person but you have to have specific requests for him to do a job and then you have to decide how you are going to evaluate it. You can evaluate it a number of different ways; subjectively, objectively or monetarily. His point is you need to know how you are going to evaluate it. Another question that needs to be answered is what does Mr. Krings expect from the Village in terms of salary, retirement, health care, travel expenses and severance. He suggested to Mayor Hammon earlier today, Mr. Krings is a high power individual and his attorneys will be looking at everything he will sign. He would also like to know what Mr. Krings vision of what the Village will look like if he leaves in six months, a year, because that also goes with what his goals and objectives are for the Village. He would hate to see Council rush to judgement without the community providing some input. There are a lot of talented human beings in this community that are ignored constantly.

Ms. Hueber asked Mayor Hammon if he gave Mr. Stringfield the information he has.

Mayor Hammon said he did. He talked to Mr. Stringfield for one-half hour earlier today. He explained to him what it was and the gist of it.

Mr. Stringfield stated you can't leave it in sand, you have to document it.

Mayor Hammon stated this is very explicit to do tasks and we have talked to him about it and the relationship between him and Council and what we want out of him. He has asked for PERS.

Mr. Stringfield asked if Mr. Krings asked for any of the other things.

Mayor Hammon said he has not.

Ms. Hueber added that Mr. Krings has also stated he is seeking real work. This is not something he envisioned but on a task oriented basis which is only at Council's discrepancy. It is not an open ended contract. This is basically to help us out in areas where Council can benefit on his knowledge and not spend a lot of money.

I was told that it was extremely important that he be taken care of with the retirement system. That was one of the things.

Mayor Hammon and Mrs. Hueber both answered no. Mayor Hammon said he asked for PERS and put a number on it. He countered that number and said you pay for your part and reimburse us for his PERS which is basically 13% of his salary.

Mr. Stringfield said 13.7%.

Mayor Hammon said they knocked it down to 13.5% to make it appropriate so they wouldn't have to do that. He does not know if there's an agreement with him for that or not but that's his counter-offer to what he originally asked for.

Mr. Stringfield asked Mr. Miller if he has a contract in mind.

Mayor Hammon said there is no contract, he's an employee.

Mr. Stringfield asked if there is going to be a written statement when he comes in that this is what we're going to do to respond to you as an employee or is he just on a week-to-week basis?

Mr. Evans said this is not a done deal yet. This started because most of us on Council would like to see this Village move forward. There has always been talk of a Village administrator. They've always tried to be financially responsible in everything they've done. They know they can't hire him full time. He's done a good job if you talk to people with Hamilton County.

Mr. Stringfield said he is not going to allow him to go there because that is not true.

Mr. Evans stated that is Mr. Stringfield's opinion. When he was put at this table it was to help Newtown. Newtown needed help. We need leadership and ways to do things better. He has a lot of experience. We would pay him 1/3 what we are paying Brandstetter or Doug Miller or some of these other people that we hire. He would do it

almost on a gratis basis to help us, not near what he's worth. Just a way to do special funding for the Village of Newtown to move forward. We can stop it any time we wanted. We first tried to do it as an independent contractor and we found out we couldn't do it that way and we're trying to work some things out. Anything he would do wouldn't be an open-ended thing it would be a short-term thing to try to help us. He thinks Keri does a great job, he thinks everyone here does a great job. He has a full time job and everyone here at the table pretty much does too. We need some help on certain issues. He should not have to take his day and field a bunch of calls to try to help the Village. All they do is drag their feet on so many things. We've got a great police force, our fire force is with somebody else now and we need to move forward and get somebody in here to help us if we're not good. I'm not a Village administrator and nobody who sits here at this table is. John has other things to do and he's not down here all the time. Keri does a great job with the amount of time that she has, but, there's all sorts of issues here that we face. He could list a whole bunch of them and Mr. Krings is one part of that key to help us move forward. He doesn't want to hold the Village back and he has a lot of good ideas. He's not down here begging us to hire him. Mr. Evans thinks it would be a good idea and everyone at this table voted for it. There wasn't one person who didn't and it's not going to be some open ended thing. If we don't like the way he performs, we don't have to keep him. We're not getting into a ten-year deal. We're trying to make it better for every resident of the Village. There's plenty of things in here we need help on. Whether it's the income tax or economic development. There's a number of positive things he could bring to the table to help us. If he doesn't, at least we tried. I hate to sit down status quo, the way it's always been, dragging our feet, we haven't had a building inspector, we haven't done anything here to make it better and that's all we're trying to do, we're not trying to hold it back. The guy isn't looking for a pot of gold. He was making \$300,000 a year and he's willing to work for us for \$50/hour.

Mr. Stringfield stated Mr. Krings was making \$195,000 a year.

Mr. Evans added they are not going to do anything here to make the Village worse.

Mr. Thomas commented that it sounds like Mr. Stringfield already has an opinion of him.

Mr. Stringfield said he reads the newspaper. He does know we have two stadiums now and we had one of the biggest scandals ever with the service department and they had the big party and nobody came and they had limousines rented. That was during his watch. The stadiums were during his watch.

Mayor Hammon stated that's not his job here.

Mr. Stringfield asked Mr. Evans if Mr. Krings was a personal friend of his.

Mr. Evans said he is not a friend.

Mr. Stringfield stated he has heard him refer to him as a personal friend and he get very suspicious when a personal friend favors.

Mr. Evans stated he has never seen the guy. He his not a personal friend of his. He's only seen the guy maybe ten times.

Mr. Stringfield asked Mr. Evans if he has ever done work for him?

Mr. Evans said he has never done work for him, not even at his house. He's never done anything for him. He just thinks he's a great guy. He's talked to Simon Leis and lots of other people and he researched it a lot before he even thought about it.

Mr. Stringfield said Simon Leis jumped in bed with him immediately when the other two people said "You've gotta go", Simon Leis couldn't wait to get in bed.

Mayor Hammon stated we should leave Hamilton County politics downtown.

Mr. Stringfield stated if Mr. Evans wants to debate this with him . . .

Mr. Evans commented that he did not want to debate it with him. We brought it to Council to help it move forward.

Mr. Stringfield responded that Mr. Evans fired out, pushed it, and it's his baby. Now, you may have gotten the votes from the people here but he is asking them to open their minds and make certain that you are doing the right thing. These type of things have a special way of jumping up and biting you.

Mrs. McCarthy stated she was not here for the vote. It was Mr. Evans, Ms. Hueber, Mr. Thomas and Mr. Pulskamp.

Ms. Hueber added it would be in the minutes.

Mayor Hammon said we've talked about it multiple times.

Mrs. McCarthy added that Mr. Stringfield has three degrees and we could have put him in a council seat and he would have done this work without costing the Village a dime.

Mr. Stringfield stating he still wouldn't have done it for no pay, but, . . .

Mayor Hammon said Mr. Evans came and talked to him about it, it was never pushed down his throat, it was never urged strongly. He went and talked to Mr. Krings and met with him three times. They talked a great deal about what he was looking for and they talked about salary. He wanted to know up-front what was expected of him. He felt he could help us. Mayor Hammon's question is still, how do we put a timeline on it if he takes a job elsewhere? That is something that haunts him and we still need to address it.

Mr. Stringfield said it would also be worthwhile to try to get a job description, ask him what the Village's aspirations are and the his response and put that in a press release and put it in the local paper.

**Mr. Matt Hueber, Church Street**, addressed Council and pointed out that Mr. Stringfield is just asking for accountability for this guy and to be able to see exactly what the Village is asking him to do, what the Village is paying for. He also wanted to ask why he can't be an independent contractor? Basically, it sounds like you're only bringing him in for specific projects anyway.

Mayor Hammon stated Mr. Krings asked that PERS be part of the job. We can't do that as an independent contractor.

Mr. Hueber asked as part of his benefits, you mean?

Mayor Hammon stated they investigated it and you can't do it that way. They brought him in as temporary or part-time, as Council chooses, he will get PERS but he will get no other benefits. Mr. Krings will report directly to Mayor Hammon. He will be doing very specific jobs, he will not be an administrator. He will be doing very explicit tasks that we give him to do, it won't be that you go to him because you don't like what your boss said or you don't like the personnel policy. That's not his role. That will still go to the Mayor. It's very explicit what his tasks are. Mayor Hammon has talked with Mr. Krings about his vision for the Village. We need to start buckling down and planning some economic development, particularly along SR 32. We are sitting here status quo, look at what Anderson Township has done for the full-time staff in the development department alone. We cannot let opportunities like this pass us by or we are going to be left behind.

Mr. Hueber agreed that the Village needs to move forward.

**Mr. Curt Cosby, Ragland Road**, addressed Council and stated that they have this guy that they want to bring in here and he hasn't seen much discussion about this. He has attended every Council meeting he has been able to recently. It may have been one he was not at. He didn't see any advertisement in the newsletter that was put out. Obviously, they've given more thought to this than just the last week or two, he would assume, so there's been no advertisement to any of the Village residents of even considering this or creating this position. Mr. Cosby asked what is the title of the position?

Mayor Hammon suggested titling the position Aide to the Mayor, since he will perform specific tasks that we define.

Mr. Cosby asked if the knew what the position is?

Mayor Hammon stated they knew what the position is, they just don't know the title.

Mr. Cosby asked if they interviewed anyone else? Have they looked at anyone else to see what they can bring to the table. This whole thing about bringing this person in as an employee so he can get PERS, instead of as an independent contractor, again without any advertisement whatsoever, without any interview process, for anyone else involved. It's just a done deal, you discussed it and it's a done deal. That's not the proper way to run things.

Mayor Hammon said this was discussed at Council a couple of different times. They talked about the rising costs of insurance for the employees has become astronomical. He has suggested, he sat in this audience one night and came up to Mayor Hammon after the meeting and said here's some ways you can cut costs on health insurance. He volunteered that information. He doesn't think we necessarily have time, he knows there are people that aren't happy about not advertising. But, we had an opportunity come about and the price is fair. He doesn't know if you could get an independent contractor to come in and do a very specific job any cheaper.

Mr. Cosby said that is his point, you don't know. They have done interviews and there was no advertising, it's not in the newsletter.

Mayor Hammon said the newsletter was printed long before this ever became an issue. The newsletter is probably two or three months old. It takes the newsletter time to get out.

Mr. Cosby asked what about the website?

Mayor Hammon stated we are having trouble getting the website updated.

Mr. Pulskamp stated that five minutes before the last meeting he took over the website. Mrs. McCarthy is going to help him and they may be changing the webmaster. We are going to redo the entire website and he wants to get the minutes added on. He wants to get the information out there.

Mr. Cosby stated it really doesn't make any sense to have a website if we're not going to put information out there.

Mr. Pulskamp agreed.

Mr. Cosby pointed out the newsletter could easily be disbursed over the web site and just leave copies in Town Hall for people to pick up.

Mayor Hammon pointed out that not everybody has access to the website.

Mr. Cosby stated that the website really is being under utilized. You could have put out there that you were thinking about hiring David Krings and you were going to hold interviews. None of that's being done. You talked to the guy, you're going to hire the guy. People are unaware of things being done around here. It's just like Council seats,

you don't advertise it, there were no interviews, there is no process going on here, you just appoint someone and it's done.

Ms. Hueber asked Mr. Cosby, when he was Mayor did he do everything exactly like he is telling them now?

Mr. Cosby answered yes, pretty much so.

Ms. Hueber stated she doesn't know that is true.

Mr. Cosby asked, you don't?

Ms. Hueber said they just developed the website, they just got the newsletter together, we've got more of a communication tool to this day than has ever been at this table. We are trying to move the Village forward. Has it been advertised? No. To bring it together and discuss it at the table and say we are looking at this is more than has gone on for a long time in here. We are not sitting here trying to go behind anyone.

Mr. Cosby said all he is saying is get it out to the public. It doesn't have to be an appointment behind the scenes.

Ms. Hueber said we have discussed it at the table. This wasn't an issue when we hired a Property Maintenance man. Nobody made a big deal of that.

Mr. Cosby stated things need to be open, things need to be interviewed. He then asked where the Property Maintenance Inspector is?

Ms. Hueber said he has come and gone and we're now in the process of hiring another.

Mr. Cosby asked if they advertised for the Property Maintenance Inspector.

Mayor Hammon said we did and we have over thirty applications.

Mr. Cosby asked the Property Maintenance Inspector has already come and gone and now we're on to the second one?

Mayor Hammon stated the second one is gone too. The first one went back to a full-time position and the second one wanted double what we were going to pay and he is not willing to come down from that.

Mr. Cosby stated he realizes that they all have full-time jobs and he respects that, but, there are a lot of things here for the betterment of the Village and they are all in these seats, by one way or another, and it is your responsibility to better this and not just by hiring someone else to do it. It's Council's responsibility to take on these jobs and see it through. If you don't have time to do it then you have to make time or you're not

representing the Village in the position that you hold. Things need to be more above board and that isn't how it appears right now.

**Ms. Joan Waits, Monongahela Drive**, stated she has been coming to meetings for a year and a half and has only missed two meetings. She has not heard this discussed before. If he is going to do specific jobs and you have interviewed him and you think he's top-notch, then it is fine with her. She is an old-timer in this Village and she has just started to see this Village get on the move in the last four or five years. Up until that time, it was status quo. She is a very good friend of Mr. Evans and she was afraid when he took that seat he would not have time for it. He is a mover and a shaker and he gets things done. He has such a vision for this Village and let's move on. What gets her is that most of these people never come to Council. Why are they here tonight? One topic comes up and she's never heard of this man and she puts her confidence in the Mayor and the Council. If Council and the Mayor have interviewed this man and you think he is the right guy, go for it.

**Mrs. Becky Fairley, Edith Street**, stated she is all for having an administrator. She thinks it's a shame though, a few weeks ago we were talking about our Police force not being able to get a raise and now we're talking about paying this man \$50 an hour.

Ms. Hueber stated that is not what was going on. We do have it in our budget. What was going on with officers has nothing to do with the budget. We were reorganizing some pay structures.

Mrs. Fairley said she thought she heard Lt. Synan say they offered to forego their raise.

Ms. Everett said they offered to forego raises in order to get structure and more personnel.

Mrs. Fairley said she still thinks its crappy to bring in more personnel when we have our family we need to take care of first.

Ms. Hueber said Mrs. Fairley is losing sight of the big picture. These guys are very in sight with what we are trying to do here.

Mrs. Fairley said as long as they're taken care of.

Mayor Hammon said what people have to understand is that if they want to keep their jobs, we have to keep the money coming in. That's where the economic development comes in.

Ms. Hueber said the reason we want to hire him is so that we can pick his brain for certain areas where he has experience. We can pick a certain area and asked him if he knows a better way to do things and, if so, research it and bring it back to the table so that we can make an educated vote.

Mrs. Fairley asked if there would be a cap on each project he would be given so it couldn't exceed a certain number of hours.

Mayor Hammon answered no. Periodic updates would tell us if he is worth the money or not, similar to what we do with Mike Cornette.

Mrs. Fairley asked how long Mr. Krings was with Hamilton County.

Mayor Hammon answered eighteen years.

Mrs. Fairley asked if he was let go.

Mayor Hammon answered yes.

Mrs. Waits asked who was in charge of the newsletter project?

Mrs. Hueber said she was.

Mayor Hammon said he also had input on the project.

Mrs. Waits congratulated Mrs. Hueber and Mayor Hammon and commented that it was informative and very good. She then asked who Mayor Hammon was referring to in his comments, in the newsletter, that someone would be knocking on resident's doors to enforce the property maintenance code.

Mayor Hammon said he did not know yet, but she is probably looking at him. He would like to have someone in that position but it is a rather hard position to fill.

### **Police Chief Daryl Zornes**

Council has his monthly report.

### **Street Superintendent Charlie Siegel**

Mr. Siegel attended a meeting with Sunesis held on April 11, 2005. Mr. Siegel gave Council a brief synopsis of the items. The reconstruction of the intersection will be delayed until the water line can be run from Main Street up Riverhills Drive. They will be doing some of the work at night. They will be starting preliminary work on the water main starting tomorrow. There will be an on-site meeting on Thursday at 10:00 am.

Ms. Everett asked if this is strictly Water Works and no cost to the Village?

Mayor Hammon said after the meeting on Thursday he will be able to give more information.

Mr. Siegel commented that it looks like they are ahead of schedule on the project.

Mayor Hammon stated they have a new project manager.

Mr. Siegel informed Council that he has instituted a Casual Friday policy in his department. He will continue this unless employees start to abuse the privilege.

Mr. Evans suggested wearing some sort of identification to verify they are village employees.

Ms. Everett said they are working on identification cards and Mayor Hammon stated he thought their ball caps with village logo were sufficient. Mr. Siegel pointed out that they also drive Village identified vehicles.

Mr. Evans stated he thought that it was unprofessional and he would rather see us take the guys out for lunch or something. Looking at it from a safety aspect, he would rather see uniformed professionals.

Mr. Siegel pointed out that the county wears casual clothes all the time.

Ms. Hueber stated she has to agree with Mr. Evans from a professionalism standpoint.

Mrs. McCarthy asked the audience what the residents thoughts are.

Several audience members replied with: "muscle shirts are unacceptable" and "you need the uniforms to represent the village".

Mr. Siegel stated he has always maintained the dignity of the department and this is just something to make the employees feel good. He talked it over with the Mayor and it was just a nice gesture for the employees.

Mr. Pulskamp said he would not be opposed to buying uniform t-shirts for Fridays. Definitely not sleeveless shirts, absolutely not. That is very unprofessional looking.

Ms. Hueber agreed.

Mayor Hammon suggested letting the committee work it out.

Mr. Siegel thanked Council for their input.

Mrs. Fairly thanked Mr. Siegel and his department for everything they do. She agreed with Council that uniforms or the t-shirts are a good idea.

### **Police Lieutenant Thomas Synan**

Lt. Synan stated that on in the beginning of March, he and the Mayor drove around the Village and identified thirteen violations of what falls under our junk ordinance. On March 16<sup>th</sup>, he served notice on all thirteen and basically sent a copy of the code along with a notice that asked them to please take care of it by a certain date. Eight out of the thirteen did, and he is attempting to get a hold of the rest to issue citations. Also, Mr.

Miller is working on a new ordinance to make a violation of the property maintenance code a misdemeanor of the fourth degree, whereas right now it is a minor misdemeanor which is just a payout ticket. Mr. Miller and Mr. Cornette have recommended that we adopt the 2004 Property Maintenance Code and they will bring it up once it is done.

Mayor Hammon stated Mr. Cornette has notified him that the Building Code gets updated every two years and we are six years behind. So, he urges us to adopt it. We have purchased one copy if anyone would like to peruse it.

Mr. Pulskamp asked if these are two different topics.

Mayor Hammon said yes, one is the Building Code and one is the Property Maintenance Code.

### **Fiscal Officer Keri Everett**

Ms. Everett reviewed with Council changes amending the 2005 permanent appropriations, which are located in Ordinance #11-2005. She also notified Council that the auditors have requested that supplemental appropriations be approved by Council. She will need to have the supplemental appropriations approved by motion from Council. She notified Council that she showed the Moundview apartment to an interested party last Friday. Another meeting was held with the Police Department regarding the salary ordinance and the information for the ordinance was revised. The only other change made on the salary ordinance was the call-out time for the Maintenance Department. Currently, if the Maintenance Department was called out they received a minimum time of 4 hours where the Police Department currently gets two. She changed the minimum call-out time for both departments to two hours. She then reminded Council that they have received all of the minutes to date for 2005 but none of them have been accepted.

Ms. Hueber suggested that Council read the minutes before the next meeting so they can be approved.

Mayor Hammon announced to Council that it has been suggested that they go back to having one regular meeting per month and one work session. This should cut down the number of hours they are here for each meeting. Council discussed the pros and cons of changing the council meeting schedule. Ms. Hueber asked if Council wanted to cut down to one meeting per month and have it be a long one and work the committees? Mayor Hammon said he thinks it will be okay for the summertime. Last year we had one out of three meetings because people were always gone. Ms. Everett suggested thinking about it and coming back to the table. Mayor Hammon reminded Council they could always have extra meetings as they are needed. He added that if committee meetings are held and committees are respected they would be surprised at how much quicker the Council meetings would go. It's okay to push back some but you have to respect their decisions. He urged that Council think about it the pros and cons. Mayor Hammon said there is a Council seat open and historically, they've always allowed that seat to be advertised. They've gotten off track in the past, but, his thoughts are that is

the right way to go. We really should advertise for it, get it in the journal quickly, next Wednesday, do the interviews and get it closed up. This does take it past the thirty days, but, he will give his word to work with Council to pick the best individual for that seat. We could have a special meeting and go into executive session and do interviews and pick an interview that meets our needs. Ms. Hueber asked if they could do it before the next Council meeting. Mayor Hammon suggested that the applications should be in turned into the Village by 5:00 pm on the 26<sup>th</sup>. Mrs. McCarthy asked why they are doing it this way now, when it was not done that way with the other seats. Mayor Hammon said that is history and that is not the way Council elected to do it. He is offering this as an alternative. Ms. Everett reiterated the schedule. It will be advertised in the paper on Wednesday and people will have Thursday, Friday, and Monday to respond. Mayor Hammon said if we state the deadline he doesn't think the time frame will be an issue. Mr. Puskamp said he will have it on the website tomorrow. Ms. Hueber asked if we will conduct the interviews before the meeting on Monday. Mayor Hammon said they could go into executive session right away and conduct the interviews, if that's what you want to do. Ms. Hueber said they could put it in the advertisement to have applications in by 5:00 pm Monday night and for applicants to be prepared to be interviewed during an executive session Tuesday evening. She then asked Council if that would be all right? Mayor Hammon said yes, unless they wanted to make it at 7:00 pm. Ms. Hueber said we could do it that way.

Ms. Becky Fairley, Ragland Road, asked why they were changing the procedure. Mayor Hammon stated it is to pick somebody before the next Council meeting. This gives them a chance to complete the work, do the interviews and then come out of the executive session and name someone. They will then be able to conduct business.

The next Council meeting will be called to order at 7:00 pm, and they will immediately go into executive session to conduct the interviews and the regular council meeting will start at approximately 8:00 pm. If they finish earlier, the meeting will start earlier.

#### **Councilmember Tracy Hueber**

Ms. Hueber announced that the newsletter went out and they have about 200 copies left. We have a credit from the original statement of \$43.43 due to the fact that they had 200 less than they anticipated. She did get the disk from Keri, so now we have a base to go by with the addresses in the Village.

#### **Councilmember Ken Puskamp**

Mr. Puskamp asked Mr. Miller if he has anything on the Zicka property yet. Mr. Miller said he did not. Mayor Hammon notified Council that Mr. Cornette is going to talk to them because Planning has instructed Mike and they are going to put a greenspace overlay on all the hillsides. So, they are looking into that and investigating that.

Mr. Puskamp announced a Human Resources Communications meeting for next Monday, April 18<sup>th</sup>, at 7:00 pm. Mr. Miller announced he will not be able to make it. Mr. Puskamp asked Mrs. McCarthy if she will be able to make it to that meeting to discuss the website. Mrs. McCarthy will check her calendar. Mayor Hammon asked Mr.

Pulskamp if Mr. Phillips passed anything he was working on to him. Mr. Pulskamp said he has given him nothing. Mr. Miller stated he has received a couple of things from him.

**Mr. Pulskamp made a motion, seconded by Mr. Thomas to suspend the rules. All aye, motion carried.**

**Mr. Pulskamp made a motion, seconded by Ms. Hueber to adopt Ordinance #10-2005 Establishing Salaries For Village Personnel, Dispensing With The Second And Third Readings And Declaring An Emergency. All aye, motion carried.**

Mr. Pulskamp suggested do a role call from now on for all ordinances. It would be the proper thing to do. Mayor Hammon said he will do it.

### **Councilmember Doug Evans**

Mr. Evans notified Council that he spoke with Ray Dietrich about the Water Works Car Wash situation. He asked Mayor Hammon if he was able to speak with Mr. Cornette about it. Mayor Hammon said he did not have a chance because Mike was gone when he got in. Mr. Evans went on to say that what they discussed with Mr. Dietrich was \$6,000 and he wants to put the sign on his building. Mayor Hammon and Mr. Evans told Mr. Dietrich that as long as it works with the code that they currently have that it would be acceptable. Mayor Hammon said he agreed, in principle, that they would give him \$6,000 for the sign to be removed. Mr. Dietrich does not want to put that sign back up. He wants to put it on the side of the building. He then stated that he does not believe Mr. Dietrich and Mr. Cornette are going to see eye-to-eye. Ms. Everett pointed out that he will also have to go through Hamilton County. Mayor Hammon reiterated that he agreed, in principle, to give him \$6,000 which is what it would cost to move his sign. Mr. Evans asked Mayor Hammon to have Mr. Cornette give Mr. Dietrich a call.

**Mr. Evans made a motion, seconded by Mr. Pulskamp to accept the checklist dated April 12, 2005. On role call: Ms. Hueber – yes, Mr. Pulskamp – yes, Mr. Evans – abstain, Mr. Thomas – yes, Mrs. McCarthy – yes. Motion carried.**

**Mr. Evans made a motion, seconded by Mrs. McCarthy to accept the Supplemental Appropriations for the Village of Newtown for 2004. On role call: Ms. Hueber – yes, Mr. Pulskamp – yes, Mr. Evans – yes, Mr. Thomas – yes, Mrs. McCarthy – yes. Motion carried.**

**Mr. Evans made a motion, seconded by Ms. Hueber to suspend the rules. All aye, motion carried.**

**Ms. Hueber made a motion, seconded by Mr. Pulskamp to adopt Ordinance #11-2005, An Ordinance Amending The 2005 Permanent Appropriations, Dispensing With The Second and Third Readings, and Declaring An Emergency. On role call: Ms. Hueber – yes, Mr. Pulskamp – yes, Mr. Evans – yes, Mr. Thomas – yes, Mrs. McCarthy – yes. Motion carried.**

Ms. Hueber asked Mr. Miller if he investigated the issue of advertising for Moundview Park. Mr. Miller said that statute says that if you are going to lease property you are supposed to advertise for it. That is what we have done in the past. His thought would be that if you want to go ahead with someone you could do a rental agreement, rather than a lease. It's always a good idea not to leave property vacant. Ms. Hueber asked if the Schneider's have left and the inspection done? Mr. Siegel said he did a walk through and there was no damage. Ms. Hueber asked when this would take effect. Ms. Everett said she used the date of this Friday because when she showed him the apartment on Friday, it sounded like he wanted it as soon as possible. Ms. Hueber asked if the agreement was explained to him. Ms. Everett said when she showed the apartment, she took a copy of the old agreement with her and explained it. Mayor Hammon asked how much garbage is up there. It seems like it would be nice if we cleaned it. Were there any animals up there? Ms. Hueber said normally, we rented it before and the Schneider's went in and did a major clean. They did the painting and cleaning and everything. If you want to, if this guy will accept it. . . . Mrs. McCarthy said it should be "as is". Mr. Evans asked who is responsible for the smoke detectors and asked if the guy smokes. Mr. Thomas said we are responsible. Mrs. McCarthy stated it is Gary Collin's brother and he does not smoke. Ms. Hueber suggested making the tenant carry tenant insurance. Council agreed. Mr. Miller suggested approving a rental agreement and then starting the advertising. Mrs. McCarthy said she thought we weren't going to advertise. Ms. Hueber stated we have to advertise. Mr. Miller said he cannot advise that we don't have to advertise. Mr. Pulskamp asked if we advertise, would we have a highest bidder? Mr. Miller said yes. Mr. Pulskamp asked if there would be times that they could come in and view the property? Ms. Everett said that is what she did on Friday when she met them and showed it. Council discussed different aspects of the rental agreement. Mr. Siegel stated that he got a call from Officer Frederick on Sunday that the toilets in the women's restroom were overflowing. We discovered that kids had gotten in there and jammed sticks in the toilet, causing them to overflow. He has been here thirteen years and he has never had a problem with kids, to this extreme. He is not saying it was all due to the fact that nobody was up there last weekend, but, it sure seems to him it must have been the reason. Ms. Hueber said it would not be good to put someone in there now and advertise with no intention of putting somebody new in there and wasting taxpayer dollars. We can open the restrooms when the Maintenance men come in during the morning and they can close them before they go home. On the weekends, we can ask the Civic League to do it for a couple of weeks until we get someone in there. After all, they do get free rent. It's a great apartment, there are a lot of people who would want it. Ms. Hueber asked Mr. Siegel if it would be a problem to do that. Mr. Siegel said it wouldn't be a problem except for the people who get there after 4:00 pm and stay until dark. Ms. Hueber said we could always close then get a Port-O-Let for one month. Mayor Hammon said he does not know why we have to close them. Mr. Siegel said the incident occurred on a Sunday during daylight hours. Mr. Pulskamp asked if the Police Department is aware that the apartment is empty. Chief Zornes said he does not know if the whole department is aware. Chief Zornes said he was not aware of it. Mr. Pulskamp asked Chief Zornes to tell the officers to keep an extra eye on it so it doesn't have to be locked. Mrs. McCarthy asked if the last tenant gave thirty days notice. Ms. Everett said

she didn't think so. Mayor Hammon said he isn't sure, he didn't see the letter. Mr. Miller said he has no problem with Mr. Collins moving in on a temporary basis and maybe he would be the successful bidder. Ms. Everett would give him the option. Council agreed to changing the rental agreement to a one year rental agreement from a month-to-month lease. It was also agreed upon that Mr. Collins may move in on a temporary basis, but, would have to leave should he not be the successful bidder.

### **Councilmember Debbie McCarthy**

Mrs. McCarthy has a fax from Debbie Blanford requesting to put in a sprinkler system at Moundview Park. She has talked to Charlie about it and they will install and maintain the system. The name of the company that would install it is Waterlawn Irrigation. Mr. Puskamp asked who would be responsible for the winterization of the system? Mrs. McCarthy said it would be in the contract. Mr. Puskamp asked what would happen if in a couple of years we decide we don't want to let them use the fields anymore or they decide they don't want us? Mr. Evans said they're not going to take the sprinklers with them. Mrs. McCarthy said they would draw up a long-term agreement with us. Ms. Hueber said we did not want to do that because it was a struggle to even lease that out, that's why we're keeping one and we were against going long term. Mr. Puskamp said five or six years ago we had a packed house because the residents did not want to turn over our fields to non-residents. When we lease them out, it's short term. Mayor Hammon said his theory is that if you rent out the park, you should not have to share it with Little League. Mr. Evans said he disagrees. His kids play Little League and there are not enough fields. Mr. Thomas agreed. There are kids here in Newtown that are going out and playing on these teams. The least they can do is offer a field to them. He feels bad as a parent of a Newtown kid and they only have one field. If someone is going to give us something and not charge us maintenance and there is no liability, he would assume to accept it if it's going to make the field better. Mrs. McCarthy added that if there is any problem with it, they're liable. Mayor Hammon said he wanted to interject because Miami Valley Christian wants Short Park. Are we going to give them fields too? Does it become the highest bidder? They have no athletic fields and they have a school now. Think about what you're doing when you think long term. Mr. Puskamp asked if we need to advertise this if we're going to lease. Mr. Miller said yes. Mrs. McCarthy said they are not going to put this in and then come back and ask for a long-term lease. Mr. Miller asked if they are asking for anything in return. Mrs. McCarthy said no. Mayor Hammon asked if they need electric. If they do, they need to come down from the house. This is a major endeavor. Mrs. McCarthy said she will have them check into it and then bring it back. Mr. Evans said he is all for supporting something for the kids, as long as it doesn't cost more than we can afford. Mrs. McCarthy agreed with Mr. Evans. She will take it back and let them know that the electric has to be underground and they have to be responsible for winterizing it and see what they say. Mayor Hammon said we might want to make them post a bond or something to protect the Village in case they walk away. Mr. Thomas said worst-case scenario, we never use it. Mayor Hammon said if it is on our property, it is our liability. Mrs. McCarthy asked Mr. Miller for his opinion. Mr. Miller said it is a nice asset for the park. Whether Little League is using it or not, can we turn it off and on? It's kind of like a swing set up there, you're going to have to make sure it's working okay so someone

doesn't get hurt. That's a matter of the circumstances up there, if it's something you don't catch because nobody is checking on it, you probably have a problem. But, if you're making a reasonable effort, to make sure things are sticking up and that sort of thing. When they're done with their season we're not going to be turning it on, so go around and make sure they're all flushed and whatever else you can do. Mr. Pulskamp suggested Mrs. McCarthy go back and talk to them.

### **Solicitor Doug Miller**

Mr. Miller announced that there is a sale by the Hamilton County Park District tomorrow for the land that we need to acquire for the Valley Road improvements with the stop light. They have some land that we need to put in a turn lane. They are required to sell it and they have advertised and the sale is tomorrow. We just need to authorize someone to represent us. Mayor Hammon has said he can go for us.

**Ms. Hueber made a motion, seconded by Mr. Thomas to suspend the rules. All aye, motion carried.**

**Ms. Hueber made a motion, seconded by Mr. Thomas to adopt Resolution #2-2005 A Resolution Authorizing The Purchase Of Real Property, Dispensing With The Second And Third Reading And Declaring Emergency. On role call: Ms. Hueber – yes, Mr. Pulskamp – yes, Mr. Evans – yes, Mr. Thomas – yes, Mrs. McCarthy – yes. Motion carried.**

Mr. Miller notified Council that he had a request from Mr. and Mrs. DeVore on Debolt Street to use the paper street by the lodge. They are requesting from Mr. Cornette permission to build a garage behind their house and to come out of their driveway onto the paper street. It is now gravel or semi-paved. We are not going to enforce the no parking rule on there or be responsible for it in anyway. We can just inform them that they may use this paper street as your driveway but if someone pulls up on it and parks, we're not going to tow them away. We're not treating it like a normal street. Mr. Pulskamp asked what would happen if the Village ever abandoned the street? Mr. Miller said that would be to their advantage because they would get the land. But, if you don't think it's ever going to be developed you probably should abandon it because you get tax dollars off of it. Mayor Hammon said he did not think this was the time to abandon it because there is land back there. Mr. Miller said the first thing you would need is a request to do it. Ms. Hueber said she believes the DeVore's would request it and she and Mr. Mark Moore are on the other side of it and they would request it as well. Mr. Miller said if that is what all the adjoining property owners want to do back there, he would suggest they get together and petition the Village to do that. Mr. Miller said he just wanted to notify Council of what was happening.

### **Mayor Hammon**

Mayor Hammon informed Council that he is meeting with Mr. Brandstetter on Thursday and he needs to know if we want to do the alley paving and the parking lot. Are these projects that Council wants to go ahead with? Ms. Hueber answered yes. Mrs. McCarthy asked if this was for all of the alleyways. Mayor Hammon said it is for the

three that they discussed. Ms. Everett requested that they discuss it at the next meeting because she would like to review how much this is going to cost.

Ms. Everett informed Council that when she was at Moundview on Friday, she noticed that the one set of stairs is laying up on the porch and the other set is ready to fall off. Do we want to move forward with that as well and have Mr. Cornette draw up some plans. Last year we started the Moundview projects and left off with the tuck pointing and porch. We need drawings for that. Council decided to discuss it at the next meeting.

Ms. Hueber asked what was decided about the pole with the speed study. Mayor Hammon asked if he could get back to her after the meeting with Bruce on Thursday.

**Mr. Thomas made a motion, seconded by Mrs. McCarthy to adjourn the meeting.**