

The August 9, 2005 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 Present:** Doug Evans                      Debbie McCarthy  
Tracy Hueber                      Ken Pulskamp  
Mark Kobasuk                      Greg Thomas

**Assistant to the Mayor:** David Krings

**Solicitor:** Doug Miller

**Fiscal Officer:** Keri Everett

**Chief of Police:** Daryl Zornes

**Lieutenant:** Tom Synan

**Mayor John Hammon:** Would anyone like to address Council at this time? Please state your name and address.

**Resident James Whited:** 7001 Monongahela Drive in River Hills. I'm here to discuss SR 32 and the new construction going on at the bottom of the hill. Traffic signals coming from Roundbottom Road to SR 32 going East, there is a delay of traffic coming off of there. There is no right-hand turn on Red for the people coming off of River Road going onto SR 32. The other thing is when you are making a left-hand turn, there is delay and I know they are working on it. They are working on the other end next to Village Auto where you take a right-hand turn from Roundbottom. When you are coming from 32 hill going west off SR 32, when sitting at the light, I have sat there through three traffic lights for a left-hand turn onto Riverhills Road. The traffic does not correspond, they have no way of delaying it, but you have to wait until that traffic comes through. Rush-hour time between 3:00 p.m. – 6:00 p.m. is a problem. In the afternoon, there is no too much of a problem except when people are going to and from work, out to lunch and such. I'm asking Council to think about getting a traffic signal in a three-minute delay. I work for the Post Office and I know by going up there delivering the mail, it would be a lot better having a delay on a left-hand turn arrow coming from SR 32. A three-minute delay to stop the traffic would give other people enough time for three cars to go up to the hill. I know we don't have a lot of cars at one time going up the hill, but at least that delay would help get the people up there safely.

**Mayor Hammon:** I have met with Bruce Brandstetter, he is the Engineer for this project. I have discussed with him for us to change the intersection mid-course, the no turn on red came about. We haven't really configured the lights properly. I had some discussions with him about the turning situation. We've agreed to sit down and he is going to have his staff assess the lighting and make sure it is correct and see what is the proper configuration for the lights.

**Tom Busse, Resident and Representative of Newtown Civic League:** This weekend is our annual 5K Race. It's an awesome site with 700 runners coming down the hill. We invite everyone to come out, it's pretty impressive. On a positive note, I'd like to "thank," Keri Everett, Caryl, Daryl's daughter and Becky Fairley for answering the phones, passing out registration forms, sorting our mail as it comes in, we really appreciate your efforts. Now, on a negative side, I have a little bone to pick with Mayor and Council; specifically the Communications Committee. Last year the Mayor and Council came to us and asked if we would help them promote the Village's website and we said, "no problem." We added the Village and it's website address on the sleeve of our T-shirts, along with the printing of our major sponsors. We placed a note in every packet for runners informing them they could go to the website after the race to get their race results. We got those race results tabulated and furnished to the Village four days after the race. Three weeks later, the results were still not posted on the website. I received phones like crazy, "you put it in the packets that we could get our results from the website, where are the results?" Okay, that was last year. This year we advertised on our Race applications in hard copy, we advertised on Bob Roncker's Running Spot website that you could go to the Village's website to get the Race registration form. We gave that Race registration form to the Village six weeks ago, it has not yet today shown up on the website. It had a pre-registration deadline of August 1<sup>st</sup>. You can do nothing now to fix that. You might ask, "what's the effect of this?" This year's pre-registered runners are the lowest number we have ever had since 1989. This Race has been going on for twenty-three years. Now, I have been getting phone calls, I got them last year for the results, I got them this year for the registration form. It's an embarrassment to me, an embarrassment to the Civic League and I would think it's an embarrassment to you. Now, what happens to the Race results after this year's race? I don't know if you noticed, you're on our sleeve again this year, the website is. That's only because the printer had to print the T-shirts long before we knew we had this problem. We thought last year the three weeks was a problem but thought we could live with it. Six weeks and NEVER EVER having the application on is totally unacceptable. Honest to God, I would love to hear your response.

**Mr. Pulskamp:** I'll answer you Tom. It's not the Mayor's fault, it's not Council's fault. It's my fault. I got the information about three weeks ago.

**Mr. Busse:** Two weeks ago I was told it was given to you three weeks prior to that.

**Mr. Pulskamp:** It was left in my mailbox. I got it five days before the previous Council meeting and within a day of that I had some personal emergencies at home. I left it slip through, it's my fault and there is no other excuse for it and that's all I say. I want to comment on your comment about the lowest pre-registration since 1989. The website has only been up for the last year and half. I don't the website has an effect with your pre-registration.

**Mr. Buses:** It had an effect this year, this is the year I'm talking about. I've had dozens and dozens of phone calls saying, "I'm trying to find the registration form and I can't find it on the

website. How do I find it?" How many of those people do you think didn't bother calling me, that they just went and registered for a different race.

**Mr. Pulskamp:** I understand what you're saying and maybe you and I should have had some communication to begin with because you put that on the advertising before it was even on the website. It should have been up on the website first and then you do your advertising.

**Mrs. McCarthy:** Tom, was it on the website last year?

**Mr. Busse:** No, the results were but the application was not. The last year was the first year you were on our sleeve that I do know. The long and short of it is, when I get the Race results do I even bother giving them to you?

**Mr. Pulskamp:** Yes. Actually, you're going to give them to Deborah because she and I talked before the meeting and Deborah is going to take over the website.

**Mr. Thomas:** And then follow-up and make sure, last year I didn't hear anything about the results being on the website.

**Mr. Busse:** Let me ask you a question, "if somebody calls and leaves a message for you to call them back, how many times do you do it and never get a call back before you say screw it."

**Mr. Thomas:** I guess it depends on who it is.

**Mr. Busse:** Kenny, would you like to see how messages you have?

**Mr. Pulskamp:** I got one.

**Mr. Busse:** Three, we left three with your Dad! I have nothing else to say.

**Mayor Hammon:** I will say this Tom, "one thing is disappointing, nobody ever called me about it." I can't take action unless I know, I never heard about this until this moment other than through the grapevine.

**Don Stringfield, Resident:** Valley Avenue. Tom Busse is the heart and soul of this community. Tom has lived here for about thirty years and he would do anything you ask him to do. Tom has served on Council, Carolyn has been our Treasurer. Tom helps his neighbors and helps everyone. Rather than argue with him Kenny, you should have apologized immediately.

**Mr. Pulskamp:** I did apologize. Don, the very first things out of my mouth was an apology. I said, "it was not Council's fault, not the Mayor's fault that it was my fault." I am sorry.

**Mayor Hammon:** Would anyone else like to address Council?

**Larry Brokamp, Attorney:** I am not a resident of Newtown. My office is up in Fairfax and I just wanted to make you aware of something that is being done by the Department of Treasury. There is a program called "New Market's Tax Credits." They are designed to provide investment capital for Low Income Census Tracts. The reason I wanted to bring this to your attention is because, to my surprise, I was working on this for some other clients of mine, Newtown north of SR 32 is considered a Low Income Census Track and qualifies for the credits. I thought you might be interested as a community and making an application for the tax credits to spur investment for that area and hopefully revitalize it. I brought some information along with me. If you are interested you can give me a call.

**Mr. Kobasuk:** Larry, how did you find out this qualifies for the Low-Income Census Program?

**Mr. Brokamp:** CDFI Fund is a division of the Department of Treasury and they are the ones that set up this website. You go to it and put an address in and it tells you whether or not the address is listed in the area. I have investors interested in nearby areas, the Eastend and that area. I was just curious as to how far it extended east and I put in Town Hall's address and sure enough, it qualified. The tax credit is a 39% credit over seven years to investors willing to invest in this area. If you apply for the credits and get them and can get an investor to contribute 10 million dollars, that investor would get back 3.9 billion over a period of seven years. It's a huge incentive for people to provide capital to redevelop areas and that is what the whole program is designed to do. There is not a minimum, but the average award was 50 million dollars. The lowest on the last round was 5 million. They are awarding 3.5 billion total.

**Mr. Evans:** Is this federal money?

**Mr. Brokamp:** Yes, not actually money, just a tax credit. There are two other entities in the Cincinnati area that have successfully been awarded the tax credits. I don't have the names, they are just organizations dedicated to revitalizing a certain area. One is for Over-the-Rhine and I believe the other one is the Clifton area. It's a little bit of a long shot, the award is only a 20% success rate, in other words, only 20% of applicants were awarded the credits. It's not a sure thing if you make the application, but if you do it correctly and put a good application together you're chances are better. I can help you out with the application process or you guys can take the information and do it on your own. You have to qualify to receive the tax credits for the first deadline, which is August 22, 2005. The next deadline is September 24, 2005. It doesn't have to be done by the City. A few of you could get together and serve on the Board of an Entity and file the application and have it completely independent of the City. There is no fee for filing. You would have to set up an entity, which is a filing fee, with the Secretary of the State of Ohio for \$125.00. If you didn't use the City itself for the application, which you probably wouldn't want to do, you'd probably want to have a subsidiary apply for the credits. It might be beneficial to get an application in this year because they review the application and point out if you don't an award, they tell you why you didn't. So when the next round comes around you can cure any of the things they don't like and reapply the next year.

**Tom Driggers, Fire Chief of Little Miami Joint Fire District:** I'm here to discuss an issue and probably get some direction from Council as to any history of this problem that may have occurred in the Village in the past. Lately, we've been in correspondence with three residents in Ivy Hills about ornamental grass and plants around fire hydrants. Apparently these people are all relatively close or neighbors of one another, at least in proximity of the fire hydrants. We have corresponded with them and advised them of the need for clearing out the hydrants from ornamental grass and plants. We also stated the fire code requirements and as of yet we have

not had any response back from these individuals. Is the Village aware of any history of this type of a problem? Do you have a particular plan of action that you would prefer us take? It is our desire to be a good neighbor, but we also have to get these hydrants clear of obstruction for obvious reasons.

**Mr. Pulskamp:** As far as I know Tom, we've never had this problem before. I would suggest giving them a letter with a very short time frame to clear it out. If they don't, we can have the maintenance department trim it as necessary because we are responsible for the maintenance of the fire hydrants.

**Chief Driggers:** These things are all high growing ornamental things that obstruct the view of these fire hydrants in question. We're pretty lenient in the interruption of the code, but we have to get to the fire hydrant for obvious reasons. We just had a fire incident in one of the homes in that general area, just within the last week or two where one of those hydrants was put into use. The firefighters had to do some "foot-stomping" so to speak, so they could attach the hose and get water to the truck. I'll attempt to contact them personally to inform them of the importance of abiding by the fire code.

**Mr. Kobasuk:** Tom, do you know what street?

**Chief Driggers:** All three are on Pinehurst. The fire hydrants are spaced approximately 500 feet away from one another so obviously the homes aren't continuous to one another but the hydrants are in line with one another.

**Mayor Hammon:** This is the first time anything like this has come up. There has been some arguing over the right-of-way issues for some time. I'm willing to go with you when you make the visit, give me a call and as Mayor, I'll go with you and try to explain the situation. I do believe if it doesn't happen, we just cut it out and clear it.

**Mr. Miller:** You could do that, I'd give them a deadline.

**Chief Driggers:** They have gone through our first deadline. That's why I am bringing the issue before Council. They have ignored our letters. Your honor, I'll get back in touch with you before the end of the month and if there has not been any action personally, you and I will make contact with these individuals. The date of the letter is July 20, 2005 quotes the fire code as to the requirement people have of clearing obstructions around fire hydrants.

**Mr. Evans:** Those people are pretty reasonable and they shouldn't be treated any different than anybody else. I don't see any reason to make a mountain out of a molehill. I say they just do it or the Maintenance Department does it for them.

**Chief Driggers:** We want to be good neighbors and that's why I am bringing the matter to Council. We don't believe in going up there in an over aggressive manner to disturb the community. I don't care if the fire hydrants are blocked on Pinehurst or on Valley, to me it doesn't matter. We're going to take the same approach regardless. I just wanted to bring the matter to Council's attention so that if you get some community feedback, you'll understand what the issue is and it can be directed to the channel.

**Mr. Evans:** Well, I did see you guys up there and they were very friendly. They talked to my kids. I think it's good that the Fire Department is seen outside in the community other than sitting out in their lounge chairs.

**Chief Driggers:** Believe me, I believe in high visibility. I think those are the things you do. We've had that community street corner project for some time. I want people out of the fire station and out in the community so people know who they are other than just during an emergency. I'm receptive to your ideas or suggestions, but we're going to take some type of correction action.

**Randy Smith, Resident:** Pinehurst Drive. No, I don't have a fire hydrant in front of my house. As many of you know, I am Vice President of Forrest Hills School District School Board. I just want to get back with you and report, I think most of you are aware we had plans to put a Levy on in November and we have now changed our mind based on the way state-funding came out. But, to be clear, it is a postponement. It is inevitable the way schools are funded there is no opportunity to get increased revenue either through inflation or other means, other than building within the district. So, it's not a matter of if, it's just when. What I would like to do, at Council's convenience at some point if I could maybe get ten minutes on your agenda, I'd be happy to give a presentation just as far as a background on the School District where we are from a financial standpoint. Also, it might help give you some perspective on the way school districts wind up funding because it is different then the revenue you all pick up. I'm happy to answer any questions. If it serves the needs of Council, I'd be glad to give a couple of minute reports on a semi-frequent basis just to let you know what is going on. I am not interested in seeing my property taxes go up any more than the next person. On the other hand, I am interested in making sure the Forrest Hills School District, including the Village of Newtown keep a quality school system.

**Donna Brooks, Resident:** Crull Street. I am a member of the Civic League and I have a question for Kenny. Do you have a website or email address for yourself so we can send things directly to you? It isn't on the Newtown website. I turned in something for the Senior Citizens picnic and since you didn't have an email address, I emailed it to Tracy and she passed it on to you, I presume. It did not get onto the website. Again, I think you had like three weeks to do that and I don't know where it went.

**Mr. Pulskamp:** Like I said before, I am actually going to turn it over to Deborah so I will get you her contact information.

**Mayor Hammon:** We will close audience participation at this time.

**Keri Everett, Fiscal Officer:** You have several Resolutions and Ordinances, let me know if you have any questions.

**David Krings, Assistant to the Mayor:**

- 1) **Personnel Policy:** Doug Miller and I met to discuss the current personnel manual and looked for holes to fill from our perspective on subjects that aren't even mentioned in the personnel manual. I have given you a list of subject matter that ultimately could be in a personnel manual. The thought was I would do a first draft and share it with Doug and department heads to find out their perspective and any changes before formal presentation to the Council. This evening I spoke very briefly with Ken about what procedure we should use with a Committee. I guess the initial thought was that at the time of the first draft I would share that with Ken and Committee and they would review prior to presenting to Council as a whole. There is too much stuff to do at once and lay it all on you, so we're going to try and get something on each agenda here on out. It could be six months or more before we get through the whole process but at least then you'll have the opportunity to consider the policy considerations on each section. Any comments?
- 2) **Health Insurance:**
  - a) **County Plan:** To be considered, we need to have a health statement by each of the employees. I'll submit the data tomorrow and hopefully get a quick turn around.
  - b) **Center for Local Government Plan:** They have a tentative rate to quote us, I should receive later this week or early next. Then we'll set the analysis between the two alternatives.
- 3) **E-Check Financing Opportunities:** Keri and I met with Seasongood & Mayer, a local Bond House and Fifth Third Bank. In both cases, they pointed out that this is a very good time for borrowing. They also recommended we do something on a longer-term basis. Personally, I was thinking maybe doing some one-year rolling. They pointed out the increment between a one-year note and a twenty-year bond, the interest is fairly low. It might be good for us to lock in some rates. To do that, we need to have a better idea of exactly how much money we need. They recommend and I concur that someone whether it is Doug Miller, me, the Mayor or some of the Committee Council people or some combination make the initial inquiry of the owner's of that building see if we can't get an option. I know I have seen stuff in the paper the last few weeks, one saying, "for sure in January the program is going to end", another one saying, "well, we're not so sure that it might not end." Regardless, I think we should negotiate an option. I also think we should get an architect involved once we have that option to advise us of any renovations and changes that need to be done in order to make it useful to the Village. Step 1 is to start the conversation and we'll take it from there.

**Mr. Evans:** John, you want to do this, right?

**Mayor Hammon:** I think we should pursue it.

**Mr. Evans:** I'll do it with you if you want.

**Mayor Hammon:** I think Doug Miller and David working together really should be the ones to go out and do it. Start making the contact and negotiations with them.

**Mr. Miller:** I like the idea of an option, I have been involved with another situation where a community thought they needed a particular building. They bought it and found out they couldn't do a thing with it and had to tear it down. It would be best to investigate before we move in.

**Mr. Krings:** Okay, Doug and I will get together and start making inquiries.

- 4) **Maintenance Garage Sewage:** This has been a source of continual frustration. By the time I write an up-date memo, it's out-of-date because something else has changed. Tomorrow will be the fifth time that I thought we had it put to bed, at no cost to the Village. This morning, Kokosing and MSD confirmed that the distribution box in that system is actually crushed. If that's crushed, so are the pipes coming off. They wouldn't accept our explanation that the system wasn't working and that is because it's crushed. Now, they have the evidence it has actually happened. I've talked to Bob Campbell, Director of the Sewer District, both yesterday and today. He believes that he can have the contractor pay for us hooking up to the sewer system and thinks that may be done as soon as tomorrow. I wouldn't bet the house on that, but at least there seems to be progress made. I'm sorry I can't say, "it's a done deal yet." This has been a source of frustration for all of us. One thing I can assure you between Charlie and me, you have two guys that don't like to take "NO" for an answer. We'll continue to do that.

**Mr. Thomas:** If you are successful, that will save us about \$10,000.00, won't it?

**Mr. Krings:** \$10,000.00 for the Maintenance Garage and so far we have found a way we can connect for the park and that one seems another \$5,000.00. We got them to a point and said if we use the same water tap that is used in the Maintenance Garage, that would count as one tap regardless of whether we go into the sewer twice or not. I will put a confirming letter in writing so we have something in the file for the future. All of the MSD people I have talked to agreed to that point of view. Pretty sure we'll save the \$5,000.00 and working to save \$10,000.00 more.

**Mr. Evans:** Greg, Charlie did need it pumped out once, right?

**Mr. Krings:** The MSD people pumped it out one time. They pumped it out when they were still trying to confirm that the system actually wasn't working. Personally, if the exit pipe is covered by liquid that would be a pretty good indication that nothing is going through the pipe. They had to pump it out and find the exit pipe and confirm that the system actually wasn't working.

**Mayor Hammon:** I'm not sure they did. I think they gave it today. I talked to Charlie, Charlie said, "they came in and started to dig and the sewage began to ooze up, and they said that was enough and that confirmed it wasn't working. They really didn't get to the valve. They just said, "it's not working, let's quit."

**Mr. Krings:** That's for the valve Mayor. It's not the valve, it's the septic tank. We'll see, hopefully next time I will be able to report that it is all done.

**Mayor Hammon:** I asked Charlie to go ahead and get a contract, get the bids and all together. I think we go ahead and forward the contract just so we can act when it comes the appropriate times to do it. There are a lot of gray areas, he talked about Kokosing doing it themselves as an option. There are a lot of options to it, but we need to take care of it as quickly as possible.

**Doug Miller, Solicitor:** I have a number of different ordinances here. First one, Keri had to increase the appropriations for the Church/Valley Intersection project, in the amount of \$13,191.00. It's the resolution Reconciling Budgets and Appropriations for the year of 2005.

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

**Ms. Hueber made a motion to adopt RESOLUTION 13-2005 A RESOLUTION RECONCILING BUDGETS AND APPROPRIATIONS FOR CALENDAR YEAR 2005 DISPENSING WITH THE SECOND AND THIRD READING AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. All Aye. Motion Carried.**

**Mr. Miller:** Do you want to take any action on the Cell Phone Ordinance?

**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 ORDINANCE 25-2005 AN ORDINANCE ADOPTING A POLICY FOR THE USE OF CELL PHONES BY VILLAGE EMPLOYEES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Thomas seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Mrs. McCarthy:** I don't think we need to suspend the rules on Ordinance 26-2005, I don't think this is an emergency.

**Mr. Miller:** Suspending the rules is for three readings.

**Mayor Hammon:** Normally I would agree with that statement, but this is one where there has been a lot of interest in the Village. I would love to be able to sit and talk with them about some issues, one being the parking lot, the pros and cons. There will be a neutral third-party person to talk to about the parking lot. I think this is an opportunity we need to take advantage of.

**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 ORDINANCE 26-2005 AN ORDINANCE APPROVING A CONTRACT WITH THE HAMILTON COUNTY DEVELOPMENT COMPANY, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-No. Motion Carried.**

**Mr. Miller:** You passed the Permissive Motor Vehicle License Tax-Fund back in May, 2005. We have to establish a fund for that money to go into when it begins coming in next year.

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

**Ms. Hueber made a motion to adopt ORDINANCE 27-2005 AN ORDINANCE ESTABLISHING THE PERMISSIVE MOTOR VEHICLE LICENSE TAX FUND AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Evans seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Mr. Miller:** You had passed the Ordinance for the Tipping Fees on Construction and Demolition Landfills that is collected by the County. This is similar to the last one, this goes into the General Fund, but we need to establish a line item for that money to go into because it has to be accounted for separately. That's the purpose of this Ordinance.

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

**Mr. Pulskamp made a motion to adopt ORDINANCE 28-2005 AN ORDINANCE ESTABLISHING A REVENUE RECEIPT LINE FOR SOLID WASTE TIPPING FEES WITHIN THE GENERAL FUND, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Mr. Miller:** Keri needs to switch money from the General Fund Police Department to the Auto Maintenance. Maintenance and repairs on some of the cars.

**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 12-2005 A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION AND RECONCILING THE BUDGET AND**

**AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2005 DISPENSING WITH THE SECOND AND THIRD READING AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

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

**Ms. Hueber made a motion to adopt ORDINANCE 29-2005 AN ORDINANCE WAIVING PERMIT AND FEE REQUIREMENTS FOR YARD/GARAGE SALES ON CERTAIN WEEKEND IN THE VILLAGE, AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Thomas seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Mr. Miller: Tax Levy:** This is prepared based on what you said you wanted to do last time. I did receive a call from David Nurre at the Auditor's office after we did this because he wanted to clarify. Actually he was going through the new and latest budget bill and found some things and since we had been calling and inquiring about it, he called me back to let me what he had found. Which is, they are phasing out the Personal Property Tax, in the budget over the next four years by quarters. If you are doing a replace for any Replacement Levy, (I'm just going on what he told me) the State is going to reimburse the communities for personal property taxes that they would be losing because of that phase out. If it is a new Levy, they will not reimburse that. I asked him, "well, if we have this down as a new Levy which is referred to as an "Additional Levy," what does that cost us and he figured it would probably be around \$21,000.00." Now, the original estimate as to what this would raise, I believe was \$199,000.00, so minus the \$21,000.00 puts you right back to what you're collecting now on your Fire Levy at the 2.0-mills. I believe we are collecting \$174,000.00 off of that. The 1.0-mill is raising \$75,737.00, so 2.0-mills would raise \$151,474.00, the 2.5-mills "Additional" would be \$199,344.00. That would give us \$178,000.00 at the end of that four years, which would give us \$27,000.00 more than we are collecting now.

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

**Ms. Hueber:** So, you guys decided we're going with the "Operating" Levy?

**Mayor Hammon:** Yeah. I think it's for the flexibility, I have talked to several people and Mr. Miller here admits it's probably the way we should go. There are some drawbacks, simply as we need to address this to the residents and get this passed. Down the road, with the Fire Levy, if they come back with a district-wide Fire Levy, we have to come back and do something too at that time.

**Ms. Hueber:** Okay, so we retract ours?

**Mr. Miller:** Well, the other thing is, if this passes and the other Levy passes off then we have to do something with our contract again. Because I believe the way the contract reads is they get everything off of the Levy, whatever comes in, but if it drops below a certain amount, which obviously the Fire Levy would, then we need to renegotiate the contract. I think the idea being whatever it would have raised anyway would go to the Fire Company. I know the Chief has expressed concern that it might make it more difficult for them to pass it, I don't know. As I see it, the problem is nobody knows what the future is and what is going to happen in that period of time.

**Ms. Hueber:** Wasn't this one "Continuous", or the Fire "Continuous"?

**Mr. Miller:** The Fire Levy can be "Continuing" what we refer to as "Operating" Levy, but it actually the terminology used is "Current Expenses." It is for five years.

**Ms. Hueber:** Okay, the one that we are trying to pass now will be five, it's basically we're only collecting the same amount, which is where we need to educate the voters.

**Mr. Miller:** Your current, what you're collecting, you had 8-mills. You were only collect 1-mill out of your 3.5-mill Levy. Okay, so the idea would be to go ahead and collect your 3.5-mill Levy next year which will then drop off when the Fire Company is ready to move in two years, 2007.

**Ms. Hueber:** So, like we said, "to make sure people understand that they are not being taxed-to-death, the education of this, wording and changing is crucial.

**Mr. Miller:** You are putting a 2.5-mill "Operating" Levy on a 4.5-mill Fire Levy is coming OFF.

**Mr. Pulskamp:** It's a reduction overall.

**Mr. Miller:** Right, but it won't be stated that way.

**Mr. Pulskamp:** Right, but that's what is going to show up on their taxes.

**Mr. Miller:** Except, you are only collecting 1-mill out of 3.5-mill. So, you are not collecting 2.5-mill that the Fire Company is collecting. This is 2.5 out of 4.0, not 4.5.

**Ms. Hueber:** If we're all confused here at this table, everybody out there is not going to vote for any of it and then we're all going to be in trouble.

**Mr. Miller:** The point is this, you have a 4.5-mill Levy that is expiring and you're putting a 2.5-mill Levy back on.

**Ms. Hueber:** I understand it, because I have been dealing it and I know that we're not going to be collecting anymore taxes. But when you're putting these on the ballot, we're putting one on and then they're putting one on and people aren't going to realize that they are not getting taxed more, things are falling OFF.

**Mr. Miller:** Well, there is a .5-mill differential. People need to be educated that they're having 4.5-mills coming OFF, because the way the Levy will read is "Additional" Levy, an additional tax. The points not being made in the language.

**Mayor Hammon:** That's where we have to educate people.

**Mrs. McCarthy:** We can put in the Newspaper, Newsletter and on the Website. That's the best we can do.

**Mr. Miller:** Well, you can't say, "vote one way or another," you can let people know what is going on. It's a factual statement to say this Levy is expiring and this Levy is going to be on the ballot. If you do it as a Fire Levy, that would read as a "Replacement" of 2.5-mills and a "Reduction" of 2.0-mills.

**Darwin Brooks, Member of Little Miami Fire District Board and Resident:** When that Levy was originally put on, it was presented as what?

**Ms. Everett:** "Renewal and Addition." Fire Levy.

**Mr. Brooks:** So, to deviate from modification of that, would you not confuse the issue in presenting it back?

**Ms. Everett:** Darwin, we really have to do what is in the best interest of the Village right now. As far as, Tax Levy's being collected. Because, the money is going to be needed for Operating Expenses, instead of putting on a Levy that's either "Continual" because it's a Fire Levy and only needing that for one more year to satisfy the contract until the put on a district-wide. This Council has chosen to put on the "Operating", we will use that Levy for the next year to satisfy the contract. But then that money will be needed for our current Operating Expenses with the Village for the next four years after that. Did I say that right?

**Mr. Miller:** Or it may not be, the Village may very well say, "now that they have that Levy "ON", we're not going to collect it.

**Mayor Hammon:** It gives us a tremendous amount of flexibility. Let me go back and answer your question. I believe, my interpretation of what people said back then what we put on was a "mistake." 8-mill Fire Levy was a mistake, it should have been an 8-mill "Operating" Levy and we have paid the cost of the Fire Department. Hind-site is always 20/20, looking back. I think that was the general feeling. It does give us some flexibility into it, as we see the fund increase with the building going on around us. That money would come to us to help with our expenses and not go to the Fire Department and be tied up into a Fire Fund. It gives us a great deal of flexibility to do it. Yes, you are right, it could confuse people. I believe if we educate people, as the Fire Department did, they went out and talked to people and got support and got it passed. It's up to this Council to do the same now. Get out and tell people what the facts are and what we are trying to accomplish.

**Mr. Brooks:** That's where I was going with it, if it is presented as it was originally and then you bring it back with whatever modification to sell to meet that liability.

**Mayor Hammon:** I talked to some and Doug and I talked about it as an "Operating" Levy, if they don't get the Fire Levy passed in a year from now, it still keeps going for us. We see to it having income coming in to pay the Contractor or whatever else. I just believe from everybody I have talked to, there's much more flexibility for this Village to go forward with this being an "Operating" Levy. It's not going to really increase taxes for anybody, maybe slightly depending here. But, the growth and that, we can take the money off of the Levy, the growth of it and we could use it for expenses. That's the flexibility this Council really wanted to do.

Chief, when did we go into contract with you?

**Mr. Miller:** May 7, 2002 is when it passed. That was the 3.5-mill, the 4.5 is dropping off now. The problem is, we keep hearing, "this is what we're going to do in two years, Fire Company. But, you know what happens if Fairfax and Madison Place says, "well, we just want to keep doing this the way we are." I mean this is the maximum flexibility for the Village with the idea that the money is going to have to go to pay for the Fire contract.

**Chief Driggers:** Obviously, the concern is meeting the obligation to the Fire District. One way or the other, I'm not opposed to the Village having flexibility with their money. That's an executive right you have. My point is if you people at this table are confused about it, think about the voter. If you get a voter that goes into the voting booth that is confused about a tax issue, a lot of them are going to vote "NO". Obviously, public education is the important thing. We as the Fire District want to help the Village with that because the money is going to be used to satisfy your obligation to the Fire Department. We appreciate that.

**Ms. Everett:** I think the whole situation is going to be confusing, no matter what we do and it is confusing.

**Chief Driggers:** The last Levy passed was May 2002, that was the second Fire Levy to get you up to 8.0-mill.

**Mr. Pulskamp:** The way we need to explain it, it's confusing here at this table and it's very simple. At the end of 2005, we lose 4.5-mill Levy, it is done and gone. We are putting on a 2.5-mill Levy on a ballot in November that would start effect January 1, 2006. That's what it boils down to, at the end of December, we loose the 4.5-mill Levy and we want to "Replace" that with a 2.5-mill Levy.

**Mr. Miller:** You're right Ken, it's not as confusing we're making it.

**Mr. Pulskamp:** It's that simple and that's how we need to explain it.

**Chief Driggers:** I believe the rest of it is insignificant information.

**Mr. Miller:** We're trying to out-guess what everybody is going to think.

**Ms. Hueber:** But, if we worded it just like that in the paper and website.

**Mr. Miller:** Within constraints you can do that, you can't promote it one way or the other. You can certainly inform.

**Chief Driggers:** For the record, the Fire District is at least concerned about the perception to the voter. If in fact this Levy passes and in two years we are required because of budget issues to go back to the voter; it's going to put the Fire District in a position to raise taxes, not the Village. The Village has accomplished your, by going to with the "Operating" Levy and getting rid of an existing Fire Levy, you've pretty much side stepped the tax increase issue and you're going to put the responsibility and burden on the Fire District in 2007.

**Mayor Hammon:** I don't entirely agree with that because we have the right to go out to the public and say, "we're not going to collect that money." We have the flexibility to come back and recognize and take that stance too.

**Chief Driggers:** I know that and you're right.

**Ms. Everett:** We're all going to have the flexibility, and I don't know if they're done at the same time if yours fails, we're also going to have that 3.5-mill that will be coming up for "Renewal" as well, the Fire Levy.

**Mr. Miller:** I think the idea was always instead of the Village putting that on, the Fire District.

**Chief Driggers:** The 3.5 does not appear to be a 5.5 or 6.0-mill Levy. The increase in taxes is going to be at the burden of the Fire District by assuming and removing the existing Fire Levy that is currently out there that is left. That's our concern. I just think it needs to be said for the record that it is a concern and we want the voters educated to this issue. We want to help and I have offered to Keri anything that the Fire Department can do to assist the Village in getting the information out, we're willing to assist.

**Mr. Miller:** I think Ken's point is the best, it is as simple as 4.5-mills are coming "OFF" and you're requesting 2.5-mills to "Replace" it.

**Mr. Kobasuk:** But, isn't it a small increase though? That's a little bit of a concern to me, I mean when you say it like that your accurate Ken. 4.5-mills are coming "OFF" and we're putting 2.5-mills "ON", but we're only collecting 2.0 of the 4.5-mills.

**Mr. Miller:** There's .5-mill differential.

**Mr. Pulskamp:** Right, the background thing is we're not collecting as much as we could be right now.

**Mr. Kobasuk:** We just have to be careful how we mix words.

**Mr. Miller:** You're only collecting 5.5 and you could be collecting 8.0-mills if you wanted to.

**Ms. Everett:** Bottom line, total between the Fire District, and us we are collecting 8.0 right now. When this goes on, we will be collecting 8.5-mills. You are correct.

**Mayor Hammon:** The reality of it is, we can collect 8.0-mills and the Fire District 2.5-mills. Right now, we could collect 10.5. That's what has been passed, we're not doing it. When the District came up with the 2.5, we rolled back our 8.0-mill to 5.5-mill. It's in here, so what we're saying is that 4.5-mill is missing and we're only coming back with 2.5-mills. The amount of money when you look at it, that's where it gets confusing.

**Ms. Hueber:** The average person out there doesn't know that we're not collecting. They don't understand that because we never advertise, even though we passed it they're all out there thinking we're still collecting 8 something. When it comes back to the point if we roll it back, we're only collecting 5, they don't know it, but they will notice the difference. We're saying, "we're not going to raise taxes", and all of a sudden a little bit more is coming out of their pay check.

**Chief Driggers:** The tax bill is reflective upon the rollback. I don't know that Council did any real education of that rollback issue.

**Mr. Pulskamp:** When we decided not to collect the total amount of that Levy now. I would be willing say 95% of the residents don't realize that we're not collecting the entire amount of money that we could be collecting now.

**Chief Driggers:** Information is a good thing, it might be wise to get that out early.

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 14-2005 A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF A 2.5 MILL ADDITIONAL PROPERTY TAX LEVY FOR THE CURRENT EXPENSES OF THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. McCarthy seconded the motion. Ms. Hueber-No, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Councilmember Debbie McCarthy:**

- 1) **Signs for Short Park:** I would like to have two signs for Church Street for Short Park and I would like to have these match our other signs "Entering Newtown", like the ones Sharon had done. I have a hold on that until Mike gets back from vacation. Bruce Brandstetter sent over the papers. John and I went and took a look, so I need to go through that with Mike.
- 2) **Website:** I would like to take over the website, in doing so I would like to have Council to go ahead and approve \$3,000.00. This would allow me to get a new webmaster. I would like to hire "MATSCHCA Design Inc."

**Mayor Hammon:** Ken, when we discussed the Committees, did you just want to take Communications away from Human Resources/Communication Committee and put it in Planning Committee or do you just want to take the website?

**Mr. Pulskamp:** Deborah expressed interest in the website and I was just going to let her do it.

**Mayor Hammon:** Alright, I was going to say we could just roll the website into Planning Committee and let it go at that, I just wanted to get that clarified. Debbie, tell me who at the this table has discussed making a change in the website? Was it just something you wanted to do on your own?

**Mrs. McCarthy:** Yes.

**Mayor Hammon:** I have never talked to Council about this, I guess Jill is still the contact we have? I think we need to sit down and talk with her about our concerns and get them addressed. I don't know Ken if you did it?

**Mr. Pulskamp:** It's been two or three months ago.

**Mr. Evans:** You're going to be paying her for something already that we haven't gotten anything.

**Ms. Hueber:** We've paid her a lot of money.

**Mayor Hammon:** We have done pieces of it, if she put in any time, we would go ahead and do it and we paid for what she has done. There are some things we need to get done that has not been done yet. But I don't know if it is Jill's fault or not. I'm just saying Ken, my concern is the Graphic Design, I don't know if it is Jill's or the Village's fault. I thought that was the weakness that has been brought to the table.

**Mr. Pulskamp:** I agree.

**Mrs. McCarthy:** I would like to start over.

**Ms. Hueber:** I think you should get some people to bring some stuff in here so we don't get in the same situation next time. Can you bring some of this lady's work before we go and approve \$3,000.00?

**Mrs. McCarthy:** Actually, Doug Evans has seen some of her work.

**Mr. Evans:** Where did I see it?

**Mrs. McCarthy:** In Keri's office.

**Ms. Hueber:** Is it the lady that came here that went through Daryl?

**Mr. Evans:** Did Kent know her too? I mean that was a year ago. Right.

**Mrs. McCarthy:** You know, it's up to you guys. I think she does great work and I think we would be very pleased.

**Ms. Hueber:** I'm going to tell you from the very beginning because I have not been on that Committee and I have not had anything to do with that, but because I had pushed to get the website then it went into everybody else's hands. The problem with the website is the people that sit at this table. She has not gotten the information, you can't expect a person to do a proper job. Now, the Graphic Design is a whole different story. Santa Claus was on there for six months, that's not Jill's fault, that's our fault. It had nothing to do with her and I'm not going to stick up for her, but I'm saying my peace because I have gone in there to try to do extra work and I have listened to her and listened to Council. For the record, the responsibility was here at this table with this Council. Things were not updated properly, people didn't follow through, information sat in people's mailbox. Even asking for a little "write-up" from each of you, we had to beg. I took pictures, I could do this, I worked to get her more information because nobody else would do it. Granted you wanted to do it and you would have probably given her all the information. I'm just saying that it was not that woman's fault.

**Mrs. McCarthy:** Anyway, I would like to go ahead and have the \$3,000.00 approved to try a new company.

**Mr. Evans:** What are we going to get for the \$3,000.00? Is it a year's service?

**Ms. Hueber:** I think we should get a contract from this person. A bid or something.

**Mayor Hammon:** What about hosting fees?

**Mrs. McCarthy:** \$300.00 per year for hosting. She charges \$35.00 per hour for updates, but she is very fast. I agree with some things you said Tracy, but I still think...

**Ms. Hueber:** I don't have a problem with going with somebody else, but for the record, it was not that woman's fault.

**Mayor Hammon:** Some of it was.

**Ms. Hueber:** Some of it was, but I can tell you she didn't get a lot of information. I'm not opposed with going with another individual. I think we should have a contract on the table with her charges. That was a gripe that we didn't have from Jill. So Keri has something from this person on her letterhead with her charges for this and that. Then as a Council we should approve it and then we would know what to expect from her.

**Mrs. McCarthy:** So, that's another two weeks.

**Ms. Hueber:** Well we can't change right now anyway because Jill is going to have to update the website on the 5-K Race and we're not going to get that on there so we're going to have to give her probably a 30-day notice anyway. So, I'm sure your girl can get it by the next two weeks and we can give Jill her notice.

**Mrs. McCarthy:** So how are we going to handle this now?

**Mr. Evans:** You need to bring a contract in from her.

**Mayor Hammon:** I think we need to get it in writing.

**Mr. Evans:** We need to look at the contract from Jill.

**Ms. Everett:** We didn't have one that's the problem. We never had a contract with her.

**Ms. Hueber:** If we're going to do this again, we need to get all the complaints from before on the table now before we venture into a new person and have the same problems. I just want to get the contract because then that's good because then you're the head point and you'll get her all the information she needs and we'll all be happy.

**Mrs. McCarthy:** Okay.

**Ms. Everett:** Have her put in the contract what the \$3,000.00 will give us and their hosting fees.

**Mrs. McCarthy:** Okay, that's all I have.

#### **Councilmember Greg Thomas:**

**Mr. Thomas made a motion to amend the motion to approve \$3,518.12 for Line Striping.**

**Ms. Hueber seconded the motion. All Aye. Motion Carried.**

1) **Sewer Project:** We do have contractors ready and willing to do the sewer project as soon as we call them. John, I think you could approve that now if we need to have these people do it right away. We need to approve \$3,168.00.

**Mayor Hammon:** I had a discussion with Charlie today and he is going to communicate to them that there is no guarantee that this is going to happen. We just need to get it on the table so we can act very quickly once there. I know Charlie is very concerned if it's going to be shutdown any day now. He's just worried with the flush is coming up instead of down.

**Mr. Pulskamp:** So do we need to approve a certain amount John?

**Mayor Hammon:** Well, I can write it off that's within my limits. I just want Council to know that we're trying to line it up. Dave, you expressed a little concern about any time lapse going on.

**Ms. Hueber:** Let's just let John approve it.

**Mr. Pulskamp:** Approve \$3,500.00 with no name Greg for a potential tapping.

**Mr. Krings:** It's contingent on the Mayor's approval because what we're asking for is that we want to get Kokosing or MSD to pay for all of it complete what you're talking about there.

**Mayor Hammon:** That's what I said, there's no obligation. Charlie was to talk to them specifically to explain that to them that there is no guarantee but if we have to activate we can go into it. There was no guarantee of actual work.

**Mr. Thomas made a motion to approve up to \$3,500.00 for Sewer installation for the Maintenance Barn. Ms. Hueber seconded the motion. All Aye. Motion Carried.**

**Councilmember Greg Thomas:**

2) **New Truck:** Charlie has been working on purchasing one more truck. After this next purchase we shouldn't need anymore for about ten years. It's been ten years and this truck price came in the same as the truck we purchased two years ago. Things are working out. We'll know more next week.

**Mr. Evans:** He also thinks he is going to get \$10,000.00 back from the one he sells.

**Councilmember Mark Kobasuk:** I have no report.

**Councilmember Doug Evans:**

1) **R.I.T.A.:** They will be here the 24<sup>th</sup> of August.

2) **Trees on SR 32:** I mentioned back in February or March when Bruce was here about all the trees on SR 32, they're going so fast. They never did trim them back in construction. I mentioned it to Bruce and he said he would have it taken care of or whoever did the construction. I don't know if it should be Charlie's job or who. I think we've already paid for it once.

**Mayor Hammon:** Actually I think they did what they were supposed to through the contract. It was only taken back so far so high, that may be the problem that it wasn't enough. They are still working on the intersection so the project is not done, we can put it on the list. I'm supposed to meet Dave Thursday at Sunesis, I can bring that up.

**Mr. Evans:** It's hitting people's trucks, mine included.

3) **Checklist:** Does anybody have any questions? Keri, 5/3 Bank for \$5,454.76, what was that for?

**Ms. Everett:** That's our Payroll Taxes.

**Mr. Evans made a motion to accept Checklist dated 8/9/05 of \$35,405.70. Mr. Thomas seconded the motion. All Aye. Motion Carried.**

**Ms. Everett:** Something else we need to get approval and I am trying to work on it is all of the Mayor's Court statements, you should get them every single month. I'm trying to start working on those, I think we should probably go back. All the bookwork is up-to-date, I just have not gone back to redo the statements.

**Councilmember Ken Pulskamp:**

1) **Sunesis:** John, you're meeting with Sunesis Thursday? Would you ask them what they did with the old posts from the signals at River Hills and Roundbottom?

**Mayor Hammon:** Charlie has them. Anything that was taken down, Charlie has them back behind the shop. We've talked about it, what are we going to do with them that we have them?

2) **Zicka Property:** Has Doug heard from Zicka?

**Mayor Hammon:** He stepped out to discuss business with the Chief.

**Mrs. McCarthy:** Ken, so you're going to still handle the website then until.....

**Mr. Pulskamp:** No.

**Mayor Hammon:** You talk with Jill and get the stuff.

**Mr. Pulskamp:** I'll give you everything I have Deborah.

**Ms. Everett:** Tom Busse will give you all of the result information from the 5K.

**Councilmember Tracy Hueber:**

1) **Police Department:** Daryl and I talked about a few things. They are doing some motor vehicle training, tazer training coming up. They have had some unexpected repairs, which we have already approved. CPR training is coming up. They got new cell phones and I would like to make a motion to surplus the old cell phones to a non-profit organization or charity. I'll make sure Daryl clears all of the information.

**Ms. Hueber made a motion to surplus the Police Officer's old cell phones to a non-profit or charity organization, value zero. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.**

2) **Code of Ordinances:** We approved the books to be re-done and incorporate the changes for the state laws, which we do annually. I made the motion to approve \$4,000.00 on June 28, 2005. I need to amend my motion and change the dollar figure for the estimate not to exceed \$5,100.00. The costs have gone up due to the amount of new information for ordinances and state laws.

**Ms. Everett:** The estimate came back at \$6,300.00, but she said because it was such an increase they are willing to split the difference with us and we only have to pay \$5,100.00.

**Ms. Hueber made a motion to repeal the prior motion on 6/28/05 for the update of the Code of Ordinances and re-appropriate \$5,100.00, not to exceed. Mrs. McCarthy seconded the motion.**

**Mr. Pulskamp:** Keri, maybe you can answer this, I don't understand. This is a fax that came American Legal Publishing Corporation on 6/21/05. Their estimate was \$3,500.00 to \$4,000.00. We approved that seven days later for the high amount and then all of a sudden they come back and say it is \$2,300.00 more and they will be nice and nice and split the difference with us? Something doesn't sound right there. Did you see this Doug? Is there anybody else besides them?

**Mr. Miller:** No. There was someone else that was much more when we switched. The problem was with the old one, they were changing all the code numbers around. It was confusing the cops to no end because they would keep citing people for the old section or whatever. Daryl found they would do it and keep the numbers and that's when we switched and I'm guessing that was maybe five or six years ago.

**Ms. Everett:** She said they gave us an estimate of the \$4,000.00 and when they actually started making all the changes, it ended up coming in at \$6,300.00. She apologized for the difference and said they are not trying to put a hardship on the Village and that's why they would split the difference.

**Mayor Hammon:** All in favor? **Ms. Hueber-Yes, Mr. Pulskamp-No, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Councilmember Tracy Hueber:**

3) **Street Sweepers:** Greg, would you inform Charlie that the Street Sweepers are coming either Thursday or Friday. Also have him make sure they sweep this street where the 5K Run is going to be so the gravel with the construction and debris will all be off the roads.

4) **Alleyways:** The trees in the new alleyways we had done, the people who did the alleyways did cut the brush. I can get my truck through, but we really need to make sure Charlie is aware that now that is his job to keep that stuff trimmed back. Just like this fence back here which I know they have been busy. Now that the grass isn't growing as much, he might be able to go and keep the alleyways, but just to let him know.

**Mr. Thomas:** Yeah, I got your message.

**Mayor Hammon:** We're a little premature in that since we already have people contesting going on their property. So, we're going to sit down and shoot the boundary lines where the parking lot is, they are suppose to shoot the alleyways too. That way we'll know exactly where the boundary lines are and how much we can take back. We'll know exactly what trees we can take out and know what is ours so we can take care of it.

5) **Short Park:** I have met with Kokosing down at Short Park a couple of times. Right now, I think they have the blacktop done up to the driveway. They're bringing in the limestone and dust to for the parking lot. We're keeping it the same as we were before, the pathway is being done first it should be worked on like this Friday. Afterwards, we're going to have it seeded. The last thing, they still need to do an apron off of the road, off of Debolt to our parking lot, which is the thing I'm working on with them. Then we will still have a budget of trees. I've walked down there and it's actually really pretty to look over that creek and see the golf course now. I had requested trees to close that off, we could put willows there or put whatever but we have a \$2,000.00 budget to put the trees back there. Do we want to close that back off with trees, they would soak up that water. We could place them elsewhere.

**Mr. Thomas:** There is not much water anymore. Place them elsewhere.

**Mayor Hammon:** I talked to Charlie and the guy that is the foreman on the job knows nothing about putting a pad for a restroom there. I thought that was part of the contract.

**Ms. Hueber:** No, because we didn't even know where we were going to put the pad.

**Mayor Hammon:** They were supposed to raise an area 501 feet so he could put a bathroom in there and run a line to it.

**Ms. Hueber:** I got this from Keri and I haven't found anything in here, this is the whole contract. Did you guys find it?

**Mayor Hammon:** Yes, I read the contract. It says any excessive dirt will be used to build the pad.

**Ms. Hueber:** Do you want to have Doug look at this? All of the dirt is there and they've leveled it out and now it has a nice bow on it.

**Mayor Hammon:** They took away more dirt then they put back. They're supposed to run the sewer line up to the bathroom spot, build the pads 501 feet with a 2% grade so the handicapped need will be met.

**Ms. Hueber:** Who did you talk to and where is it in here?

**Mayor Hammon:** John (somebody), it's in one of the contracts.

**Ms. Hueber:** Why don't you take that, find it for me. Find where it says it in here and whatever is not done, I'll make sure it's done. I didn't negotiate that, I'm just following the stuff I knew what was going on. That's all I have.

**Councilmember McCarthy:** Are we going to approve the minutes from two weeks ago that Becky did for us?

**Mayor Hammon:** Make a motion.

**Ms. Hueber:** Which if I say so myself, you did a wonderful job.

**Mr. Thomas:** Yeah, a lot of work.

**Ms. Hueber made a motion to approve the minutes dated May 10, 2005. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.**

**Mayor Hammon:** Ken, you want to go back to Doug?

**Mr. Pulskamp:** Any word from Zicka yet?

**Mr. Miller:** No, he is supposed to send me a copy of the deed for us to go ahead and do a title page. I have not received that from him, I called him yesterday and he didn't get to it.

**Ms. Hueber made a motion to go into Executive Session to discuss Litigation. Mrs. McCarthy seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mrs. McCarthy-Yes.**

**Meeting adjourned at 9:35 p.m. for Executive Session.**

**Mayor Hammon:** Council meeting back in session at 9:50 p.m., no action to be take as a result of Executive Session. Motion to adjourn?

**Debbie McCarthy made a motion to adjourn. Mr. Evans seconded the motion.**

Completed 10/7/05  
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