

The July 12, 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. This is a Working Session meeting.

**Councilmembers Present:** Doug Evans                      Debbie McCarthy  
Tracy Hueber    Ken Pulskamp

**Councilmembers Absent:** Mark Kobasuk                      Greg Thomas

**Assistant to the Mayor:** David Krings

**Solicitor:** Doug Miller

**Fiscal Officer:** Keri Everett

**Police Chief:** Daryl Zornes

**Mayor John Hammon:**

Opened the floor to the public to discuss any new business. No one wanted to address Council. Council may address any business at this time.

**Councilmember Tracy Hueber:** We need a resident-at-large for the FireBoard. Geoff Amann had to resign because they moved out of the Village. Also, can we change the Village yard sales from having one in June to having two; one in spring and one in fall? I'll tell Doug Miller so he can draft up an Ordinance.

**Councilmember Doug Evans:** I need to approve the checklist. Tom Tepe, #3158 has been added. We need to talk to Bruce about the intersection when we arrive .

**Mr. Evans made a motion to accept the checklist for 7/12/05. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.**

**Councilmember Debbie McCarthy:** Before the "Newtonian News" goes out, we need to see a copy of that before it goes to the printers. The last newsletter had errors in the first section. I don't know who wrote that. The wrong type of "accept" was used. Council needs to review before it goes out.

**Ms. Hueber:** I do not have time to sit and read it and go over it. What is there came straight from the departments. Would you like to take it on for the next quarter Debbie? By the time I go to the Editors, gather information and go back to the Editor, I have about twenty hours invested.

**Mrs. McCarthy:** No one said you had to take it on.

**Mayor Hammon:** Anything else?

**Solicitor Doug Miller:**

1) You should have a memo from Mike Cornette about the Meridian corner, somebody applied for a sign. I just want to make you aware of this, part of the agreement Bruce had come to that we would put the sign back up when it came down. Mike is pointing out that it is not really up to code, but we had agreed that they could put it back up. I just didn't want Mike going out on a limb and six months later somebody asking why the sign was up, that it was too high.

**Mayor Hammon:** Mike came to me and I suggested going to Board of Zoning and Appeals. He felt we could make the decision since due to construction we basically caused it to happen.

**Ms. Hueber:** I think we should make a motion approving it since we them to move it.

**Ms. Hueber made a motion for Mike Cornette to approve the moving of the Meridian sign. Mr. Evans seconded the motion. All Aye. Motion Carried.**

2) We are trying to verify the information that the sexual offender who lived too close to the school had moved.

3) Bruce last time requested, we prepare an Ordinance to approve the Contractor paving improvements for the alley project that I have; if you want to move forward with that tonight.

**Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion.**

**Mr. Pulskamp made a motion to adopt ORDINANCE 24-2005 AN ORDINANCE AUTHORIZING A CONTRACT FOR A PAVING IMPROVEMENTS PROJECT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion. All Aye. Motion Carried.**

**Mr. Evans:** John, speaking of the signs, did we get the one with the Car Wash finished?

**Mayor Hammon:** No. I talked to Mike about a week ago and what they are proposing is not permitted within the Village. It's a permanent banner that would hang on the front and this is not allowed. Mike was trying to sit and talk with them and get it resolved.

**Mayor Hammon:** Keri and I have talked it over and we need to hire somebody on a temporary basis to sit out here to answer the telephone and to type up the minutes. I'd like for Council to give me permission to hire temporary help for that position.

**Ms. Hueber:** I have a question, did we ever run an ad in the paper the first place?

**Ms. Everett:** Absolutely.

**Ms. Hueber:** What'd we get?

**Ms. Everett:** We're still accepting applications until July 15<sup>th</sup> and I asked the Mayor and the Human Resource Committee to commit time after that to start going through the applications and get the ball rolling. We have a lot and the thing is, we are already like three meetings behind.

**Ms. Hueber:** I'd like to make sure we hire somebody maybe through a temporary service.

**Ms. Everett:** We tried that before.

**Mayor Hammon:** That has not worked in the past, they have sent people here that couldn't type. She couldn't even turn the computer on.

**Ms. Hueber:** We get people that come in that are friends of friends of this and that and we end up in a bad situation again. How are we going to go about hiring the part-time position?

**Mayor Hammon:** I'm asking permission to hire somebody and if you guys want to put it at \$18.00 to \$20.00 an hour, we can go to a temporary service.

**Mr. Evans:** Do you have somebody in mind?

**Ms. Everett:** Actually, I did. I had Becky in mind, one and one reason only. Every time we've hired somebody, they don't know you guys, they don't know the voices. When they sit out here and type it, I have to sit and go through the whole meeting and listen to the tapes and fill in all the blanks. I suggested Becky because she knows everyone of you. She knows your voices, she knows you, and she's been here. She could probably sit down at that desk right there and put those tapes in and type them up and I probably wouldn't even have to look at them.

**Resident Becky Fairley:** 6931 Edith St. I'd like to respond to the "friend" thing, Keri and I talk every now and then. Yes, I'd be there if she needed me, we don't do things personally, and I'd be there if anyone of you needed me. But, when I do a job; when I'm hired by anyone, I'm there to do a job. I am not there to chitchat about gossip, so if that is your concern about me.

**Ms. Hueber:** My concern is that last time we got somebody in, as temporary, it was never resolved.

**Ms. Everett:** I'm not going to let that happen, because I am doing Mayor's Court right now and I will not do it for two years. I'm gonna tell you that right now.

**Mrs. Fairley:** You can do what you need to do. I think Keri also thought I was available because I am PRN at Anderson Mercy Hospital. I chose the days and hours when I want to work. I'm here to help you all get caught up if you want it, but if you don't that's fine too. Tracy, I do not talk to Keri about anything, when I hear crap, I tell people I don't want to hear about it. I'm one that if I want to know something, I'll go to the source. That's just the way I am.

**Mrs. McCarthy:** Well, I think it's a good idea.

**Mr. Evans made a motion for the Mayor to hire somebody at the rate of \$12.50 an hour.**

**Mrs. McCarthy seconded the motion. All Aye. Motion Carried.**

**Mrs. McCarthy:** Thanks Becky.

**Mayor Hammon:** Did everybody get a copy of the audit? All right, I have nothing else. Dave, do you mind starting and if Bruce comes, can we interrupt you?

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

1) **Healthcare Plans:** Today, I finished a review of the Healthcare Plan we have, relative to the plan the County is able to piggyback on the County. And take a look at the Center for Local Government, which is the plan the Mayor had earlier talked about where there is a Mayor's Association that was looking at joining into that plan. The purpose of my analysis was not to come back with a specific recommendation that we change or not change. I'd like to see if there is any potential for significant savings, by going either with the Center or with the County. I guess the first step is to do a "rough comparison" of the plans available through the Center and with the County. That would be the last four pages of the documentation I gave you. This is not something I consider comprehensive, it is my interpretation of the plan documents from the three different places. You can see that from the first group of entries, I have the United Healthcare plan that is used by Newtown, the red group is for the County and finally the green group is for the Center for Local Government. Just eyeballing the benefits under the various plans, it appeared to me that the NewHealth plan for the County and the Emerald plan from the Center for Local Government are roughly comparable. I can do a comparison based on different plans, if you wish. It appeared to me that they are roughly comparable. Then I had to figure out, okay these are comparable plans; what would the cost be to Newtown if our employees were under these various plans. I started with the Newtown plan, Keri gave me the monthly invoices and I calculated the costs based on that the invoice. The County's plans, to make them comparable, I got what they're actually paying now, in total, employee and employer. I took the NewHealth plan and took the employee population we have here in Newtown and applied that to the rates charged to the NewHealth plan. I did the same thing for the Emerald plan under the Center for Local Government. Each of these different areas calculate how they charge differently. The Newtown plan as presented to me, the provider does an individual rating. That is by-person, they do a rating. The County's plan is the same cost, same dollar amount for everybody. If you sign up for NewHealth with dependant coverage, is the same price regardless what your health history was and things like that. The Center for Local Government, they rate on individual municipality. The Emerald plan may have one price in Indian Hill and a different price in Newtown. But for everybody in Indian Hill is the same and for everybody in Newtown, it's the same. I had to peg-it somewhere. I went over to Indian Hill and went through theirs, they had recently got new rates from the Center for Local Government. I applied those rates to the Newtown employees and came up with a relative cost using the Indian Hill rates. I was surprised at the amount of difference in the cost, using that analysis. You have to remember that analysis may end up being totally different if we start looking at the County or the Center for Local Government because we'll have to get specific to Newtown. Using the analysis best

we could, it turns out that the County's plan costs roughly 21% less than the current Newtown plan. Annually, that's a difference of literally over \$21,000.00. The Center for Local Government plan costs 26.3% less than what we're paying here in Newtown, almost \$27,000.00 annually lower than what we're paying now. That's using the rates that are now in effect for Indian Hill. While there is a lot of analysis that needs to be done, as to the coverage and the network. As to which doctors are in the plan, which ones are not, which hospitals are in and which ones are not and the cost before we make any final recommendation to change the Provider. It is clear, there is a significant potential for savings taking a good look at these other options. I'm recommending that we give our current plan documents to both the County and to the Center for Local Government and ask them to consider adding Newtown. There was some correspondence between Newtown and the Center earlier, the Center says they didn't get all the materials they wanted. Newtown said, "they sent them and are waiting to hear back from the Center." I suspect we sent the materials and somehow they lost in their review process. They were very busy at that time, having a "recruitment campaign" and dealing with a lot of communities. I talked with the head person for their plan and he assures me he would get me the materials that are necessary to do a quote for us and I believe him. We'll submit it again with Council approval and find out just where they are. On the County side, I talked to them; there is no financial advantage to the County to bring this in. It's part of their good government approach that started under a previous administration. They want to help the localities within Hamilton County. They will need some background information as well to see if by having Newtown join their larger group if that would in turn pull down the larger group. As long as that is not the case, I think it's unlikely the County would say no to us; given that we only have ten employees covered under Newtown. Nevertheless, we have to get that background data to the County. I also checked the United Healthcare plan document to see just how we're tied to United Healthcare. You'd certainly want to check this with Doug, it sure looks to me like we could leave their plan with 31 days written notice. My recommendation to the Mayor and Council is that we take proper procedure allowing us to go ahead and contact both the County and the Center for Local Government, asking them to make formal proposals to us for having our employees join their healthcare plans. Assuming you do that, when it comes back, I would want to speak with the department heads and have it where the department heads would show the employees what the differences in coverage would be. There are bound to be some differences. Get that data and come back to either one of your committees or Council as a whole and get a complete picture with the dollar impact with changes in the plan, impact on the employees. Present it all to you for your Policy decision as to which way the Village should go.

**Ms. Hueber:** I think it's a good idea. Between four and five years, we'll basically we one year free.

**Mr. Pulskamp made a motion to authorize David Krings to proceed with contacting both groups to get rates. Ms. Hueber seconded the motion. All Aye. Motion Carried.**

**Mr. Evans:** Is there anything in the plans for being a drug-free workplace or anything like that?

**Mr. Krings:** Yeah, in fact there are a number of things. Some things I had mentioned in this memo. I think we have to consider as "fine-tuning". Those are the things that once you have decided on a Provider, you would sit down with them and figure out some options that would be available for the Village. Some of which we actually put in place in the County, as a result as some of these negotiations. They'll come back with a proposal to us that would include things that would be a matter of negotiations. If the Council and Mayor have some ideas along those lines, it's a two-way street. We can raise those issues with the Provider and the Provider will be raising those issues with us. I should probably mention a couple of these things. The high deductible health plans, which doesn't mean that necessarily that the high deductibles would go to the employee. That means that some of the first dollar coverage risk would go to the Village. That's a fairly sophisticated look at it, you have to figure out what the odds are of having the usage levels of what the first dollar costs offset the decreasing premiums. It's the same premium when you get a high deductible on your car insurance, the same thing applies to health insurance. Anderson Township does something, which I am definitely not going to recommend. They pick up all of the deductibles, the employee pays nothing, and they pay no deductible or no co-pay. The Township picks up everything 100%. If you start that as the base, they manage to save money by having a very high deductible on their insurance policy. Then just paying cash for the differences from dollar one up to whatever the deductible is. A lot of people, especially if your workforce is young and healthy; they want the protection but they are not using up all of the losses. Anderson Township managed to save some money that way. I only put the one paragraph in there just to mention it; because it required a pretty detailed look at our population to see whether or not that made any sense here at Newtown. That's down the road. Tonight you took Step 1, ultimately we'll decide on a Provider we want to work with and we'll deal with the tweaking later.

**2) Cell Phones:** This was brought up by the Mayor; I was not aware of this being a significant issue, employees using cell phones while driving. First I thought it was related to having "hands free" cell phones. As I went into it in more detail, it became apparent that many of the losses are caused and the lawsuits involved are not due so much to the "hands free", but being "distracted" while driving. Regardless whether it is "hands free" or not. I've sent an email to managers and administrators around the state asking for copies of their policies. Most of them deal with the "hands free" aspect and increasing numbers are going to just say "if one is going to use the cell phone at all, pull to the side of the road and do not drive while using the cell phone." It goes even further as to if you have an incoming call, let it go to voicemail and pull to the side of the road or someplace where it safe and take your calls that

way. I mentioned at our last meeting that there have been instances where organizations that didn't have such a policy, ended up being included in a lawsuit where an employee was involved in an accident; either a victim or an accident where the employee hurt someone else. The employer became part of the lawsuit because the reason stated that the employee had the phone in the first place was to keep with the business of the employer, to be available to the employer. Regardless of whether the call the employee happened to be on was work related or not; regardless of whether the time of accident was during traditional work hours or not. I saw six-figured settlements and instances where the major factor was the employer did not have any policy regarding to cell phone use. Since I wrote this memo to you, our Chief has contacted me about the cell phone policy that is used in the Newtown Police Department. I provided that in your materials tonight as well. The Chief uses the cell phones for a variety of purposes; one of which is that a number of local businesses contact the Police Officer directly via the cell phone, rather than going through the Dispatch. I'll let the Chief speak on that one. Whether that's an additional factor for your consideration. Before the Chief mentioned that to me, I thought it would be best for Newtown to adopt a policy that simply says, "don't drive and use the cell phone at the same time." You should consider Daryl's point of view on this as well.

**Police Chief Daryl Zornes:** Just to back up a little bit, Keri and I met with our Insurance Carrier, probably six or eight months ago. The biggest part of our policy actually came from the Insurance Carrier, who is the one defending us in any actions. As Dave said, a lot of businesses contact the Officers directly because they can get an Officer there faster. It does cut down on response time by about five to ten minutes, as opposed to going through the Dispatch. A lot of times it doesn't necessarily require an Officer's response. It could just be a question somebody has about traffic, ticket or whatever. Dispatch still knows what is going on, if anything of consequence, the Officer on the radio letting them know what the situation is before they ever get there. There have been several crimes, apprehensions of the crime, due to this. Our contention of going with Nextel phones a couple of months ago was because they are "hands free", they just have to push a button and they don't have another wire hanging from them. I understand what Dave is talking about as far as attention, but I get the argument from our Officers, "what about the Radio Mics hanging on our shoulders and the MDT's that is here on our right hand?" They're got an argument. We've been using the policy from our Insurance Carrier basically since the week after meeting we had with them.

**Mr. Evans:** Daryl, one two Officers on duty, they each carry?

**Police Chief Zornes:** They each carry one of the cell phones.

**Mr. Evans:** Okay. Those are Nextel, so they Nextel each other. Okay. You always have one?

**Police Chief Zornes:** I have my own. Village doesn't own mine. The Village only owns two, the two in the cars.

**Mr. Evans:** When you put five cars on, like you do every once in a while?

**Police Chief Zornes:** You mean a Blitz? We use personal Nextel's with that also.

**Mr. Evans:** The two units would have one and the other three units would have the other right. So, you always have two ways to get a hold of everybody. You can either go to the radio or the phone. There are places the phone might not work, so you could use the other one.

**Police Chief Zornes:** I can tell you there are a lot of places the Nextel will work and the Newtown radios will not.

**Mr. Evans:** How do you guys communicate with the Fire Department?

**Police Chief Zornes:** Through the County radio. We can communicate with Nextels with some of their Officers. For the most part, on a Fire scene, on a ground scene, we use the County radios. We have a "common" channel on there for the Fire Department.

**Mr. Evans:** Can people listen to the County radios?

**Police Chief Zornes:** I don't think they are making a scanner for them yet. I see what you're saying, the Nextel is probably is a little more secure because the County frequencies are public record. But as far as anybody being able to listen so far, there is very few citizens that would be able to put that kind of money into a radio. Each one of these portable radios were about \$4,200.00.

**Mr. Evans:** There are a few things you have to look at here. We have the same at my Company. There are emergencies and then there are kids and wives calling our employees all the time. My Insurance agent tells me that there are more wrecks caused by cell phones and dogs. We need to have something that is fair to everyone. Every once in a while, you have to talk to the Fire Department and they need to be able to get you and you can't have it all jammed up. That's one good thing about the phones, with call waiting, you can always get two phone calls coming in.

**Mayor Hammon:** My opinion is, I wouldn't argue about it. You have to use the phone sometime. If you are in a conversation, you need to pull the car over. I think that's what the policy says now. The other thing I don't see in this Dave, is personal cell phones in cars. That's where I see it becoming a "liability" and I think you should say "no personal phone calls in the car." When you get a chance, take a break and check voice mail and answer the calls at that time.

**Mr. Krings:** There is no distinction made as to who owns the phone. Nor is there distinction made as to whether it's a personal call or a business call. The original suggestion was that "if you have a call, you pull over to the side before you take that call."

**Police Chief Zornes:** The problem in pulling over before you can answer the phone is it only rings four times. As far as personal calls, our people are required to see Keri, because they have a reimbursement for the airtime.

**Mr. Miller:** We put a policy in Sycamore Township where employees are prohibited from using mobile telephones while operating a motor vehicle; unless the call is an emergency and the employees job duties specifically requires the employee receive emergency calls. The other thing they have in the same policies along the same line is they are not allowed to take any notes or write anything while they are driving. Which is probably worse than talking on the cell phone.

**Mr. Evans:** The person that gets the bills can tell who is abusing the policy and who is not.

**Ms. Hueber:** It doesn't when they use their personal cell.

**Mr. Evans:** You don't let them have personal cells.

**Ms. Hueber:** I'm not saying anybody here uses them, but how would you know if any of your guys had their personal cell phones in their pocket? You don't! That's probably the point we are trying to get at.

**Mr. Miller:** Right, but at least you have the policy in place.

**Mr. Evans:** So, when they have a wreck while their own personal phone rings.

**Mr. Miller:** You could make the same argument for the Police in the opposite direction. "I was hurt because you didn't let me use the cell phone." "If I'd had a cell phone, I would have know what was going on and would have went in more prepared."

**Ms. Hueber:** I think it's just while you're "moving." It's a moving violation of using a cell phone while doing your work.

**Mr. Pulskamp:** I like the wording Doug Miller used. It sounded good.

**Mr. Krings:** That deals with "outgoing" calls, doesn't it Doug? You can't tell if it is an emergency on "incoming" calls.

**Mr. Miller:** Well, I guess the point is you have to be.... that's the second part of it, that the job duties of the employee is to handle emergency calls. Which would be the Police, so Yes, they can answer the phone, but Maintenance people "do not" answer the phone when they're driving. You're right, you don't know if the call is an emergency at that point in time. When you find out it is not, you either pull over or say, "I'll have to call you back." I don't have so much trouble with the Police doing it, they're probably a little more alert in their driving.

**Mayor Hammon:** I think I have an answer. We sat there and did a contract specifically allowing them to use the feature, the walkie-talkie.

**Mr. Miller:** It will probably also save you money. County Dispatch charges you everytime.

**Mr. Evans:** But, you can make the wording such where we try to refrain from using it for things outside of work. I'd say, "we're in agreement with that, right?"

**Ms. Everett:** Are you guys intending to make this a separate policy or is this something that should be in our Personnel Policies, which I thought the whole thing is going to get reviewed.

**Mayor Hammon:** The Insurance agent said, "we need a separate policy."

**Ms. Hueber:** We do it now and when we do the whole book, this will already be updated. I think you should implement it, pass it out and everybody get a copy and then it goes into the new procedure book.

**Ms. Everett:** The cell phones are mentioned in our Personnel Practices, you might want to review. You wouldn't want to have one in there and then another one.

**Mr. Krings:** The point I started was with the Cell Phone Policy and I assumed this would be part of the Personnel Policies. I have talked this over with Doug Miller, I think we need to start with Page 1, in the Personnel Policies and work your way through. However, I also think it is reasonable to take them one by one with the ultimate idea you will get all the way through. To do it all at once would be a pretty big thing to bite off.

**Mr. Pulskamp:** Also, if you have separate policies, each one stands alone separate, in case something ever happens.

**Mr. Krings:** I think it makes sense to have the employee's sign off.

**Mr. Miller:** If you want to give us the direction to do that, we'll get started on it and if you want the Human Resources Committee to be involved in that, that's fine. We'll prepare a draft and submit it to the Committee and then they can pick through it.

**Mr. Pulskamp:** I think that's the best thing, I think you two are going to get the proper information.

**Ms. Everett:** You need law first, why have you guys sit and waste time doing something if it is not even law.

**Ms. Hueber:** Do we need to make a motion for you to go forward on that? Or are you just okay with that?

**Mr. Miller:** If you just tell us to do it.

**Mr. Pulskamp/Mr. Evans:** YES.

**Mayor Hammon:** Now we go back to the Personnel Practices in general.

**Mr. Miller:** Let me ask you this, because there is a whole lot of other things dealing with cell phones. Like who can be using one and that sort of thing, I mean at any point and time. Do you just want us to address using the cell phone in the car. How do you all do it, in terms of....

**Ms. Hueber:** Personally, I think the danger is in the car.

**Mr. Miller:** What I'm talking about is, the Police have a cell phone, if they make a personal call on that phone, does somebody keep track of that, do they reimburse it if it goes over whatever airtime we have. How is that handled?

**Chief Police Zornes:** Any personal calls are supposed to be reimbursed to the Fiscal Officer. We get detailed billing, it's easy enough if anyone goes over.

**Mr. Miller:** Do we not get so many free minutes?

**Police Chief Zornes:** Yes, we have a package.

**Mr. Miller:** So, if somebody is making personal calls, but the phone stays under so many minutes, there is nothing to be reimbursed.

**Police Chief Zornes:** Yes, because they are using something the public is paying for.

**Mr. Miller:** That's fine if that's the policy. How do we make a determination as to who gets a phone. Is it just the Police that have phones?

**Mr. Pulskamp:** No, Maintenance does also.

**Ms. Everett:** Service Department, they each have one.

**Mr. Miller:** Does everybody have one?

**Mr. Pulskamp:** Maintenance and Police.

**Mr. Miller:** Who is left?

**Mayor Hammon:** There are only two Village phones. Daryl uses his personal one and some of the other Officers use their own personal phones. The Police Department has two cell phones.

**Police Chief Zornes:** Correct.

**Ms. Everett:** The Service Department, they each have one, so they have four.

**Mr. Miller:** But, they are allowed to use them for personal use, they just have to reimburse.

**Police Chief Zornes:** Once we added that clause in, it pretty much reduced, not eliminated personal use.

**Mayor Hammon:** I noticed in one of these while going through it, they do allow personal calls, but of two minutes. Anything greater than two minutes they have to pay for that's what one community did. So somebody can call, I'll use the analogy as the landline phone right here, are you guys going to make us start paying a quarter to get a phone call here? To me, I think you give some slack, but don't let them abuse it.

**Ms. Everett:** Daryl and Charlie have monitored the monthly ones and if it has ever gotten out of hand, then the Supervisor has the employee reimburse. They have done a good job with that in the past.

**Police chief Zornes:** I'm going let the whole truth be known out here right now, that is monitored more than once a month. I can go into the website and it has a secure way to check the monthly usage. You can do this day by day and nip-it-in-the-bud if something starts.

**Mr. Krings:** I wasn't clear on the direction you gave. Did you give us the direction to take at look at the entire Personnel Policy book?

**Mayor Hammon:** We did not get to that decision, yet. I just say go ahead with the Cell Phone Policy and then we'll go back and discuss it.

**Mr. Krings:** I don't know, am I suppose to work with Doug Miller on this?

**Mayor Hammon:** Yeah, work with Doug.

**Mr. Pulskamp:** Work with Doug on the Cell Phone.

**Mr. Miller:** We're definitely doing the Cell Phone, and I also hear that you want us to do the Personnel Practices, to prepare a draft to get to the Human Resource Committee.

**Mayor Hammon:** We need the Cell Phone Policy because the Insurance Agency told us we needed one. That's how this all started.

**Mr. Miller:** Let me ask you this, do you want us to do the Sexual Harassment the same way? You really need to get that in there too.

**Ms. Hueber:** Yes, so why don't you just draw it up. Decide what you think is best with he has and what you know put it together and we'll pass it next meeting.

**Mayor Hammon:** Sexual Harassment Doug, I have to tell you I am very concerned that you can't put it in Personnel Practices. It has to stand-alone. It can be incorporated in with it, but it can't be a chapter inside the Personnel Practices. You can't bury it, it has to stand-alone by itself.

**Mr. Krings:** We had this discussion before Mayor, and I thought we were in agreement. It does have to have a stand-alone quality to it, you can't just bury it. But I think it should be part of the Personnel Practices where it is literally signed off on when you have an employee or a new employee or anytime there is a change, the employee literally would sign off on having seen that and having received it. I think the best way to do that is having it part of your Personnel Policies, I agree with you, it shouldn't be something buried or something just mentioned along with twenty different kinds of discriminations. It should be something specific to that. I don't know if I'm in disagreement with you or not.

**Ms. Everett:** I was told the same thing.

**Mayor Hammon:** My wife Rhonda went to training for Sexual Harassment for the School District, that is her specialty. She called me very concerned because they told he very explicitly that it had to be a stand-alone document and you can't put it in Personnel Practices. It basically has to be highly visible. Her opinion is that we are, I am liable if it goes into the Personnel Policy. Now, if you guys say the legal opinion is different, I'll defer to that because his insurance will cover me then.

**Mr. Miller:** Well, I guess my point on that, I don't care if you have it stand alone, but I think it should also be in the Personnel Practices. Which I think is what Dave is kind of saying. They would sign off a statement specifically that "I have received this Sexual Harassment Policy" separate from signing your Employee Manual.

**Mr. Krings:** I would envision that when you have a new hire, you'd give them the Employee Manual and that would have sections A, B, C, D. You would have them literally sign off on each of them that they had received the policy and Sexual Harassment being one of them. That is an important thing, but it's not the only thing that you want the employee to sign off on.

**Mayor Hammon:** That's fine, but it has to be noted. It can't be just a paragraph like it is today.

**Mr. Krings:** On the Sexual Harassment thing, there is one bit of guidance that I would like to have. On various provisions, we need to know who is responsible for the enforcement.

**Mr. Pulskamp:** Mayor. I read everything you gave us and that was one thing I definitely was going to bring up, it definitely needs to go back to the Mayor. He is the top Village Official and that is where it needs to go.

**Mr. Miller:** The only thing I would say is obviously if the complaint would be against the Mayor. You need to have a female that the person can go to, because you run into a situation of them saying, "well, I didn't report it, because I had to go to the Mayor and I was too embarrassed to tell a male of this problem." I think you need to have that other outlet there.

**Ms. Everett:** In training, they told us that you, 1) report it to somebody, 2) a second person investigates and 3) the third person, who is the Mayor would make the decision. The Mayor should not do all three steps.

**Mr. Miller:** My opinion is, you need a male and female outlet for the person to report it to so they can't say, "I was too embarrassed to go to my supervisor."

**Ms. Everett:** Then you need a second person to investigate which I already suggested you or the Police Chief. Then you discuss your findings with the Mayor and he makes the decision.

**Ms. Hueber:** The "female" could be Keri Everett.

**Mr. Pulskamp:** I don't think she should be part of it.

**Mr. Miller:** Well, then if they need a second outlet, they could go to a female Councilperson if that's what they want to do. One of the problems you have, you're a pretty small shop.

**Resident Becky Fairley:** What about the female Officer.

**Ms. Hueber:** Yeah, what about Rose? We have two female Officers.

**Mr. Miller:** Let us just work with the language.

**Mr. Pulskamp:** Doug, I think you and the Mayor should be the top two people.

**Ms. Hueber:** Then, you need to figure out what we're going to do about a female reporting person.

**Mr. Krings:** Are there any other comments or questions on that? All right, Doug and I will work on that as well.

**3) Sewer Tap:** Last Friday, I came by to pick up my check and ran into the Mayor and he had the files ready to take a look at the thing Charlie Siegel gave you, about an agreement with MSD for providing sewer taps. I can't find that documented anywhere. I called former Mayor Cosby to find out if he could remember any such agreement. He said, "he had no specific memory of it, but sounded like something he would do." I then called Tim Howard, he would have been the person negotiating that agreement however many years ago. Tim has favorable memories of having worked in Newtown, but he wouldn't have agreed to a "free tap," because he didn't have the authority to do so and later the MSD Director told me that it's against the law for them to simply waive the fee. I then said to the Director, "well, but you could have paid an amount equal to what the fee would be and had the same result." He agreed to that and also agreed that would have been a reasonable request. Having done that, is there anything else going on in Newtown that we can charge you an amount equal to, or in the neighborhood, of getting these fees taken care of? He thought there was, he wouldn't know specifically, this was all this morning. He is going to go back and see what he can find. Where would need to get another easement perhaps out in Newtown and the idea would be if we can find a way through that method we can get the taps, one for the Maintenance and one for the Park. He understands that and if that had been done years ago, that would have been a reasonable request.

**Mayor Hammon:** We could not find any paperwork with MSD.

**Mr. Krings:** MSD doesn't have any either. There is nothing documented. The easement exists, it is recorded and the fact that the laterals were built at a cost of roughly \$20,000.00. That's all documentation as to any agreement regarding the "tap fees."

**Mr. Pulskamp:** So, the laterals are built?

**Mr. Krings:** The laterals, through the property line, from there on would be the Village's responsibility. It's not fixed yet, but hopefully it is on the way to getting fixed.

**Mayor Hammon:** Is that it David?

**Mr. Krings:** Well, we have the development company proposal, Hamilton County Development Company. There, I suggest that you assign it to one of your committees and that I bring the people from the Development Company in here to explain what they would do for the Village in regard to Economic Development.

**Mr. Evans:** It wouldn't take them too long, would it?

**Mayor Hammon:** Basically, you have the contract offer in front of you. It's just what do you want to do?

**Mr. Pulskamp:** In your experience working with them David, are they worth?

**Mr. Evans:** Give us a quick scenario, we pick them and what exactly are they going to do for us?

**Mayor Hammon:** Look at the contract.

**Mr. Krings:** In working with them at the County, they are very good at some of the basic Economic Development things. By basic, I mean not just going out after new business, but sitting down with your current businesses and making sure that they are satisfied and that they are getting the services that are needed by the County, Village or whomever. Making sure that you don't wake up one day and Meridian is moving out of town. Keep that continued contact. In addition to that, which is the one that gets the most attention, is when they bring new businesses into a community. They are one of the first stops, probably along with a Chamber of Commerce, one of the first stops a business seeking to relocate comes to. They also, because of their connections with other communities throughout the area, I have this in another community where I'm working now where a business was in the city of Cincinnati and outgrown the physical space for that business. They knew, in this case, Lockland had a building that would be suited for this business and assisted them in coming into Lockland. The city of Cincinnati, while didn't like losing those jobs, understood that they just didn't have anything within the City of Cincinnati. Believe it or not, Lockland had something that Cincinnati didn't. That similar type of activity would be going on here. Another area, they set up things like a "tax increment financing district." Which is not all that difficult to set up, but you have to know what you're doing when you're setting it up. That enables the locality to capture future growth and tax dollars to provide an infrastructure that businesses needs in order to grow. HCDC and their staff were one of the principal consultants we used in getting that developed.

**Ms. Hueber:** I think it's worth listening to, it's a networking system.

**Mr. Evans:** Do we sign up for period of time or do we sign up for the results that they might do for us?

**Mr. Krings:** They're open to either way.

**Mayor Hammon:** The contract says we'll do, "I can't remember the tax incentive plan." They'll do some tracking and administrative work behind it and help you along with that process.

**Mr. Krings:** We can pick and choose. If we choose more, they'll give us a discount of the stated prices.

**Mayor Hammon:** Keep in mind, they're fighting for their lives in the county too. In other words, they have to keep doing a good job or I assume the county could let go of them. Is that true Dave, do they contract with the county?

**Mr. Krings:** the county started them, but they are an independent non-for-profit at this point and they have to keep generating income. They're the organization, you know the current fight going on with the Port Authority in the county? This organization is the backbone of the economic development that is not the Port Authority.

**Mayor Hammon:** If I understand right, they have a website. They'll go out and take our empty buildings and do marketing for you on their website and list available sites with square footage, etc. These are some of the things you get when you deal with them. They will work with us, pretty much outside of just what the contract agreement is, but if we want them to work on a specific task, they'll charge us fees.

**Mr. Krings:** I did notice one other thing in their proposal, they said, "if you take more than one of their options, they'll give you a 20% discount. Option 1, is general economic development assistance for \$14,000.00, take 20% of that off..."

**Mr. Pulskamp:** Actually, it says "up to" 20%.

**Mr. Krings:** Well, I actually sat down with them and went over this and if you take Option 1 and Option 2, you end up getting less for Option 1. I thought that was a good deal. I said, "is that what you intended?" They said, "yeah, we noticed that too and we'll stand by it."

**Mr. Evans:** What about the E-Check building, tying the whole thing together somehow? Is there anyway. I talked to somebody about Bonds.

**Mayor Hammon:** Purchasing the E-Check? We can talk about it, you and I have talked and as Chairman of the Finance, we need to get a line of credit. I'm sure they will help you. If you call them up, they might give you some ideas. We need to get the line of credit available to us so we can execute it. We need to act on it very quickly and we need to get the money in place in case it does come available January.

**Mr. Evans:** I think it best if they come in here at the next Council Meeting John, if they can over 15-20 minutes and have a question and answer session.

**Mayor Hammon:** Greg was here, you talked to Harry and I don't know which one wants to come out. Greg is the guy we normally talk to.

**Mr. Krings:** To tell you the truth, the meeting I had was with both Greg and Harry. I can bring them both here. On the Bond issue, I don't know if that is specifically their expertise; between them and me, we could get it done pretty quickly.

**Mr. Pulskamp:** John is right, we need get a line of credit established so that if this comes down in January we don't miss out.

**Mr. Krings:** How much do you want, \$1,000,000.00? No problem, we'll get it. I'll tell you, Newtown should be a lot easier to market than Lockland. I've had some great difficulties with Lockland. I don't think Newtown should be a problem.

**Ms. Everett:** I'll give you the two names of the banking people we have now.

**Mr. Pulskamp:** So you will bring Hamilton County to the next meeting?

**Mr. Krings:** Yes, I'll bring them here next meeting, July 26<sup>th</sup>.

**Engineer Bruce Brandstetter:**

1) **Parking Lot:** One of the things John asked me to do, since we're under time constraints was if we kind of overlay these things, how can you phase them in? When I was here last meeting we looked at three options, focused in on the bigger one. We eliminated the head-end parking here at the Feed Store, I have a cost in for that concrete Kenny, \$2,000.00 which is just an estimate. We've got this parallel blunt curve sidewalk here. We had the sidewalk before on private property, we've got it there and we've cut it off here. We've also added some fence, numbers haven't changed drastically. One of the things John asked me to do was if you could do this thing in phases, it doesn't make any sense if you would want to do that. What you have here, sidewalks are shaded, you could come in and maybe do a loop driveway and have parking on one side, ultimately expand it.

**Mayor Hammon:** I went out and visited with Barbara Broerman and she doesn't want anything to do with this. She absolutely sees no purpose to it, most people I talk to see no purpose to it. I talked to Mike Arnold, he's blacktopped his area and says he doesn't need anything. What the Parking Lot only does is dress up the five piece of properties to the west of it. The people don't see the need of it at this point in time. I do have a hard time when people say they don't need it, putting in a quarter of a million dollars, starting with \$125,000.00 just to see if it is feasible. We could stage it in, put a basis in and see how it goes and then build it rest of it out. Because there is no support in that area at this point in time.

**Ms. Hueber:** How do we expect any of those buildings to go commercial with our zoning codes. It's both sides, it's this stuff and that stuff, the worse part of the neighborhood.

**Mayor Hammon:** I think if you haven't walked down there, you need to walk in there. I showed Bruce the fencing issue. I don't know Bruce if you addressed the storm water that goes through there, if it's deep enough to even be able to expand on the one side. Storm water runs down from the Village and goes out through Main, Plum, and Center Street. Like I said, "I went out and talked to people, and there is no enthusiasm for it." Because you can't get here without walking all the way around. The Creamy Whip does not want to tie into it. Bruce, was she pretty emphatic about that when you talked to her?

**Mr. Brandstetter:** Yes she was. I think you can handle the storm water there.

**Ms. Hueber:** Her business is fine, but what happens if her business ever sells.

**Mayor Hammon:** At that time you can expand, that's the whole point.

**Ms. Hueber:** How about giving it to Hamilton County and see what they say. I'm tired of fighting of for it. I mean, I don't care. I don't like to do things halfway, I'd rather do it and make it look good the first time. Then hopefully businesses will grow. If you guys don't feel the same way, that is fine. I think we definitely need it, it's not all about the Creamy Whip.

**Mr. Thomas:** Based on the article this morning, this is the right direction we're heading in.

**Mayor Hammon:** The people around here do not want it.

**Ms. Hueber:** We do want to bring in businesses so if people are not coming here do to parking or they'd like to, we're not getting their opinion. The people that are here can make do, the Creamy Whip makes do. But we can always offer a little bit more to the Village is what I'm saying.

**Mayor Hammon:** You're shooting \$250,000.00 towards that, where you could put a park in River Hills for \$100,000.00, a walkway down under \$50,000.00, you can put a walkway between Plum Street and tie them together so people can get to the park.

**Ms. Hueber:** John, I think we can do the parking lot for \$160,000.00.

**Mayor Hammon:** So you can do those things and still build this parking lot as a basic unit. You can do stuff for the citizens and not for a select few property owners. I just can't see putting that kind of money in something and gambling it away.

**Mr. Pulskamp:** Where are you coming up with that figure?

**Mayor Hammon:** We started off basic, then added landscaping and Tracy wanted to put up an iron fence.

**Mr. Brandstetter:** Last meeting we were at \$161,000.00 and then you put in landscaping and that brought it to \$186,000.00.

**Ms. Hueber:** The bike-path that is going to come through, where can people stop and do this in the Village?

**Mayor Hammon:** I feel uncomfortable sitting in here and taking 1/10<sup>th</sup> of what you take in and putting it there, yet no one seems to share that. I haven't talked to anybody who has seen a flood district getting rebuilt anywhere. You can talk about any localities you want when it's not in a flood district.

**Mr. Thomas:** This is the best place for a parking lot in a flood area.

**Ms. Hueber:** Well, there is different ways you want to do it. You can spend \$300,000.00 on the E-Check and not everybody is for that either.

**Mayor Hammon:** Greg, you know better than anybody what FEMA allows you to do and not to do. You're in a flood-plane all the way down SR 32.

**Mr. Brandstetter:** We'll go in the direction where it can be phased in. We need to do some cost estimates and see where you want to move forward from there. I can solicit proposals and have a couple surveyors can do a boundary of your property. It might not be a bad idea, it's not real clear what is out there. At least get a price to you. If you don't anything right now, the survey will be done. Other than to continue discussion as to what phase you want to do and how much you want to spend.

**Mr. Pulskamp:** Do you have new cost proposals?

**Mr. Brandstetter:** They are still about the same.

**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 24-2005 AN ORDINANCE AUTHORIZING A CONTRACT FOR A PAVING IMPROVEMENTS PROJECT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. 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 RESOLUTION 5-2005 A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. 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 RESOLUTION 6-2005 A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. 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 RESOLUTION 7-2005 A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. 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 RESOLUTION 8-2005 A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION**

**THEREWITH DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. Motion Carried.**

**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 9-2005 A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. 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 RESOLUTION 10-2005 A RESOLUTION DECLARING THE NECESSITY OF LEVYING A TAX IN EXCESS OF THE 10-MILL LIMITATION AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. All Aye. Motion Carried.**

**Mr. Brandstetter:**

**2) Restrooms for Short Park:** Keri had asked me about some Restroom buildings. I have two different types of buildings. One is pre-cast, pre-made concrete one. One is stick built and it would cost more. The one building has two toilets on each side, and a lab or a urinal, a toilet and lab; that will cost you about \$120,000.00. The pre-cast one, we'd pour a foundation, rough in the plumbing and put it on that spot, that's just a one toilet and would be about \$32,000.00. We did a two-toilet as an alternate and it was \$55,000.00. It's really not a bad structure. The park district built one on Wooster, it cost \$120,000.00 just for the building.

**Ms. Everett:** What about the one they just put in at Beech Acres.

**Mr. Brandstetter:** We did that one that would be a stick built building and would be more like \$120,000.00 to \$150,000.00. Pre-cast works pretty well, it's a matter of what you want.

**Mr. Pulskamp:** That's food-for-thought. We'll let you know where to go with that then.

**Mr. Brandstetter:** Okay, then you have questions on Roundbottom and SR 32?

**Mr. Pulskamp:** Yes. Why is no right turn on red going to be coming out of Rivers Hills Drive? Signs are already up on the new posts.

**Mayor Hammon:** Because traffic on SR 32 coming across the lane, we didn't want the confusion of pulling out and not understanding the traffic pattern. I think there is a confusion of the intersection because you have people coming across and turning and then traffic coming along SR 32 is for a safety factor. People have to swing across there and there might be confusion of the pulling out on sides of the intersection.

**Mr. Pulskamp:** I can see "NO TURNING ON RED" for certain hours.

**Mr. Evans:** Let's just try it, at first it's going to be hard to use to.

**Mayor Hammon:** There is a lot of people concerned about it, I have sat down with the Police Department and talked about it.

**Mr. Evans:** What about the whole island, how high will they grade that with gravel and top soil?

**Mr. Brandstetter:** Oh yes, then it's finished off with turf. It has water and electric.

**Mr. Pulskamp:** Greg and I talked years ago when this project first started. We really would like to see that landscaped with a big fountain in the center, strictly as a beautification project and nothing else.

**Mayor Hammon:** Remember, you told Gerard they could put their memorial in there.

**Mr. Pulskamp:** I didn't think that got approved.

**Mayor Hammon:** I pretty much talked him into waiting till it was built and lay stuff out to see what it is. I believe it's the wrong spot.

**Mr. Pulskamp:** I agree with you. That spot needs something just to look at only.

**Mayor Hammon:** All right Bruce, we're adjourned. Debbie walked away so.

**Meeting adjourned at 9:15 p.m.**

**Completed 9/14/05  
brf**

