

Public Hearing was held on June 27, 2006, meeting was called to order at 7:24 p.m. by Mayor John Hammon. The 2007 Budget was discussed.

**Councilmembers Present:** Curt Cosby Mark Kobasuk  
Doug Evans Debbie McCarthy  
Tracy Hueber Ken Pulskamp

**Mayor:** John R. Hammon  
**Fiscal Officer:** Keri L. Everett  
**Chief of Police:** Daryl Zornes

The June 27, 2006 meeting of the Newtown Village Council was called to order at 7:42 p.m. by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

**Councilmembers Present:** Curt Cosby Mark Kobasuk  
Doug Evans Debbie McCarthy  
Tracy Hueber Ken Pulskamp

**Mayor:** John Hammon  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri L. Everett

**Mayor Hammon:** I jotted down some thoughts that we have talked about over the years and I thought this is kind of what we agreed to in the past. When we have a planning meeting, we limit the audience to two minutes to speak, five minutes per subject, we at the table and Council gets five minutes to speak. No new legislation will be discussed at that time, unless it's an emergency purpose. I'm curious to see how people feel if that's a good set of rules for planning session.

**Mr. Kobasuk:** Is this entire discussion a planning session, so we're not going to introduce any new legislation?

**Mayor Hammon:** Typically Mark, that's kind of the rule we've set. No new legislation here, because we try to restrict people's input so we can get to the planning session. I've discouraged people from coming to introduce new topics.

**Mr. Cosby:** What about our agenda? Everything on the agenda goes, right?

**Mayor Hammon:** You get five minutes.

**Mr. Pulskamp:** Each one of us will have five minutes to do whatever we need to do business wise, Mark.

**Mayor Hammon:**

- Barking Dog Ordinance: We should have the Third Reading.
- Church Street Project: There has been a lot of construction difficulty on Church Street. We've never put a contract in for Dave Stenger's work there. Bruce is saying it is starting to escalate and he is asking for compensation for Dave Stenger on the site, at \$60.00 an hour. He's got it here for roughly \$18,000.00. You can make that any number that you want and we can tell him to come back at that point in time to do it. They have not got the proper catch basins in. They received the wrong catch basins and installed the wrong catch basins. I don't like spending the money, but this might be money well spent down the road to make sure it gets done right. They come here every two weeks to a meeting and they've never once expressed a problem of design. I know part of the catch basin is underneath the sidewalk and top of the catch basin would not fit. There would have been a bump on the sidewalk. Dave basically said they need to be moved out.

**Mr. Evans:** If I need to be there, at one of the construction meetings, I will. You guys get it worked out, because why should we as taxpayers pay another \$18,000.00 for something that we've already paid a lot of money for.

**Mayor Hammon:** You don't have to. You don't have to pay it. You won't know what is underneath the blacktop when the job is done.

**Ms. Hueber:** Shouldn't Bruce oversee it somewhat anyway?

**Mayor Hammon:** No, that's not part of his contract. His contract is as the Engineer to put the bids and documents out. It's not to oversee a project.

**Mr. Kobasuk:** Who is overseeing it for the Village, anybody?

**Mayor Hammon:** Charlie, he's not experienced enough, it's kind of a learning experience. He was going to take a more aggressive part into it and Dave was going to mentor him through some of it.

**Mr. Kobasuk:** Do we need to get more help on that side of it or is that adequately taking care of it?

**Mr. Pulskamp:** Charlie is not an Engineer and we don't have a Village Engineer.

**Mr. Cosby:** We've always had somebody oversee the projects. You can't have a project of that magnitude and not have somebody that knows what is going on and overseeing that project or you don't know what you're going to get.

**Mr. Evans:** If Dave Stenger needs a reasonable amount to look at some of the things, I would be inclined to that. I don't know what a reasonable amount is.

**Mr. Cosby:** I agree with that. I don't know how often he needs to be there, but I think before they cover something up they should maybe look at it.

**Mr. Evans:** They've pretty much put the stuff in and now they're going to start with the water.

**Mayor Hammon:** Eventually, they're a week behind from what they told us Thursday already.

**Mr. Kobasuk:** How far are they behind, two weeks?

**Mr. Cosby:** Five weeks behind.

**Mayor Hammon:** They'll be hard pressed to be able to get a runable surface down. They'll be hard pressed to get the waterline in before the race.

**Ms. Hueber:** What happens if we don't have a runable surface and all these people have paid to run in the race?

**Mayor Hammon:** As I told Bruce, he'll write a \$12,000.00 check to the Civic League as a donation. It's part of the contract, there is a letter on record that acknowledges it and will meet those criteria. Decision is you don't want to pay Dave Stenger so I'll table it for now.

**Resident Darwin Brooks:** Crull Street.

- **R.I.T.A.:** When we opted to go with R.I.T.A. and everyone paying their fare share, where do we stand? The businesses that are currently not registered with the Village?

**Mayor Hammon:** We don't have them if they don't come through the process legally.

**Mr. Kobasuk:** We talked about a putting together a package for new businesses to alert them to having to pay these taxes. That's what I thought came out of the last meeting.

**Mr. Brooks:** Since then?

**Mr. Evans:** Keri has been working on the budget. It's something we're not going to forget about. We know we have to do something.

**Ms. Hueber:** I know what you're saying. We went with the Dennis Cunningham thing before where somebody was in-house all the time collecting money. My personal feeling is when we went with R.I.T.A., you loose the personal control with it. Unless, we expect Keri to be that personal control to get to R.I.T.A.

**Ms. Everett:** I am the person.

**Mr. Brooks:** You're acting as Dennis Cunningham.

**Ms. Everett:** Yes I am acting, but I'm also the Mayor's Court Clerk, also the acting Fiscal Officer and when Becky is not here, I'm the acting Secretary. I'm the acting whatever else is needed around here. Until we get some more help around here, the Income Tax has been tabled.

**Mr. Brooks:** Thank you.

**Mayor Hammon:** Darwin, R.I.T.A. does not replace the tax administrator. They are a collecting agency. That's all they're doing.

**Mr. Brooks:** You recognize when Dennis left what a disadvantage.

**Mayor Hammon:** There is really no difference.

**Mr. Cosby:** We collected every bit the amount of taxes we collected before and there was a system put into place to collect those taxes through building permits, through various owner permitting and process of stuff like the packages and things like that and then that information was passed onto R.I.T.A. That is the way it is supposed to work.

**Ms. Hueber:** That hasn't worked.

**Mr. Brooks:** You agree that is has failed?

**Mr. Cosby:** I don't agree with that, No. I'm certainly not convinced that you go out and spend \$40,000.00 on a tax commissioner, plus benefits and think that you're going to reap that much more in taxes. I don't think it's going to happen.

**Mr. Brooks:** Do you agree that Dennis was actively out there seeking out new business?

**Mr. Cosby:** I don't think he ever went door-to-door, if that is what you're saying?

**Mr. Brooks:** Thank you.

**Resident Lisa Page:** I live in River Hills on Olentangy. I am here to get permission to have a block party for July 4<sup>th</sup>. We want to block off the road between River Hills and Rio Grande. I have everybody's signatures that would affect their driveway.

**Mayor Hammon:** Do we have any problem with that? If I remember right, we've allowed it in the past.

**Chief Zornes:** As long as there is no alcohol in the right-of-way or in the street.

**Ms. Page:** All emergency vehicles will be able to get around.

**Resident Janet Buchanan:** River Hills.

- **Cats:** Is there anything we can do to control cats? They are roaming around and pooping in my yard and on my car.

**Mayor Hammon:** Cats are considered a wild animal and there is nothing we can do. This is a state of Ohio law. The SPCA will not take them.

**Ms. Buchanan:** Then there are people who walk their dogs on a leash with a bag in their pocket, and they let them walk through our yards and go to the bathroom in our yards.

**Mr. Pulskamp:** Tonight, we're going to have the last Reading on an Ordinance for that so when you see that, you can call the police and they will come out and they can fine that person.

**Ms. Buchanan:** (Continued)

- **Pit Bulls:** Are we allowed to have pit bulls in River Hills?

**Mr. Pulskamp:** City of Cincinnati bans pit bulls.

**Mayor Hammon:** I don't think we have a vicious dog ordinance.

**Ms. Buchanan:** Somebody moved in up there with a pit bull and walks it around the neighborhood and there are kids out playing.

**Resident Donna Brooks:** Crull St.

- **No Parking Issue:** People are still parking where it says no parking. We've got our letter from David and I just wondered if anything had been decided on it?

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**Mayor Hammon:** No

**Mr. Kobasuk:** I was going to introduce an Ordinance that followed the committee's recommendation, but I guess our procedure is not to introduce new legislation tonight.

**Mr. Pulskamp:** Mark, you have five minutes to do anything you want with your time.

**Mr. Kobasuk:** I'll just wait, but maybe it will come up.

**Mrs. Brooks:** Okay, we were just curious.

**Mr. Kobasuk:** I wanted to give people a chance to try and work it out and if not, we can come back and just try to be reasonable.

**Councilmember Tracy Hueber:**

Ms. Hueber made a motion to approve Rio Grande and Olentangy to block off the street for their block party, on July 4<sup>th</sup>, from 4:00 p.m. until dark. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.

Ms. Hueber made a motion to approve, not to exceed \$2,000.00 for ammunition for the police department, under the training line. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

**American Legal Publishing:**

Ms. Hueber made a motion to suspend the rules for the Mayor and Fiscal Officer to enter into contract with American Legal Publishing to update our Village Code of Ordinances, not to exceed \$3,000.00. These have to be updated annually. Mr. Evans seconded the motion. All Aye. Motion Carried.

Ms. Hueber made a motion to adopt **ORDINANCE 16-2006 AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH AMERICAN LEGAL PUBLISHING, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY.** Mr. Kobasuk seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Ms. McCarthy-Yes. Motion Carried.

**Councilmember Ken Pulskamp:**

- Street Cleaning: River Hills is the only area that needs entire sweeping. Church Street, SR32, Valley and Round Bottom is done every two weeks. Ivy Hills is clean, all the curbs and gutters in the Village of Ivy Hills doesn't need it. River Hills will be swept on Thursday.
- Town Hall: Debbie asked about the windows, we're going to try once a month cleaning on the windows at Town Hall. Charlie and his men do a spring cleaning every six months and the basic cleaning weekly.
- Bicentennial Park: The clock is not working, there is an internal problem and that will be fixed.
- Trees in Village: The only thing I ask, if somebody Council wise or otherwise sees a viable tree in the Village that they want to cut down, it needs to be brought before Council. I don't have a problem if it is diseased, but we had a situation last week where somebody wanted a tree cut down. Charlie and I talked about it and nixed it.

**Mr. Cosby:** I'm sorry, what?

**Mr. Pulskamp:** We had somebody that wanted a tree cut down in the park.

**Mr. Cosby:** A tree cut down in the park?

**Mr. Pulskamp:** That is a very healthy and viable tree that was planted by the scouts.

**Mr. Cosby:** What tree?

**Ms. Hueber:** Debbie, why did you want it cut down?

**Mr. Pulskamp:** I wasn't going to bring up the person, I just said, any viable tree needs to come before Council to be approved before it is cut down.

**Mr. Cosby:** If you're talking about that pine tree that is next to the sign.

**Mr. Pulskamp:** The spruce that was planted by the scouts.

**Mr. Cosby:** It was never intended to be cut down. It was a simple statement made, where that tree is in proximity to that sign. The tree will eventually overtake that sign. It may be prudent to move that tree to a different location, so that in the future it doesn't have to be cut down. That is where the source came from, not we're going to cut down the tree.

**Mr. Pulskamp:** I got a totally different story.

**Mr. Cosby:** Well, that is the story.

**Mr. Pulskamp:** (Continued)

- Barking Dog Ordinance:

**Mr. Pulskamp made a motion to have a Third Reading on the Barking Dog Ordinance. Ms. Hueber seconded the motion.**

**Mayor Hammon:** Discussion ?

**Mr. Kobasuk:** As I understand it, we have a law on the books now in the State of Ohio that covers barking dogs. Curt informed me a few meetings ago, this issue came up years ago and the logic was we ought to have two people making the call, so there is not neighbor disputes. That is my one concern. It seems to me, three minutes of constant barking would be a nuisance, I'm just concerned about the logic of having one person make the call. This is going to be stricter than Ohio law, as I understand it. Is that correct?

**Mr. Pulskamp:** Correct.

**Mr. Kobasuk:** I have some reservation on that, do you have any comment on that Ken?

**Mr. Pulskamp:** My comment is yes and I expressed that at the last two meetings. We're not saying that one person, a neighbor can call the police and just say the dog has been barking constantly. The police have to come up and see this dog barking for three minutes. It's not just a neighbor reporting, the police can't do anything until they hear the barking for three minutes. That's the way this Ordinance reads. I disagree with needing two neighbors to call because you may have one neighbor that has their windows closed tight and the barking is not bothering them at all.

**Mr. Cosby:** Ken, I think we were both on Board of Zoning Appeals at the same time way back. There were two neighbors feuding in River Hills and they were constantly calling the police saying, the dog is barking. That is when they decided to put in a second neighbor in order to legitimize the complaint.

**Mr. Pulskamp:** I didn't agree with it then and I don't agree with it now.

**Mr. Cosby:** That's the only point I made on the issue.

**Mr. Kobasuk:** John, do you have any comment on this?

**Mayor Hammon:** I'm all for it Mark. There are four dogs across the street, by the FireHouse and when we tried to move court over to the FireHouse one day, they literally had a hard time conducting court because of the dogs standing at the fence barking for two hours.

**Ms. Hueber:** I think the police will cut out any kind of he said, she said because they will sit there and listen.

**Mr. Kobasuk:** My question has been answered, we can move on.

**Mr. Evans:** There are a lot of houses that are closer than we are Mark.

**Mr. Pulskamp:** I think it will be up the officer's discretion.

**Mr. Kobasuk:** Three minutes does strike me as excessive.

**Mayor Hammon:** (Barking Dog Ordinance Continued)

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

**Mr. Pulskamp:** (Continued)

- Dog Excrement Ordinance:

**Mr. Pulskamp made a motion to have a Third Reading on the Dog Excrement Ordinance. Ms. Hueber seconded the motion.**

**Mr. Kobasuk:** I'd like to be on heard this. I am making my comments more for the record. I know many people may be in favor of this, but I do not think it should be a crime, in this Village to leave your property with your dog on a leash and that would be a misdemeanor. If you do not have some device for removal of and containment of the dog's excrement, you will be guilty of a misdemeanor by stepping off of your property. I don't think we need that type of law. In addition, device in the statute is not defined. What is some device for the removal of dog excrement? Is it a plastic bag, a napkin, a towel, is it a mechanical device?

**Mr. Pulskamp:** It's whatever you want it to be.

**Mr. Kobasuk:** I don't think you can have it be anything you want. When you look at statutes, you have to look at the words used in the statute. A device is defined in the dictionary as, "a thing made for a particular purpose, especially a mechanical, electronic or electronic invention or a contrivance." It's a very specific definition of a device. I just have a problem with this statute. I'm not opposed to the statute making it a misdemeanor if your dog deposits excrement and you do not clean it up. I do not think I should commit a misdemeanor, by leaving my property with my dog on a leash, without what is not defined in the statute as some device for removal of the excrement.

**Mr. Pulskamp:** Mark, what if you leave your property with your dog and you have nothing and you go three houses down and your dog decides to stop and take a crap in somebody's front yard. What are you going to do? I mowed my grass Saturday, I have six piles of crap. I take care of my yard.

**Mr. Kobasuk:** I could use my sock.

**Ms. Hueber:** Wait a second, this law is all over the place. Mariemont and everybody has it. You just carry a little baggy around and clean up you stuff. Do you want to change the wording?

**Mr. Kobasuk:** I want a statute that says it would be a misdemeanor if your dog deposits excrements and it's not cleaned up. We don't need to make it a crime to simply forget and step off of your property. The police could stop me and say, where is your device Mark? If I didn't have it, that would be a misdemeanor. I don't want to live in a Gestapo state. I think a lot of my neighbors would not like an Ordinance.

**Mrs. Waits:** If you take your dog out.....

**Mr. Kobasuk:** Ma'am, I think I have the floor. You may not like what I'm saying, but I have the floor now and I'd like to finish my statement. Many people read these minutes and I'm trying to make a record. My point is, it should not be a crime to step off your property without a containment device. It can be a misdemeanor if your dog deposits excrement and you do not clean it up. I've seen statutes written that way and I've done research on some statutes trying to define device. This statute does not define device in any reasonable manner. Is my baggy going to be sufficient? I do not let my dog deposit excrement on other people's property, but I don't want to be a violator of the law by simply walking my dog, if I forget my device. Whatever that is, so I'm opposed to the statute.

**Mr. Pulskamp:** If you leave your property with your dog and you have nothing to use to clean up after your dog, you are intentionally doing that. If you know you're leaving your property with your dog, you know there is a good chance that dog is going to go to the bathroom.

**Mr. Kobasuk:** I don't agree with that at all. I have my dog deposit his excrement in my backyard. I carry a bag with me, but I don't want to be convicted of a misdemeanor. It simply should not be a crime to leave your property with your dog on a leash without a device, which is not defined in the statute. I'm trying to be reasonable. I looked at the statute. I don't think it's a good statute and I'm proposing an alternative statute that would simply say, it would be a misdemeanor for your dog to deposit excrement and you do not clean it up.

**Mr. Pulskamp:** What's a reasonable time to clean it up, five minutes, three hours or three days later? If you're walking your dog, you better have something with you to clean it up then and there. Not five minutes later, not a week later, not an hour later.

**Mr. Kobasuk:** I disagree, so we have a disagreement.

**Mayor Hammon:** That is the problem of it Mark. I do hear what you say, but I think about the enforcement aspect of it is, somebody has to witness that. Tom, what is your opinion?

**Mr. Cosby:** I guess what Mark is trying to say, and I think people should clean up after their pet. I think all he is trying to say, is plastic bag or no plastic bag, there is no guarantee they will pick it up. What Mark is saying, if you don't have a plastic bag or whatever, it would be a little harsh to charge them with a misdemeanor.

**Mr. Pulskamp:** I don't think it's harsh. I think the word will get out that if you're walking your dog, you better have means of picking something up with you.

**Lieutenant Synan:** I honestly don't have much of an opinion. I agree that if you walk your dog and you don't have something with you, generally one is not going to pick it up. I also agree that should it be a misdemeanor if you walk out your door and don't have something; then it comes down to the judgment of the officers. I think if we saw someone, I would enforce the law only if I saw the dog going to the bathroom. Then I would ask if they planned to clean up the mess and if they didn't have anything to clean it up with, then they would probably get a ticket.

**Mr. Kobasuk:** You're making my point though, if your dog defecates on the property that is not yours, you have committed a misdemeanor and you would be cited. Just walking your dog, without some device, which is not defined should not be a crime.

**Lieutenant Synan:** I see your point.

**Mr. Pulskamp:** He said, he would stop that person and ask them if they have a means to clean that up.

**Mr. Kobasuk:** I don't somebody questioning whether I have a device when I'm walking my dog, minding my own business.

**Lieutenant Synan:** My concern is for civil liberties, because technically we have that law where I can stop somebody, search them and everything else; especially if it is a misdemeanor. I understand his concern and it's a little weak to be searching people and if I find cocaine, but don't have a doggy bag. I don't think the court will uphold that. I understand his point. I also understand the point that if you don't have something on you, you're intent was to walk out with the going to the bathroom and not cleaning it up. My suggestion is to re-word the ordinance and Doug Miller would be more of an expert than I.

**Mr. Evans:** I agree with that. I have never had a problem in my neighborhood. I think it's a matter in certain areas. Maybe the areas that have problems need to be policed more.

**Mr. Kobasuk:** If somebody forgets their bag, why should they be a criminal?

**Lieutenant Synan:** I would suggest that it start off a minor misdemeanor on a first offense, then each subsequent offense be higher.

**Mayor Hammon:** I'm going to remind and shut it down right now is, if you vote it down, the law that is on the books is does still a misdemeanor.

**Ms. Hueber:** Let's ask Doug Miller.

**Mr. Pulskamp:** Doug, the Ordinance for the dog excrement, Mark has a real problem with it.

**Solicitor Miller:** Right.

**Ms. Hueber:** Tom suggested it be dropped to a minor misdemeanor.

**Lieutenant:** It was a suggestion that you could make it a subsequent offense. To start out as a minor misdemeanor and then second offense goes up

**Ms. Hueber:** We're making all of this really hard, because unless the police are driving behind somebody it is not going to happen anyway.

**Mayor Hammon:** Everybody, you asked Mr. Miller to give you his opinion, let him talk.

**Mr. Kobasuk:** What opinion is he rendering now?

**Solicitor Miller:** I don't know that I have been asked a question.

**Mr. Kobasuk:** I don't either.

**Mr. Pulskamp:** Who did you model this ordinance after?

**Solicitor Miller:** One I did for Sycamore Township.

**Mr. Kobasuk:** It's not an uncommon ordinance. Some other villages have looked at this issue and taken a different approach because device is not defined. Doug, can you tell me what a device is.

**Solicitor Miller:** Yeah, I don't care what it is. I don't care if it is your sock. It's whatever you want to put it in.

**Mr. Kobasuk:** That's very vague. All I'm saying, the police are going to enforce the law when they see a dog deposit excrement. Why do we need to make it a crime to not have a bag when your dog deposits excrement a misdemeanor?

**Ms. Hueber:** For one, I think we're underestimating the intelligence of the police officers. We've probably spent more time on it right here than they will spend in the next year ticketing people.

**Mr. Pulskamp:** Doug, is there anything wrong with the ordinance?

**Solicitor Miller:** I do not see anything wrong with it, but that's not to say a judge wouldn't agree with Mark.

**Mr. Kobasuk:** You have seen other ordinances drafted differently, have you not Doug?

**Solicitor Miller:** I don't know that I have because it isn't that, I didn't go looking for them.

**Mr. Kobasuk:** Well, I did. I found them on the Internet very easily.

**Solicitor Miller:** I thought I looked at Cincinnati's, but I wouldn't swear it because I was also looking for something else. That probably came originally from Cincinnati's or somebody's around here. When I did it for Sycamore, I'm sure that came from somewhere else.

**Mr. Evans:** It wouldn't be that hard to change it for just a little bit.

**Mr. Kobasuk:** Right.

**Ms. Hueber:** What, do you want to change the word device to baggy?

**Mr. Kobasuk:** No, I don't want to have any device. I don't know what the device is, it's ill defined.

**Mrs. Waits:** He's stupid.

**Mr. Kobasuk:** I resent that ma'am.

**Mrs. Waits:** Well, I'm sorry.

**Mr. Kobasuk:** I don't think you ought to call a public official stupid!

**Mrs. Waits:** Well, you're acting that way.

**Mayor Hammon:** Joanie, no personal attacks. We all have a right to our opinion.

**Solicitor Miller:** All you have to do, if that's what you want to do, is remove the first phrase up to the semi-colon. "No person shall fail to remove any excrement deposited by any dog under his or her control or ownership on public property or the property of another."

**Dog Excrement Ordinance (Continued).....**

**Mr. Pulskamp made a motion to have a Third Reading on the Dog Excrement Ordinance. Ms. Hueber seconded the motion.**

**Mr. Pulskamp:** We'd have to start Readings all over again, this is our Third Reading Doug, correct?

**Solicitor Miller:** You could dispense it.

**Mr. Pulskamp:** I mean that's a significant change. We weren't doing this by emergency, this is the Third Reading and still have thirty days after this.

**Mr. Evans:** Can't we just change a couple of words and say it's done?

**Solicitor Miller:** You're talking about two different things. You're talking about three readings and you're talking about an emergency. Three readings is three readings and if it is not an emergency it doesn't go into affect for thirty days. You could have a reading tonight and waive the other two readings and still wouldn't go into affect for thirty days. You'd be in the same position you were on the other one, simply by suspending the rules of having three readings.

**Mr. Pulskamp:** Except you do not have the ordinance with you tonight.

**Solicitor Miller:** All I have to do is cross it out.

**Mayor Hammon:** You can withdraw the motion or take a vote. If Ken doesn't withdraw the motion.

**Ms. Hueber:** Well, we can pass it by emergency. He just said.

**Mr. Pulskamp:** I don't want to pass a dog excrement ordinance by emergency.

**Solicitor Miller:** No, you're not passing it by emergency. You are dispensing with the second and third readings. You can it by emergency.

**Mr. Pulskamp:** I'm standing my ground here because I believe this is right. I believe some of the comments made here tonight were made thinking in legal terms as a lawyer, instead of people that live in the Village and are residents. I'm sorry and I'm not personally attacking Mark.

**Mayor Hammon:** (Dog Excrement Ordinance Continued)

**Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-No, Mr. Kobasuk-No, Mr. Cosby-No, Mrs. McCarthy-No.**

**Mr. Pulskamp:** The old Ordinance still stands and is still a misdemeanor then.

**Mayor Hammon:** So you don't want to introduce the new one?

**Mr. Pulskamp:** No. It's there.

**Councilmember Doug Evans:**

**Mr. Evans made a motion to accept Checklist, dated 6/27/2006. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

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

**Mr. Evans made a motion to adopt ORDINANCE 15-2006 AN ORDINANCE ADOPTING THE VILLAGE BUDGET FOR 2007, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Councilmember Mark Kobasuk:**

- Crull Subdivision: I asked Doug Miller to draft an ordinance which would rescind the ordinance passed back 6/28/2005 and provide for limited no parking, thirty-feet from the intersection, per the committee report. I don't want to pass this by emergency, I'd like to have a First Reading on it so we can discuss it. All I'm trying to do is implement the committee's recommendation. I think it's a reasonable first step, allowing the neighbors to try and work out the issue themselves. Perhaps Mr. Coogan could not park on Mr. Darwin's driveway and they can somehow resolve parking issues elsewhere in that neighborhood. Parking on one side of the street strikes me as very divisive for the residents, they're not be allowed to park in front of their house. I think the neighbors need some area to park and I think this is a reasonable first step and we can always revisit the issue. I think it's time we do something, so I'm going to propose a First Reading of the Ordinance and it's entitled:

**Mr. Kobasuk made a motion to have a First Reading on Crull subdivision. AN ORDINANCE RESCINDING ORDINANCE #21-2005, PROVIDING FOR LIMITED NO PARKING AREAS IN THE CRULL SUBDIVISION. Mr. Cosby seconded the motion.**

**Mr. Pulskamp:** You asked for discussion, I don't agree with this, whatsoever. There were a lot of things brought up and still have not seen a final draft from the committee. I totally disagree with parking on both sides and you had people from the police, fire and maintenance and Leo Honebrink saying it is not a good area for doing that. There is parking on one side of the street in all other areas in the Village, the side without the fire hydrants. I think it needs to be looked at and I think some of these expert opinions need to be considered.

**Mayor Hammon:** My only comment I want to make is, Mark, I drove through there before coming here and there were three vehicles parked in the roadway in the middle of the driving lane.

**Ms. Hueber:** I live there and I see it constantly and I don't think we should set precedence with.

**Mayor Hammon:** It is still being abused.

**Mr. Cosby:** You have a committee that recommended it.

**Ms. Hueber:** We're not on the committee, let's take a vote.

**Mr. Kobasuk:** We're not taking a vote, it's the First Reading.

**Mr. Evans:** I wish I had seen this a little more head of time.

**Mr. Kobasuk:** That's why we're having a First Reading.

**Mayor Hammon:** You can come back and look at it. We'll let the public know it will be discussed at the table next time in detail and then we can hash it out.

**Mr. Pulskamp:** Mark, where is the final report from the committee?

**Mr. Kobasuk:** There was a report issued. I got the impression from David that he was done with his report. Do you have a different view John?

**Mayor Hammon:** No, it said, final draft. I received it May 31<sup>st</sup>. If you don't have it tonight, we can make a copy before you all leave.

**Ms. Hueber:** I think it's a shallow thing. We're obviously a three-three here, what happens when we get to the third vote, it's dead?

**Mayor Hammon:** It's dead. You need four votes to pass it or it dies.

**Ms. Hueber:** It dies.

**Mr. Evans:** I need to do a little bit of research just to make sure these different sections.

**Mr. Kobasuk:** That is why we're doing the First Reading, you have plenty of time to do your research and have two other readings. This is a very controversial issue. We need to either bring it to a head or do something.

**Mr. Evans:** The Ordinance we're rescinding, so we'll just completely do away with what we already did Mark?

**Mr. Kobasuk:** We have to it is inconsistent. We have no parking anywhere on those streets under that prior Ordinance.

**Mr. Pulskamp:** Now you have parking everywhere, except within the stop signs, which is the same in entire Village.

**Mr. Kobasuk:** Not on both sides, you're wrong about that.

**Mayor Hammon:** You all can get a copy of the final draft of the committee's report tonight and look at it and come back with it.

#### **Councilmember Curt Cosby:**

- **Skatepark:** I met with Bruce regarding the bathrooms and skate park. I'll revisit that issue with him and see how we can go about getting some grants.
- **Moundview:** I received something today from Charlie about blacktopping Moundview, because the blacktop is deteriorating. Doug had a good idea, to get a bid from Jurgenson since they'll be there. I'd also like to meet with Darwin and go up there and see what Darwin's thoughts are on it and possibly bring that to Bruce's attention.

**Mayor Hammon:** It's a significant dollar amount. Bruce has looked at it and you're talking \$50,000.00 plus.

**Mr. Cosby:** I'd like to know the right way to do it.

- **Flowerpots:** The flowerpots throughout the Village need attention. I want to start looking at that at our Park committee meeting next month. I think we need to do something different to these pots.
- **Church Street:** I had a resident from Ragland Road ask what is allowed, he was coming down and encountered someone coming up. His point was when the rules change, get the information out to them so they know. I go up and down because I was told we can and pull over and wave to the people to go by. They pull over and waive to me. It's not been a problem.

**Resident Becky Fairley:** No it hasn't been and I don't think it should be made a hardship on those that live there.

**Mr. Cosby:** When you have the ability to go both ways you be courteous about it.

**Mrs. Fairley:** Yes.

**Mayor Hammon:** The trouble is that is not happening all the time. Tom or Rose, do you have a comment on what you guys have seen there?

**Police Officer Frederick:** I had an incident the other day with a gentleman on a motor cycle and another resident that lives up there was not sure how it is. Curt is right, we've been given twenty different stories since the construction started. We pretty much, if you live between SR32 and Ragland, we don't care which way you go, just get out of the way. You don't belong there, then you get a ticket.

**Mr. Cosby:** And I think that works, as a local resident, that works.

**Police Officer Frederick:** Earlier at court, over half of the docket was driving on a closed road. Lt. Synan and I sat there the other day, June 15<sup>th</sup>, we wrote forty-some odd tickets.

**Ms. Hueber:** How many of those tickets are sticking?

**Police Officer Frederick:** All of those.

**Mr. Evans:** It's got a lot better. I drive every day two to three times.

**Ms. Hueber:** You're not a resident.

**Mr. Evans:** I own property right there.

**Mayor Hammon:** The problem you have is, they've going to be working in the middle of the street and there will be no lane defined, like you have now. I can tell you there will be no place for you to escape in the future. In theory, there is no place to go. Some people drive around the barrels into the construction zone, I've heard in situations.

**Mrs. Fairley:** There are plenty of driveways along the way to pull into.

**Mayor Hammon:** I'll look into it. We'll certainly discuss it at the next meeting. I know in the past, Bruce had offered to get flyers out.

**Councilmember Debbie McCarthy:**

- Center Island: When are we going to put anything there?

**Mr. Evans:** We've got to finish the plan first. Trucks drive through the corner all the time. We don't want to put a bunch of things there for them to run over. We're going to make it the right way before we spend the money on it.

- Street Study: I'd like a copy of the final study for the streets.

**Mayor Hammon:** Bruce is going to make copies for us.

**Mrs. McCarthy made a motion to approve Council minutes for 5/23/2006. Mr. Cosby seconded the motion. All Aye. Motion Carried.**

**Mrs. McCarthy made a motion to approve Council minutes for 6/22/2004 and 7/27/2004. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Abstain, Mr. Evans-Yes, Mr. Kobasuk-Abstain, Mr. Cosby-Abstain, Mrs. McCarthy-Yes, Mayor-Yes. Motion Carried.**

**Solicitor Miller:** Dou you want me to bring back an ordinance on the dog excrement?

**Mr. Kobasuk:** I would like you to bring back an ordinance different. It should not be a crime to walk off your property without a device, which is not defined. I'll even give you a draft.

**Council meeting was closed and Planning Session began at 8:58 p.m.**

**Mr. Cosby made a motion to adjourn meeting at 9:02 p.m. Motion Carried.**