

The January 24, 2006 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: Curt Cosby Debbie McCarthy
Tracy Hueber Ken Pulskamp
Mark Kobasuk

Absent: Doug Evans

Mayor: John Hammon
Solicitor: Doug Miller
Police Chief: Daryl Zornes
Fiscal Officer: Keri Everett
Street Commissioner: Charlie Siegel

Scott Gates, Principal of Mercer Elementary: Greater Anderson Promotes Peace (GAPP) was formed in 1999, as a result of some hate-crime that precipitated in the Cincinnati area and some hate literature that was found in residences in our community. I'm here to discuss "Community Conversations," Curt has provided you all with a handout. Community Conversations is a four-session long opportunity for members of the community, i.e. Newtown, Mount Washington, Anderson Township and West Clermont to get together and build trust, dialogue and understand one another's experiences and ultimately to develop an action plan for our community. The Study Circles is a premise of where Community Conversations is from and is a resource center. Their website is (www.studyircles.org), this site is purely research on study circles. These Community Conversations will start on February 23, 2006 at Mercer Elementary School, we're expecting about 130 participants (100 community members and about 30 high school students), the high school students will come from Anderson, Turpin and McNicholas. We'll have about thirty trained facilitators to go through the Study Circles process. The facilitators will be trained by Dr. Ray Terrell, Professor and Associate Dean at Miami University, with a specialty in diversity. These participants include various members of the community who are interested in improving our understanding of diversity, as well as educating our youth in diversity. You are the public voice of Newtown and the organization needs your help. We believe of voices of Newtown are just as important as any other voice and when all voices are heard, we have a large voice and we can do some amazing things. We need you to contact people who would be interested in participating in this opportunity. If people are interested, they can call me at Mercer Elementary, 232-7000. The Study Circles kick off is February 23, 2006, and the culminating event will be March 23, 2006 at Mercy HealthPlex. The website is (www.gappeace.org). One suggestion to stop hate is to confront it because being silent means that "hatred" wins. Our goal is for hatred not to win and we want voices to be heard.

Mayor Hammon: Hamilton County did something very similar in 2001-2002, are you aware of that? Have you compared the current versus five years ago?

Mr. Gates: It certainly would be a piece an action plan to look at what local areas have done and that was a significant event for the whole southwest Ohio. Right now, we're focused on Greater Anderson, but to see how other communities have embraced diversity and how the results affected 2006 would be an action plan idea. So, we want you there February 23, 2006. Please feel free to call me or email the GAPP.

Swearing-In Ceremony:

Mayor John Hammon conducted swearing-in ceremony for Charles Popov. Police Officer Charles Popov will be part-time for the Village of Newtown police department.

CRA (Community Reinvestment Area):

Mayor Hammon: Catherine Fitzgerald was not able to make it tonight. Mark, I know you had expressed some concerns so I'll leave it to you.

Mr. Kobasuk: What I heard two weeks ago gave me some pause. As I understand, a CRA is basically for a blighted area where developments are not going to come. So you give tax-abatement to bring in development. Here, Newtown is developing, look at Ivy Hills, the development along SR 32. I just really don't think we need to include any new construction in the CRA because we are going to get development. If we were not going to get it, then you might include it. But, why forego that potential tax revenue, because with that development you are going to have burdens on your services. The current residents will basically have to subsidize some of these residents if we get tax abatement on new homes. There will be garbage pick-up, police and of course the school board can address \$8,000 per pupil. I don't see any reason logically to include new construction in our CRA. We're going to get it, why allow people to move in and have total tax abatement for up to ten years? It could be a big burden on the current residents who would have to subsidize paying for services. I'm not talking about renovations, I'm just carving out new construction. I did ask Catherine to take a look and bring to us what other communities have done with the CRA's. Cincinnati may be unique because they are losing residents and development. We have it coming, just look around. The more I thought about it, I just don't see a logical rational basis to have new construction in the CRA. Renovations are totally different because you have an existing structure, you have taxpayers there. If they have children, the kids are in school. As a Council, I think we ought to step back and ask, "what is our objective with the CRA?" Do we want to beautiful Newtown and make it more attractive? Then I think you're talking renovation. We could easily carve out the new construction. Catherine told me that is permissible and I would suggest we do it. I'm sure the school board members can talk more about the big burden on them. I don't think it's fair for a village to put the burden on the school system by allowing all of these potentially new students to come in here and they have to educate them. As I would foresee, that would just mean more taxes on the entire school district. So, I think we have to do our duty and be careful that we don't put an additional burden on the school system. I would suggest that we reconsider the resolution and maybe have Catherine come at the next meeting and talk about what some other communities have done. At a

minimum, I would think we would carve out new construction and we may want to look at what the Mayor or HCDC had originally proposed, which is a “defined” area for the CRA. I live in Ivy Hills, but do we really need to give them tax abatement on renovations? I think they’re going to do renovations whether we give them tax abatement or not. Living up there and representing those folks, I had originally thought the whole village should be a CRA. I am coming to re-think that and I think we ought to have a good discussion and talk about it to make sure we do the right thing because it is going to have long standing consequences on what we do on this resolution. It’s going to be the most significant one that I have ever voted on since I’ve been on Council.

Mr. Pulskamp: I personally believe that new construction needs to be in there. I think the trickle-down effect that the new construction will bring in will make people do the renovations to do more. I look at the small pockets left in the village as being a little more difficult to build and it will entice those people to build there. It could also entice other investors to come in and buy up more of the houses that are almost to the point of needing to be torn down. At that point, it would be new construction, it’s not renovating.

Mrs. McCarthy: That’s a big “IF,” thought too Ken.

Mr. Pulskamp: I don’t think it is Debra, I think that’s the way people are. That they need to see something happening first to entice them to do something and new construction will entice everybody to do more.

Mr. Kobasuk: Maybe we could pinpoint an area and have that in the CRA, but not the entire village where a developer could come in and build a host of new homes. As I talked to Catherine and I read the statue today, residential construction is automatically going to be included in that tax abatement, if we draw in new homes.

Mr. Pulskamp: That is correct. What host of new homes. Mark?

Mr. Kobasuk: I thought the Mayor mentioned so many new units were being talked about in some locations.

Mrs. McCarthy: He did.

Mayor Hammon: There are pockets. Drake Street is one, back behind Tracy’s house I think there are sixteen or nineteen plots. Right now Curt’s property potentially may have thirty. That’s the ones you’re looking at as far as pocket developments. There is other land someone could come in and develop.

Mr. Kobasuk: If you’re going to get that developed, why give away the tax revenue and put a burden on the services without collecting any revenue? You’re going to have to give them garbage collection, fire and police protection and the school district is going to have to educate those kids.

Mr. Pulskamp: They’re still going to be gaining the tax dollars from the incomes taxes, and from the property.

Mayor Hammon: You’re not getting property taxes.

Mrs. McCarthy: And the schools are losing out as well.

Ms. Hueber: Well, there is a way you can adjust.

Mr. Pulskamp: We will still get the current property tax on the property itself, we will not get anything new. It seems that 45% of the village residents do not have kids that go to Forest Hills School District so they are carrying a burden for a lot of other people also.

Mr. Kobasuk: And they’ll be carrying a bigger burden if we have more kids that move in and there is no tax revenue to educate those kids coming from those parents with those homes which are being tax exempt.

Ms. Hueber: I think there is also room for negotiation when it comes to school taxes on these. I think we have the ability to be able to sit with the builders and they can pay so much to the school district in lump sum or they can do this. Something where the schools can still get a lump sum of money for that development. I’m sure it’s been done, so that the school wouldn’t be totally cut out.

Mr. Miller: I guess a question I have for Mark is when you say “nothing new,” are you talking about residential?

Mr. Kobasuk: Residential new construction. Carving out new construction.

Mr. Miller: Commercial, under the statue, you can negotiate with the developer if you want to have the school involved at that point, you can or you may say, “no, I’m not going to give you anything.” If you don’t think what they’re building is worth it to the village, then you don’t have to give it to them. The residential is automatic. If you declare the area, there is no negotiating with them, they get the tax exemption on the new property. Under the way your ordinance is written, that would be anything from anything from one, two or three families. Four families are to be considered to be commercial building.

Ms. Hueber: The pockets that we were talking about for a new residential development, is less than fifty homes. The three pockets put together he just mentioned, you couldn’t have more than sixty homes.

Mr. Miller: Another problem that I see with it is I have not seen the housing survey that has to be done before you can pass this. The other issue Mark brought up is you might have a problem arguing that Ivy Hills is in an area that really qualifies for this.

Mr. Kobasuk: If we were to pass this, would it not go to the director?

Mr. Miller: It goes to the tax department Mark and my understanding is I have not talked to them, is that because the size of the village they very well approve it with Ivy Hills in there. That’s not to say somebody could not file a challenge to that and appeal that further then the tax department.

Mayor Hammon: They have contacted the state.

Mr. Cosby: As I understand it, we have the ability to cut out new construction, but do we have the ability to spot-zone new construction to qualify for this? I don’t think we do.

Mayor Hammon: No.

Mr. Miller: Are you saying, if there is pocket that you could zone commercial so it could not go residential?

Mr. Cosby: Forget the commercial, just in the residential context. I don’t think you can say that we’re not going to give abatement for new construction; except for Drake Street. I don’t think you can make that distinction.

Mr. Miller: Where ever you define your area to be.

Mr. Cosby: If our area is defined as “all of Newtown,” I’m not talking about redefining the area. If the area defined is “all of Newtown,” but you’re saying no new construction is going to fall under this CRA program, with the exception of this little pocket on Drake St.

Mr. Miller: I don’t think the statute allows you to take your area and say in this area we will allow residential abatement and in this area we will not allow it. You probably could have more than one area so that you have two CRA’s. One in the area where you do allow residential and one you do here. I don’t know that you can do it under the same ordinance.

Mr. Cosby: With the different pockets we have in Newtown, pockets of development, I think it would be very difficult to go around and say we’ll allow new construction here and here, but not over here. I think it either needs to be included or it needs to be deleted, but not a mish-mash.

Mayor Hammon: I disagree it Curt, because Drake Street is not an attractive area. So I think you do want to make that enticing for somebody to come in there. Same way with the development behind Tracy’s house, there’s a tremendous amount of investment that will need to be made to raise the property up to be able to build out of the flood plain. So the area we’re talking about is the area Mark had originally talked about cutting out, probably was the flood plain area in River Hills. Due to the age of River Hills, there is potential room for upgrade, not new construction. That’s the reason why I think that Drake Street should be in the CRA. We have wide-open land at Burger Farms, and land at the top of the hill where somebody could come in and put a big development. That’s attractive land that will be developed anyway. I don’t see it necessary to include it. We do have land that is not attractive and we do have to have an incentive on to get it built.

Mr. Kobasuk: Do we have a survey that was supposed to be done? I’ve never seen it. Have you seen it Doug?

Mayor Hammon: I’ll have to ask Catherine about that. I’m not sure if it’s the original map or not when I said survey.

Mr. Kobasuk: It’s got to be a detailed survey to meet the statute, I would presume.

Mayor Hammon: That’s what Doug said, until he gets the statute that he won’t bless the ordinance.

Mr. Cosby: I’m still unclear if we have the ability to section off and say one area is included in the CRA or does new construction fall within whatever definition you put to the CRA?

Mr. Pulskamp: I think it does Curt.

Mayor Hammon: I don’t believe so.

Mr. Miller: I think it can be accomplished by doing more than one ordinance. I think you could establish a CRA in this area of the village that says yes we will bless new residential. Then a CRA over here that says there will be no new construction. Quite honestly, that’s probably what the statute really contemplates in terms of looking at a specific area and saying, the way the statute actually reads is that construction or renovation is discouraged. You may have your study that says yes for a residential development that this area is discouraged because it’s in a flood plain.

Ms. Hueber: We can choose to change the boundaries and if we change the boundaries to where we’re excluding this big major area that could be developed, in Burger Farm, then it will include the three pockets that are in bad shape in Newtown. So why could we do that?

Mr. Miller: If you had two CRA’s, and one would approve new residential that would consist of Drake and Plum Street, etc., that CRA may be all over the place. I don’t know if it has to be continuous or not. Then you may have another one that says no we’re not going to do new residential on this. It may be able to be carved out that way.

Mr. Cosby: That’s my only question, not whether in favor or not in favor, just what can you do?

Ms. Hueber: There’s a choice too, we don’t have to keep it for ten years. We could cut it down to five years on the new construction. On new construction we can go up to 100%, it says up to fifteen years, but we could go five, so we can compromise, but I think we do have to have new construction to bring up this village. If we go five years instead of ten, we’re still rising to a higher level. The goal is to raise lower Newtown.

Mr. Kobasuk: I basically have an objection to how it’s written out for the whole village and all new construction. I think this discussion is very good, we need to critically think about it. We need to look at a survey, look at a housing survey and pick out the pockets we want to develop and maybe carve it out. I think you’re making excellent points. But the way we have the resolution in front of us, we had one reading on it, I’m just opposed to this blanket new construction which could be a Pandora’s box. Once we all sit down and critically think about it and study these housing surveys, we actually can target selected areas and do the projection on how many houses do we expect to be developed there so we know what we’re getting into.

Ms. Hueber: We can’t be stumped to be developed for five-year tax abatement. I would be happy to pay for more garbage pick-up on my taxes if I knew somebody was going to come and wipe out those bad houses that we’re having major problems with on Church Street and put nicer houses or condos. That’s the only way we’re going to be able to clean them up.

Mr. Cosby: I think you have an excellent point and you do too Mark, to get the dialogue going is good. In a flood-zone area you may need that incentive for new construction possibly, but in the other areas you may not so maybe it does need to be looked at and tweaked a little bit to say lower Newtown would qualify for the new construction.

Ms. Hueber: They’re really not going to do that much upgrading in Ivy Hills.

Mr. Pulskamp: What if we did this for three years, we have 2006, 2007 and 2008 and it’s done. We want to cram this thing to get people really excited and get this done. I think if we start cutting things out, I think we’re going to hurt what our goal was. We have the ability to renew after three years and redefine the lines and we also have the ability if after three years it’s done, gone.

Mr. Cosby: What about the survey that he’s talking about.

Mayor Hammon: I don’t know what it is. Tracy showed you the map. My only comment to this is we’re just about 360 degrees in this conversation. This conversation started back in August, we need to do something and we need to be focused. I’m not trying to chastise anyone, but this is the agreement that Council wanted, I took the information back and now we’re sitting here going back to what the original one was. We need to make our mind up and start moving on. I’ve talked to a few people who want to bring new businesses into town and renovate buildings, I’ve

told a few of them to wait. You have to understand, people in the flood zone, Tracy if she wants to share it, pay a premium for flood insurance. This is one way to help that area, keep that mind when you talk about it.

Mr. Pulskamp: The area outside of the flood area that could be developed also, is going to be a little most costly to build. Like Tracy said, the area on Church Street, they'll have to buy that property and tear those houses down, whatever they put up there, those cost are going to be absorbed into it. The people buying these houses could possibly afford to buy a little more upscale house if they know they won't pay taxes for five to ten years on that house.

Ms. Hueber: If you don't take any kind of risk, you can't gain.

Mr. Pulskamp: As a prime example, you've got \$300,000 to \$500,000 condos going up down there.

Mr. Kobasuk: It has to be a logical risk, we have to know what we're getting into. I'm just saying let's study it. This is the type of issue that we would do on that retreat, roundtable it and not take up valuable Council time.

Mr. Pulskamp: This is something that we've talked about before, since August like John said.

Ms. Hueber: We've been talking about it. Where we originally had to propose what John had put in here, then we all of a sudden took it all the way here....

Mr. Kobasuk: Right, I remember entire village.

Ms. Hueber: There is a lot of area in here that can be developed. Flood plain insurance is just as high as my property taxes, give or take \$100.00.

Mr. Cosby: Doug Miller has a good point, where we have two CRA zones.

Mr. Mayor: I strongly suggest next week give me all your questions or comments and I can channel them to Catherine and she'll be at the next Council meeting and we'll try to get all the answers.

Mr. Miller: I'm not sure I can come up with all the questions without having the housing survey.

Mayor Hammon: I'll ask her about the survey.

Mr. Kobasuk: Absolutely, I think it's important to have the survey. It will be helpful to us to look at it.

Mr. Miller: It's a requirement.

Mayor Hammon: I believe it's there, they have talked to the state. The state has blessed this, but they had to make their case to them. School board members, would you like to have a comment back now that you've heard the conversation.

Randy Smith: 7493 Pinehurst Drive, Village of Newtown. I believe in Newtown and believe we could be a Mariemont or Montgomery someday and I want to see that. I've lived here for fifteen years and like everything else in Cincinnati, progress is always slow. Four weeks ago when I was here, when I said, "I strongly support development of this type of thing," at that time, I did not realize that there was new construction. I thought that this was for "improvement" of existing property. There is no question that my fellow folks from the school board and I support that wholeheartedly, no question. When it comes to new construction and the potential for new students, I have seen demographic studies that show a formula that will show us approximately how many students for the public schools that will be yield from a certain number of lots. From what I understand, the type of construction that you're looking at is the type that will have students. The type of houses are being built in Anderson Township and potentially the Village of Newtown are the type of houses that families will want to live in that will have students. So, we are talking about students coming into the school district. I think it's about \$8,000 per student that we spend to educate that student. The money must come from somewhere and the problem is we must educate those students now and we can't run a deficit. The bottom line is, the rest of the citizens and property owners will wind up shouldering that burden. As I understand, we have about five and half times more at stake here than the village does, based on the way the taxes split out. The point is, it's all about doing what is right. I appreciate the need to "bring development into our village." But, on the other hand, it's what is fair and what is right. The proposal of two CRA's sounded like a great possibility. If that can't be done, if there isn't some way to come to some kind of a compromise, I think you all understand our predicament. Our school district is a situation where there is no extra money right now, we're putting on a levy in May.

Mr. Miller: From what Forest said last time and my discussions with your legal counsel, you're only real concern with this is the residential?

Mr. Smith: Right. The same with the improvements with existing single families, the students are already there.

Mr. Miller: The commercial isn't costing you anymore money.

Mr. Smith: Right. There is no loss to us with commercial. Again, this is all about being reasonable and fair. I really ask for your thoughtful consideration on that. If for some reason, two CRA's don't work, there are ways we can investigate to get creative to maybe not fully fund the loss, but to partially fund the loss if you feel you must go ahead with something to abate the taxes for single family residents. This is your second reading, right? So, you will be taking action in two weeks?

Mayor Hammon: That is up to Council, they may elect not to do anything until the next meeting.

Mr. Smith: I would ask to give it some time. Mayor Hammon, I can understand and appreciate wanting to get something done. On the other hand, this is fairly critical. This represents a lot of dollars and is going to have a long lasting impact on the village and especially on the school district. I would ask to take a few extra weeks and give it thoughtful consideration and look for creative solutions, if in fact there are any to be had. In two weeks, I'll be lobbying in Washington for more money for our school district.

Mr. Kobasuk: Is the school board opposed to all new construction or what is your position if you can state one on some new construction or is it a total ban on all?

Mr. Smith: I can't speak for the board, but my opinion is quite frankly, anything that has the potential to bring students into the school district without funding behind it because we are so close to the edge is an issue. It's absolutely a real and clear and present issue for the school district.

Mr. Miller: Randy, if you get one new student, it's not like you have to write an \$8,000 check for that student. Your cost doesn't go up because you add one student.

Mr. Smith: No, but if that student were to put us over the edge, we would have to hire a new teacher because we went over the limit.

Mr. Miller: My next point is twenty students might cost you more than \$160,000 also, it's just an average you're talking. Another thing, if you build a new house and they have one child, you're not going to get \$8,000 in taxes off of that house.

Mr. Pulskamp: I was going to say the same thing. If we're talking about a \$225,000 house, that house is roughly going to pay \$4,200 to \$4,500 per year in property taxes total. Out of that the school district is going to get around \$1,200 to \$1,500. That house may have three kids in it. How is that \$1,200 to \$1,500 going to pay that \$8,000 per kid. It doesn't. The numbers just don't jive with me.

Mr. Smith: It doesn't.

Mr. Pulskamp: We're talking fifty houses and we may have ten kids out of those fifty houses.

Mr. Miller: I think we understand the dilemma of the school. That's the problem with school funding in the state of Ohio. You can't look at it like one house is going to pay for itself because if they don't have a student it more than pays for itself and if they do have a student it doesn't.

Mr. Smith: That's right.

Mayor Hammon: I just want to respond back to what Ken said. I estimated the value of property taxes from Monongahela down to our corner. There are three students and our block pays about \$24,000 in taxes. When you say fourteen out of sixteen homes have children, we're just about breaking even. This is back in my culdesac area in River Hills.

Mr. Smith: When you talk about new construction, there is a high likelihood that those are families moving into the Forest Hills School District.

Mayor Hammon: I don't want to dwell on it, but the developments on SR32 here are not geared to have children. So, on the other side of it, you're making lots of money there.

Mr. Smith: We cut \$1.6 million on budget this year, so we're not making money.

Mr. Miller: By the way, the next council meeting is in three weeks. We can certainly investigate the possibilities in the meantime or maybe doing two CRA's. That might be a solution.

Mr. Smith: We just ask something fair and reasonable. I don't want to appear to be a whiner to my fellow Village of Newtown people, but it is important that you understand our position.

Rick Toepfer, Treasurer for Forest Hills: A point of clarification, 60% of our revenue comes from local taxes. The other 40% comes from the state. That makes the math jive a little bit better. In talking about individual parcels, the question came up would we be willing to and obviously that would be a board decision. But, an investment that's not going to happen, if homes are not going to come without incentives, that's obviously different then homes that are coming anyway. That's the way I see it. If incentives are needed to drive flood plain developments, that's different then developments are going to be driven anyway. It's just a matter of time for those developers to come. We like to believe having quality services, schools being one of them is what drives people to a community.

Mr. Miller: There's probably no bigger factor as to where people want to live then a school factor.

Mayor Hammon: Alright questions to me by next Wednesday and I'll get with Catherine to get them answered.

Mr. Miller: I'd like to be part of that.

Police Chief Daryl Zornes: I have the annual report.

Street Commissioner: I have no report.

Engineer Bruce Brandstetter: (Cost Summary Handout)

- The second sheet shows where we think we are with Sunesis on the 32 project, this is as of the end of the year. Looks like we're going to be under budget on the Village's project by about \$90,000 and that's mostly what we were able to get out of ODOT for the surface for the paving.
- Jurgensen has paved all of River Hills Drive, we're working with them on their pay request, they billed for more then we had on the bid form and I'm trying to work them down a little bit on price.
- The Wagner Smith quote is attached. That is to take the four intersections, four approaches to the signals at River Hills – Round Bottom and SR32 and putting dedicated left-turn signals heads. That will be a left-turn signal arrow, it'll be an eight-phase controller. The reason we can't put the turn lanes there is because it's a four-phase controller. We held off on bidding the eight-phase controller because that's being funded with ODOT on the traffic signal interconnect project, which ODOT has the final drawings from us and we're bidding that this spring and will be under construction this summer. That's the two new signals at the end of Valley and the interconnect of all the signals. In the interim, that plan does have an eight-phase controller in it. I'm just giving you that background. What Wagner-Smith has quoted is a \$26,845, that includes the eight-phase controller. If we deduct that out at \$6,550, it would be \$20,295 and then they'll charge you \$175.00 per month to rent an eight-phase controller. Then when we get the grant money from ODOT and OKI, they'll remove that eight-phase controller and we'll put in a new permanent one and make that change over. What we're thinking is that you go with the \$20,295, the fact that we're under budget by \$90,000 on the Sunesis contract should soften up obviously. We'll do the battery back-up after the ODOT work is done and you can make that decision at that time.

Mayor Hammon: I have received many concerns from people regarding the turn signals and the difficulty with the intersection, especially sitting so far back from the lights. I really encourage Council to approve the funds to go ahead and do this.

Mr. Pulskamp: So, we're basically looking at \$20,000 plus \$175.00 a month until summertime.

Mr. Brandstetter: For six or eight months. You're under budget by about \$90,000 and CWW \$27,000. We will do a final changeorder reflecting those reduced quantities, there's a couple of odd things they haven't done yet so they haven't submitted their final pay request to us. Bottom line is you can afford it, you'll still have \$7,000 left over.

Mr. Kobasuk: When will the controller be completed?

Mr. Brandstetter: should be in about one month if not quicker, might take about two weeks. You're getting five-signal head signals with LED lights, that is pretty much the standard. That price includes putting loop detectors in, we have loop detectors out there we just want to make sure they're in the right place.

Mr. Cosby: On the funding, does this \$20,000 come out of the \$90,000 we are saving? Do we already have that somewhere?

Mr. Pulskamp: We'll take it out of that what we appropriated for that project.

Mr. Cosby: So, it's not something that we need?

Ms. Everett: I cannot comment on that, we've not received a final pay request. I've not done final calculations on that, so I cannot sit here and tell you we have saved \$100,000.

Mr. Brandstetter: I can. I know you've saved \$20,000 and I wouldn't give you \$90,000 if I wasn't comfortable with it. We're actually putting less money into the Phase II Church Street project than we had originally planned, but I think that's what you had budgeted this fiscal year. It's substantially less, \$150,000 less than what we had planned on eighteen months ago.

Mayor Hammon: We don't have to bid it because it's under \$25,000, but we an Ordinance to go into contract with them for the amount of money.

Engineer Bruce Brandstetter: (continued)

Church Street, Phase II:

- Open bids are scheduled for February 10th, here at Townhall and we will report back here to Council on February 14th with those bids.
- There are no changes on the traffic interconnect.
- As I mentioned earlier, final drawings are in to ODOT and the project is scheduled for this summer construction.
- We gave you the spreadsheet last time on the pavement management study. Nothing has changed on the spreadsheet, just take a look at the text that goes along with it. We figured a higher percentage of curbs being replaced.
- If you go with a twelve-year replacement cycle, you're looking at \$210,000 per year average of having to spend money on capital improvements.
- Since our last meeting, I talked to Curt, Chairman of Parks Committee and we discussed putting a skate park down at Short Park. Curt asked what funding is available. ODNR, through Nature Works does have funding available, they are due February 1st and they require a Resolution. There is not a lot of money out there for this, the whole county doesn't even get \$150,000. It's a 67% grant and you have to match the remaining one-third. The application takes a fair amount of work so if you want to do this we really need to move forward. Chances of getting the funding are not all that great. We faxed an example Resolution over to Doug Miller late today. If you want to apply, we need a Resolution tonight.

Mayor Hammon: Some time ago I had talked to Doug Hall about raising money and he said we need to come up with a plan for the parks and raise money for everything. We cut out the restrooms down at the park, which seem to be more important than skateboard. Maybe we should focus on the restrooms over a skateboard park. That's my opinion right now. I think we're a little premature.

Mr. Kobasuk: What kind of money are we talking about?

Mr. Cosby: It is major money.

Mr. Brandstetter: About \$225,000 to \$350,000.

Ms. Hueber: John, I think first we should try and get the bathrooms. Until we get the levies passed, I don't think we could afford it.

Mayor Hammon: Bottom line, this is \$100,000 for a basic skateboard park.

Mr. Cosby: I called Bruce with the idea of the skate park and asked if there was a funding source out there for it. In light of our budget crunch, I'm not opposed to sitting back for a year and putting some real thought into it and maybe applying for this next year. As far as committee members, I did call Kenny and Debbie. I don't disagree with the fact that the bathrooms need to be done first. Could the bathrooms be funded through the same source? Could we do the bathrooms if we get a grant?

Mayor Hammon: No we have cut all the projects.

Mr. Brandstetter: In your case, if you want to do a restroom, you can do some pre-manufactured ones. They have some pre-cast concrete with stainless steel fixtures and they are pretty indestructible. I think just a single laboratory on each side and a water closet. A couple of years ago, we did one with coating on it and it was about \$40,000 and they did a lot of their own site work. Something like that will be in the \$60,000 to \$75,000 range.

Mayor Hammon: If we get the foundation in place. I think there's a better chance for us getting us done this year, if we raise the funds for everything.

Mr. Cosby: Where are we in the process for the foundation?

Mayor Hammon: Mr. Hall is in Hollywood filming his T.V. show, The American Inventor and should be back in about a week. I'll talk to him again about heading that up, he was very interested in the fund raising aspect of it. I did talk to the insurance company regarding the liability issue and they mentioned having fences.

Councilmember Debbie McCarthy:

Mrs. McCarthy made a motion to approve Council Minutes for October 25, 2005 and November 9, 2005. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Abstain, Mrs. McCarthy-Yes. Motion Carried.

- We need to set up a time for our committee meetings.
- I need to get an approval from Council to place the two ads in the Enquirer. We went over job descriptions and salary in the H.R. meeting.

Mrs. McCarthy made a motion to place two ads in the Cincinnati Enquirer for Police Clerk and Secretary for the amount not to exceed \$3,000. Resumes are to be mailed to the village. Mr. Kobasuk seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-No, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

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

Mrs. McCarthy made a motion adopt ORDINANCE 01-2006 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

Councilmember Curt Cosby:

- We are having a Parks Committee Meeting, February 1st at 6:30. Our regular Parks Committee meetings will be the first Wednesday of the month at 6:30 p.m.

Councilmember Mark Kobasuk:

- We need a date for a working session to discuss CRA.

Councilmember Ken Pulskamp:

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

Mr. Pulskamp made a motion to adopt ORDINANCE 02-2006 AN ORDINANCE AUTHORIZING A CONTRACT WITH CAPITAL ELECTRIC LINE BUILDERS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

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 03-2006 AN ORDINANCE APOINTING A STREET COMMISSION AND CEMETERY SEXTON, IN THE VILLAGE OF NEWTOWN, CHARLIE SIEGEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

- I really was planning on doing a Second Reading for the CRA tonight. This table has talked about this since August. These questions should have been brought up back then. If we stop this now, it'll take us another month or two. If we want to change things, it's not something that will be ready by the next meeting. We're into a New Year, money is tight with people and I think we need to do something to stir this investment into this village and get this village growing again. We need to get this going, I don't think we need to let the school district scare us with the \$8,000 per student. Yes, it will create some extra students, but it is not going to create the burden that they are presenting to us. The only thing I see it will increase is picking up some trash for these people. I don't see any other services that will cost this village more money out of our pocket by doing this. Curt, you own some property that is involved, what's your opinion?

Mr. Cosby: I hear your points, Tracy's and Mark's points. I think it's important enough that I feel we should try to get in a working session on this. Especially for me since I haven't been here since August. I think it's more important to do it right then to put a time frame on it. There are some variables here and I would be more comfortable in having a working session and then moving forward.

Mr. Kobasuk: I would just add that it has not been under discussion in the present forum since August. We started talking to HCDC and in December 2005 we had a checklist and they wanted us to pick the options and we sat around this table maybe a half an hour or a little longer and picked these options. I did not see studies, I did not see surveys. Folks, this is a ten-year commitment and many of us may not even be here on Council in ten years and we're going to saddle future residents with a big burden. I think we should go slowly, a month is not going to make a big difference.

Mr. Pulskamp: It will go well over a month and yes we have been talking it since August and they asked us specifically in here at a working session what we wanted. This Council told them what we wanted.

Mr. Kobasuk: How much thought went into that though Ken? I haven't seen a lot of studies telling me how many houses we expect to be built and what the burden is going to be on the current taxpayers.

Mr. Pulskamp: I thought a lot of thought went into it. What is the burden going to be on our taxpayers?

Mr. Kobasuk: We're going to have a lot of development if this takes off. There are services, fire, police and garbage. I don't think you can discount it and say you're not going to have to add any fire department members or new police. I haven't seen the plans or projections on what we're looking at as far as development goes. Why are we rushing into this without careful deliberative thought. That's my only point.

Mr. Pulskamp: I don't think we're rushing into it and I think it's a mistake to keep putting it off. John admitted himself that he's talked to people that are interested in developing things.

Mr. Kobasuk: I agree with what Curt said, it's better to take your time and do it right.

Mrs. McCarthy: I agree.

Mr. Pulskamp: I felt very good about the decisions we made for the last four or five months in doing this.

Mr. Cosby: I'm new so I have a little bit of a different perspective. I wasn't sitting here for five months doing this so to get back up to speed.

Mayor Hammon: I'm going to stay out of this a little bit because this is what Council directed me what they wanted and that's what I went with. I didn't agree with it, I was asked what area I thought needed improvement and it grew out of that.

Mr. Cosby: I think a working session to sit down and discuss nothing but that would benefit us.

Ms. Hueber: Why don't we have a Second Reading and use the next meeting as a discussion, not a final vote. John, do you not suggest we do that?

Mayor Hammon: It seems to be so much disagreement again and there are significant differences, maybe we start over from scratch as far as the number of Readings.

Mr. Miller: As far as your Readings, you don't have to have three Readings on this so whether you have a Reading or not tonight you can still do something next time or the meeting after that. You've had these Readings so you would get this input particularly from the schools. You now have their input and know their concerns. Even if you change the entire ordinance around, you can still adopt it next time if you have enough people here and they vote to do it. As far as the timing, even if you change everything you can still pass it next time.

Mr. Pulskamp: Even if we have a second reading tonight, we can still keep on going and discuss it.

Ms. Hueber: It doesn't matter, no matter what then next week we can change our mind and we can pass it to Mark after we get answers to our questions. John to going to put the questions together from this table and they are going to go to Catherine. We can have a discussion after we get the questions answered. Personally, I have not changed my mind on the direction I think this village needs to go. I think there is definite area that the only way this town is going to go raise the next bar is if we do have a lot of new construction and some of these old houses are taken down. The only way we are going to that in here is to be able to have some of these builders and developers come in and have an incentive. They're doing it in Mount Lookout, Hyde Park and Oakley and they're buying up the blocks, which is what they need to do. If they develop that property behind mine, they can have my house, they can that house next to it and they can have that whole strip. Then that whole back of that area will develop. Will they all be new? Yes. Will it take away a whole bunch of old nasty looking houses? Yes.

Mrs. McCarthy: But is that property behind you for sale? I thought that was the reason you, Barry and Sharon bought it so nobody could build back there.

Mr. Pulskamp: That doesn't matter Debbie.

Mayor Hammon: That's irrelevant.

Ms. Hueber: That's irrelevant, it's a pocket that can be developed.

Mayor Hammon: I will say one comment to it, we had a developer who wanted to build homes down there, very low-end type of situation, in a sense that he wanted to put in just fourteen-foot blacktop streets with no curbs, no sidewalks, the water was going to be handled by pushing it on his neighbor. That's how he's going to handle the water. He wouldn't develop it because it cost so much to fill. This is why I think it is an area that needs to be filled in down there when we talk about that. That's a problem we have so you have to give a builder some kind of incentive so he could probably market that and sell some of that for a little higher price.

Mr. Cosby: I don't think anybody disagrees with that. I think that obviously there is more discussions being discussed and I think that's all that Mark is really saying.

Mayor Hammon: I'm willing to go through it, just try to focus and go forward. I'm willing to get with Catherine and when she can make it, call a Council meeting. I'll call you and tell you when it's going to be. I'm not against it, I'd rather do it at a Special Meeting then sitting here at the table.

Ms. Hueber: I'm not talking just about that property. The property from Turpin Lane up, I know that property has been under a developer question. That could all be raised a level.

Mayor Hammon: Ken, if you're going to make a motion, let's go on.

Mr. Pulskamp: I'm not going to make a motion tonight.

- **Police Clerk/Secretary:** I do have one other thing regarding hiring of the Secretary and Police Clerk. I would like to see something presented to Council exactly what these positions are going to be, the hours and pay. We have nothing, the last thing presented to us was the recommendations that came back from the committee, but we have nothing final. I would like to see that and that's why I voted NO. I'd like to see a rough draft of exactly what it's going to be.

Councilmember Tracy Hueber:

Ms. Hueber made a motion to approve Checklist, 1/24/2006. Mr. Pulskamp seconded the motion.

Mayor Hammon: Discussion?

Mr. Pulskamp: Keri, on the Anthem Blue Cross and Blue Shield, is that for two months?

Ms. Everett: Yes and No. We had to make an initial down payment and that's the balance for one and two.

All Aye. Motion Carried.

Councilmember Tracy Hueber:

- Congratulations to the police department on the recent arrest. They have done a great job contributing to other police departments and bettering our community.
- The Fire Board of Trustees met last week and the Fire Levy that we will be putting on the May 2nd ballot is a 7.25 mills. That will generate enough money to get us through the year 2012 with an \$856,000 carryover. That's about the lowest they'll go so as of 2013, another levy will have to be put on so basically, the millage extra, we're not adding that much to what we were already collecting. The benefit is that this vote will go to three areas: Fairfax, Columbia Township and Village of Newtown. They will be doing advertising and going door-to-door, the plan to do mailers, they'll have town meetings and put it all the papers. They realize the importance of getting the word out and they are already starting to do it. We've looked at all the budgets and that's about all they can do. Fairfax does not have any other levies on, Mariemont decided the school district is not putting their school board levy on this year, they'll put it on next year. Those two only have the Fire Levy. We on the other hand will have the Forest Hills School Levy and the Fire Levy. Hopefully, with enough votes our way and their way will carry us to pass our Levy.

Mr. Pulskamp: The 7.25 mill is actually less than what we were collecting between our two levies isn't that correct?

Ms. Hueber: Was it 8.5 Keri?

Ms. Everett: 8.0 mills.

Ms. Hueber: We had looked at 8.5, but when it generates is \$208,361.72 per mill.

Mr. Pulskamp: So, if this passes, are we as Council going to tell the voters that we're not collect the Fire Levy that we're still collecting right now?

Mayor Hammon: You have to collect it for the year, until it expires.

Ms. Hueber: Everything from all the other districts will go kaput and it will then be under the Little Miami.

Mr. Miller: You're still collecting yours this year, the new one would not kick in until January 2007. I would assume there will be a year or two where you're not going to collect.

Ms. Everett: The district is already collecting a 2.5 mill, is this additional to the 2.5 mill or a replacement?

Ms. Hueber: This would be a replacement.

Ms. Everett: Are they adding the 7.25 on top of the 2.5 mill?

Ms. Hueber: They said they are doing the 7.25 mill overall for everybody. That's what the fire district is going to collect.

Mayor Hammon: You didn't answer her question, she asked if it was an additional or replacement.

Ms. Hueber: Right, I don't know.

Ms. Everett: Because that is a continuing Levy, they already have the other 2.5.

Mayor Hammon: Why don't you ask them to make sure.

Mr. Pulskamp: Doug, with us being part of that fire district, the voting for that to pass just has to be majority of the district. So if Newtown totally says "no" and Fairfax and Columbia Township says "yes," it passes.

Mr. Miller: If they have more votes than Newtown, the district is the new subdivision.

Ms. Everett: Find out exactly what mill they are putting on.

Ms. Hueber: They're putting on a 7.25 mill, I voted on it. But, I don't know if the 2.5 will still be on there. If the district is doing 9.75, there is going to be a 1.25 additional then what we were. Because we already were collecting 8.0 so if they are going to keep the 2.5 on and they'll run for the 7.25 so what I'm thinking, it will be a 1.25 additional.

Ms. Everett: That means they're leaving the 2.5 on.

Mr. Miller: They're putting on a 7.25 mill and you have 2.5 mill, that totals 9.75 mill.

Mr. Kobasuk: Is that how it is Tracy, you know that for sure. I just know that they are putting 7.25 on the ballot. I just don't know if they'll keep the 2.5.

Mr. Miller: Just find out because they may have been talking about effective rates also.

Mayor Hammon: I'll go out on a limb and tell you they can't do a 7.25 because of the loss of revenue in personal property tax being cut out over the next four years.

Ms. Hueber: I brought that up because I was thinking about how you said we needed to put on a 10.0 or 11.0 mill and I think that's why we are keeping the 2.5. The next meeting will have the ordinances from Hamilton County.

Mr. Hammon: A 10.0 mill Levy will generate the equivalent of what a 9.0 mill Levy would have collected in the past.

Councilmember Tracy Huber: (continued)

- Could we consider having an agenda for Council meetings? I remember when Nancy was on Council and we had an agenda and would stick to it. If we followed an agenda so everybody doesn't carry over, but everyone would speak their peace on their committee. Could we start with the agenda and start with our Council business first and let the residents speak last. It seems like the business at hand needs to be dealt with first and other input could come after that.

Mayor Hammon: If that's what Council wants, that is fine with me. I think it's kind of disrespectful when you have a long night of business, to let the audience stay out there.

Ms. Hueber: Not that we want to disrespect the people who want to speak, but at the same time if you can get in here and handle the business at hand.

Mr. Cosby: My thought is, you let the people speak first because a lot of times what they have to say can change the course of conversation throughout the evening. If you do the business first and then they have input that could affect the business you did, then you're going back and redoing that again. It's hard enough to get people to show up as it is, you're usually only talking a few people and give them the opportunity to speak first.

Ms. Hueber: Can we get to have an agenda like we have done in the past? The Mayor does his thing, everybody speaks on their behalf of their committee and if we have resident input then we do it. It seems like it would be a little more controlled and it would move quickly.

Mayor Hammon: I'm a big supporter of committees and I believe that's where most of the work should be done.

Ms. Hueber: I remember before Nancy made the rule that the information had to be in on a Friday so they could be typed up and put in the mailboxes on Monday before the meeting on Tuesday.

Mayor Hammon: I hear what you're saying Tracy, and you can do it that way. I think if you go back when Curt was Mayor, it really was very quickly being violated week after week. I'm willing to do it and we can control it, I've been trying to make the meeting shorter and quicker.

Mr. Kobasuk: I'd like to have shorter meetings and I think the Mayor made a good point to work in committees more. Curt took the lead and set his committee and I need to set mine for a time and work more in committees. I agree Tracy, it'd be nice to have the meetings more organized.

Ms. Everett: (Finance Committee Meeting): The opinion from the two people regarding the Liability Insurance, it renewed on Sunday and they went ahead and bonded us for \$25,000. They did suggest a few ways to lower the premium, we just need to call them with the changes.

Mr. Pulskamp: It does say for the entire year Keri? What would your recommendations be on that?

Ms. Everett: Doug and I were looking at the loss runs and I don't even think they clearly looked at the loss run. I would definitely take advantage of a couple of these credits.

Mr. Miller: The only real loss you had, there were two claims and one was an age discrimination claim that I handled so the insurance paid nothing. We were successful with the claim. The other one was a zoning claim that the insurance company did provide defense. As far as I know, there was no money paid out, but there was a defense cost of right around \$25,000. I would really look at, you we went through this with the sewer being run over by the city of Cincinnati and our deductible. It was like a \$10,000 claim but you didn't want to submit it because you were afraid the premium would go up. Taking a deductible from \$250 to \$1,000 is nothing. If you really are not going to submit claims, ask him what it would be to take it to \$10,000.

Mr. Pulskamp: I was looking at this list of savings and an increase in deductibles and there is not a whole lot of savings.

Mr. Miller: I did look through the plan. I think your coverage is fine, your 5-7 million, what I did have a question on is I'm not sure you had your buildings on high enough.

Ms. Everett: They just raised those just two years ago. They came out and did an appraisal.

Mr. Miller: I can tell you the general cost from the last year from developers wanting commercial buildings have gone from \$55 per square foot to \$70, mainly because of the hurricanes. They have this building on at \$280,000 and I'm not sure you could replace this building for that.

Ms. Everett: They talked about this with us with this whole replacement cost versus the value.

Mr. Pulskamp: Is there an aggregate limit? Usually you're pretty safe if you get an aggregate limit overall because the evaluations can switch from one building to another to another.

Mayor Hammon: They break it down line by line, from cruisers to everything else is line by line. I'm going to tell you it is line by line and not an aggregate.

Ms. Everett: I thought they did have aggregate in there.

Mr. Miller: Earthquake and flood is excluded. Building and personal property \$1,068,769 and the attached schedule has it all broken out as to what that consists of. They have the maintenance building on Debolt at \$219,000, park shelter (gazebo) for \$4,300, Newtown Road park building for \$57,000, Newtown Road park shelter for \$58,000.

Ms. Everett: It says here on the general liability, annual aggregate.

Mayor Hammon: My only comment is we just had one discussion about this that went through a committee and no one showed up. This is why it's important to go to your committees and have your discussions.

Ms. Hueber: Whose committee is it?

Mayor Hammon: This is financial, it was called a month ago and no one showed up. We had to call Doug and ask him to come down.

Ms. Everett: You guys need to pass this because it went into effect on Sunday.

Mr. Pulskamp made a motion to dismiss for Executive Session to discuss personnel compensation at 9:40 p.m. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Council meeting reconvened at 9:55 p.m., no action to be taken as a result of Executive Session.

Mr. Pulskamp: Keri did point out that there is a blanket building in personal property coverage for all of the buildings. There is an agreed upon amount for each building. The way that would affect us would be if we have some sort of major catastrophe that would take out every building. Other than that, we're covered because that blanket would allow that limit to move from building to building.

Mr. Pulskamp made a motion to approve The Ohio Plan for Liability Insurance. Mr. Cosby seconded the motion. All Aye. Motion Carried.

Mr. Kobasuk made a motion to adjourn meeting at 10:05 p.m.

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