

A Public Hearing for the 2006 Budget was called to order by Mayor John Hammon.

Fiscal Officer Keri Everett went through the budget page by page, explaining where the figures came from for the 2006 budget. Ms. Everett answered questions from council members. There were no questions from the audience.

The June 28, 2005 meeting of the Newtown Village Council was called to order at 7:40 p.m. by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

Councilmembers Present: Doug Evans Tracy Huber
Mark Kobasuk Debbie McCarthy
Ken Pulskamp Greg Thomas

Assistant to the Mayor: David Krings

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Daryl Zornes

Street Commissioner: Charlie Siegel

Mayor John Hammon:

As you know, we have had an open Council seat for a while now. I solicited Council's input on the applicants and we interviewed the two we felt most qualified. I have chosen Mark Kobasuk. Almost forty years ago, there was an election like we have coming upon us this November. There were four seats open and two candidates ran and I was appointed to one of those seats. I appreciate the interest here in the Village. We actually received a letter later on; therefore, we had nine applicants. I am excited about that with the upcoming Election and hopefully we see a lot of the same names on the ballot. So with that said, Mark if you could come forward. I have asked Council to support Mark's appointment to the Council seat.

Doug Evans made a motion to appoint Mark Kobasuk. Ken Pulskamp seconded the motion. Ms. Hueber-abstained, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.

Mayor Hammon: Time to swear-in our new Councilmember, Mark Kobasuk. Repeat after me: "I Mark Kobasuk do solemnly swear to uphold the Constitution of the United States, the Constitution of the State of Ohio, the Ordinances and Resolutions of the Village of Newtown. I will faithfully discharge the duties of a Councilman of the Village of Newtown to the best of my ability, so help me God." Welcome aboard.

Mayor Hammon: If anyone from the audience would like to address Council, please come forward to the microphone. We do transcribe these meetings and we'll get your name and address.

Resident Curt Cosby: 7010 Ragland Road, July 16, 2005, we are involved in a motorcycle ride that benefits the Autism Society, which is part of Children's Hospital. This is a charity ride to raise money for the Autism Society. It will begin at the Newtown Village Tavern on Debolt Street. Registration is from 10:00 a.m. until 12:00 Noon. I wanted to make Council aware of this function and to inform the Police Department. This is just the starting point and I was wondering if possible, if the Police Department could give us an escort when we leave at Noon, just to get us through the town. We're headed east, straight out SR 32.

Chief Zornes: I don't think there will be a problem. We'll put an officer at Church and Main and one at Roundbottom and SR 32.

Mr. Cosby: Instead of an escort, if someone could block the intersection to allow the riders to stay together.

Ms. Hueber: How far are you going?

Mr. Cosby: We're going up to Route 68 and down to Ripley and back to New Richmond where we'll have a little food for people in the ride. Anyone is welcome, those with motorcycles to ride or those without motorcycles are welcome to join us at New Richmond at 3:00 p.m. We're hoping to also have music and food for payment for the ride. All 100% of money will go to the Autism Society. I'll also drop flyers off here at the front desk.

Resident Bob Prall: I live at 3522 Leonard Street and I received a letter from Council about vacating an alleyway. I do not want to have you guys vacate that. I am 62 years old and should be retiring and cannot afford to have that alleyway blacktopped, nor can my neighbor. This will put an undue burden on me and my neighbor. It will also raise the taxes. I've never had trouble parking. I have tried to make my house look decent with remodeling. I have complied with local ordinances when constructing a building. Back in 1978, we had a dispute over the property, we didn't want to have the property vacated and you guys did not want to have it vacated. I have been there for thirty-something years. This brings up issues with trying to sell properties and having easements on the property. I do not want an easement on my property. I have been up since 2:00 a.m. and I am tired. I think this is "undue." I have been proud to be from Newtown and I know we have people here that are problems, but I feel I am not one of them. I think those

people who have been problems have brought this on. We just put down gravel, why should you put blacktop on top of that?

Mr. Pulskamp: Sir let me see your letter.

Ms. Hueber: You don't have to take the vacated property and at the same time, we're not talking about blacktopping that property. You already have gravel down and we cannot force you to blacktop over your gravel.

Mr. Prall: It's not a letter; I received information via email from the Mayor.

Mayor Hammon: Basically, you have a drive between two homes, at 3520 and 3522 Leonard that would share a drive. When I look at the papers, I don't see any logical reason why it should be this way, instead of having an easement and shared drive.

Mr. Prall: I don't want an easement.

Mayor Hammon: I understand that Sir. When I responded to you, I said, "there was a possibility of having an easement." It was not scheduled to be blacktopped; we are not blacktopping all alleyways.

Mr. Prall: You asked me to come to a meeting.

Mayor Hammon: I said "if you wanted to speak to come to a meeting. This is your chance Sir to be heard and have your input.

Mr. Prall: I'm just saying, I am voicing my opinion. I don't want to vacate that.

Mayor Hammon: We appreciate that and respect your opinion and will take that into consideration.

Ms. Hueber: There are alleyways that need to be paved, but that is for the benefit of the entire Village. We are not making you. To vacate that, would be to your benefit for later on. If you both are choosing to not do that, we're also not telling you that you have to blacktop it.

Mr. Prall: If you do vacate, then it creates things like assessments and we do not want that.

Mayor Hammon: Alright. The whole reason why I could not state that at the time was the whole impact it would have on each one of you and where would we go.

Mr. Prall: We are both happy, we're good neighbors and want to keep it that way.

Mayor Hammon: Alright, I respect that opinion and I'll take it.

Resident May Harris: 3525 Leonard Street. Yes, they were talking about blacktopping our driveway, it's an alley, but we have been using it for a driveway ever since we have lived there. That is what our discussion is about. We don't want it blacktopped! We have gravel there.

Ms. Hueber: I mentioned to you when we spoke that yours' was not part of the blacktop. So, you have no problem with it.

Ms. Harris: I found that out later.

Mr. Prall: We both share that driveway.

Mayor Hammon: You must understand; that's common area. Theoretically, someone could come in there and stop and park and then you would have a problem. It may never happen.

Mr. Prall: I've lived there for thirty-two years and have had no problem. The way some people park does cause it to be a "mess."

Ms. Hueber: Right, and there is no problem now. We're doing alleyways to free up the streets allowing the Fire Department can get through. The way some people park around the corner is an issue and that is what we're addressing. Your street is very nice. We were just talking about doing the alleyways to alleviate some of the parking issues.

Ms. Harris: In the summer of 1979, we were up here because of the driveway being an alleyway, but we thought it was a driveway in the beginning. They told us at that time that we had to maintain it because we both used it. That is what we have been doing and have put the gravel down. I have spoken to Bob several times that if they are going to use it, they have to help maintain it. I went ahead and put the gravel down and he has paid some on it. I don't want any blacktop. It's in good shape right now.

Ms. Hueber: You guys are okay right now, we're not doing anything. You don't have to blacktop it, continue on.

Mayor Hammon: Okay, we'll stay status quo for now.

David Krings, Assistant to the Mayor: I just this evening received a proposal from the Hamilton County Development Company who provided county development services to the Village. I have not had a chance to read it, but thought it best to get it to you. If you have any opinions, please let me know and if it is the wish of Council and Mayor, I will follow-up to see if they can provide any services to the Village. I was working on a project for Lockland and thought I'd ask about Newtown. Another project the Mayor asked me to review is the policy on cell phone usage while in automobiles. I have done that, do we want to have a work session or go to Committee?

Mayor Hammon: We have three or four items we need to address. Do we want to take it the Committee and bring it back to the table or do we want to have a work session?

Ms. Hueber: I think we need a work session, considering we have Bruce here.

Mr. Evans: I would rather have a work session and just get it done.

Mayor Hammon: We'll schedule it.

David Krings, Assistant to the Mayor: Right now, we're at cell phone, sexual harassment, community development. The Mayor said you don't want to deal with that, the community development.

Mayor Hammon: It's a Community Development Block Grant. About seven or nine years ago, they put a tremendous amount of subsidized housing up in River Hills. A lot of people spoke out against it and Council at that time, said they would no longer take their funds. We had to take subsidized housing. I talked to them and kind of admitted that they goofed up and put too many homes in Newtown. Sticking with the policy of not accepting the money, I basically declined. We

talked about that briefly at a Council meeting not too long ago. David has talked to some of them; did tones change a little bit? Do you want to talk about that?

Mr. Krings: My practice has been that if I do something for one jurisdiction, I check on the availability for the other jurisdiction. Again, I was working on something for Lockland and I asked the Community Development Director, for the county "is it so if Newtown accepted a grant; would they automatically be in line for more subsidized housing?" Their response was NO, that is not the case, at least not for this coming year and a half or so under the current federal authorization. At that point, it would take the federal government, plus the county board to designate Newtown as a place for more housing. Which she didn't think was very likely at all cause Newtown has what they call, an over-allocation. Which the Mayor has said, "they made a mistake by putting more units in Newtown than there was in the past." A second thing they have is a program called "Section Eight". Section Eight use to be based on the residents and the apartments, it is not based on that anymore. Right now, you get a Section Eight voucher and it is between the recipient of the voucher and the Landlord, the localities out completely. They can go anywhere they want to go. So, the two programs, one is the Section Eight program that you can't do anything about anyway. The other one is that for at least for the next year and a half, you won't be getting anymore because you have more than your allocation. It's highly unlikely from that point on. So, I asked the Community Development Director, "what is the likelihood of getting some money for Newtown and if so, how much?" The response was "about \$50,000 and if you came up with a really good project, maybe beyond that, sometime maybe in the next three-year period." The Mayor said you had made a pledge and I'm not questioning that. I want you to understand that there are some real money possibilities coming to the Village and the possibility of low income housing is very low. If that's the decision, so-be-it. If not, I really need to know like right now. The director going before the county board tomorrow morning with his recommendation.

Joan Waits: 7133 Monogahela. Currently, I have three of the subsidized housing on my block and I believe there are three other houses up on the hill. That's way too much John. I don't care if you get \$100,000, I don't want anymore up there. We have a house that is a slum landlord. If I understand correctly, with Section Eight, if there is a drug problem there, they put the whole family out. Is that correct? Isn't that what they do in the city?

Mr. Krings: Section Eight has some rules that tenants have to follow; that go beyond drug use, in order to receive the voucher. Again, what we're talking about tonight, will not have a thing to do with where Section Eight person would be.

Mrs. Waits: I realize that, but I don't want anymore HUD housing in my neighborhood.

Mayor Hammon: Alright, we heard you. The thing of it is, when we talked about this and I don't know why they're not in the same cycle and the allocation is three years out before we can get in it again, if we don't do it tonight. But the allocation numbers are calculated two years from now. My suggestion is you don't do anything at this time. Certainly, maybe take a hard look at it in two years and if you see that the number of homes allocated for zero, then you might take another look at it for the future.

Mr. Krings: The current allocation is zero.

Mayor Hammon: Zero at present stage, but In theory, you could take your money and that could change in a couple of years. It would behoove us to wait and see what that cycle looks like next time around.

Greg Thomas: This \$50,000, is that in one year?

Mr. Krings: It would be \$50,000 sometime during this three-year cycle.

Mr. Evans: What could we do with the \$50,000? Give us some idea.

Mr. Krings: Well, Tracy was talking to me one time about doing a parking lot to develop the business district. Other communities have put the money toward Senior Centers.

Mrs. Waits: The problem is, you can't clean up what you have now.

Mayor Hammon: When we collected the money, do you remember what projects we used them on?

Bruce Brandstetter: We used it everywhere in the Village, except what we would call the southeast quadron, from River Hills to 32 SE. Typically, it is used for paving streets, storm drainage and pipes. If contributed towards either a community center or senior center, \$50,000 would not go very far, you would need about 20(x) that amount. The parking lot you talked about makes some sense. CBG is for low to moderate income, you're looking at three quadrants: 1) for the community, 2) to benefit health and welfare, 3) senior citizens. We've done some sidewalks with it, curve ramps, handicapped ramps, and you could use it for another existing project.

Mr. Krings: Welfare is pretty broadly defined. General welfare for low and moderate income people.

Ms. Hueber: We have an overage of subsidized housing and we are pretty much guaranteed we are not going to get anymore.

Mr. Thomas: Right.

Mr. Krings: You are guaranteed until the end of 2006-2007 and then the likelihood is low.

Ms. Hueber: Would you have to take low income after that?

Mr. Krings: It is a three-year commitment.

Mayor Hammon: CBG, you sign for three years. The Resolution is for three years to be a member of it.

Ms. Hueber: How far over are we? Would it take two to three years of guaranteeing we would not get property?

Mr. Krings: It would be three years from tomorrow.

Mayor Hammon: You don't really know.

Mr. Brandstetter: It's been at least six years, it's a three-year cycle. I don't think we've think we've applied in the last two cycles.

Mayor Hammon: I think it was when Curt was Mayor. I think it's been seven or eight years.

Mr. Pulskamp: I think we should opt out for one more year and see what happens.

Mr. Thomas: I don't.

Mr. Krings: If you opt out, it is for three years.

Ms. Hueber: I say do it now, then opt out later. If we're in a position now of having received too many in the past now, we're guaranteed not getting any more.

Mayor Hammon: No, you are not guaranteed in that three-year cycle. They'll look at your application in 2006 or 2007 and that is when your allocations may change. I share Joanie's feeling on this. The homes in River Hills are run down homes and they can buy them for \$80,000 and put about \$10,000 into them and put someone in. That's why there are so many up there.

Mr. Evans: But, didn't David just say "the odds are slim to none."?

Mayor Hammon: You guys can do what you want. I would not go for it. I think this Council made a pledge to the citizens in the Village, especially those in River Hills. I'll abide by that. You can come up and look at the homes Doug. They have improved, but when you get torn sheets for curtains. It's not a happy situation for people as neighbors.

Mr. Pulskamp: I agree.

Mr. Thomas: What about the landlords?

Mayor Hammon: In theory, there is none.

Ms. Hueber: At least in Section Eight there are inspections. You can't have chipped paint, etc. The landlord is responsible; I know, I've been there.

Mr. Krings: That's right, with the Housing Authority they are suppose to be as well. The Mayor is absolutely correct, everybody I have talked to from the Housing Authority through the County's Community Development people said "they did Newtown wrong." That is really what it comes down to. Disbursed housing is what it is supposed to be and you had them all in the same block or couple of blocks. That is certainly not disbursement. They were wrong and they admit it.

Mayor Hammon: They won't make a commitment to us.

Mr. Evans: Why can't we take their \$50,000 and say "we're taking your money, but we don't anymore, we got more than we needed before."

Mayor Hammon: That's for two years Doug, that is what he is saying. That is two years out and you have a three-year cycle. They could come third year and say "you have to take two homes."

Ms. Hueber: David, since you are talking to these people and we have these houses that are big issues. Can't we go to them and say "look, we have problems with your housing." They are not being inspected, they are bringing down the neighborhood.

Mr. Krings: There are two different agencies. The Metropolitan Housing are the one we have the problem with. The Community Development Department is part of the county. It is a fully separate agency. The county's agency does do some Section Eight housing, which you have no control over. But, they don't do this thing where you buy the house and put somebody there, that is the Metropolitan Housing Agency. I have not talked to the staff at the MHA agency about cleaning up any of the River Hills property or any properties. I'm certainly willing to, if that is your desire. I can't get a commitment tonight and it is tomorrow morning when the County Board will be taking the vote.

Ms. Hueber: So the county then, what we are dealing with, taking the money has nothing to do with the trash houses of us getting more.

Mr. Krings: The County does have a role in voting on the allocation plan that applies to the MHA have to get signed off by the County Board. Certainly, under the current County Board, Newtown or anywhere else would have a better chance of getting an allocation of more housing in Newtown or anywhere else under the current Board. The reason they get the hesitancy from people like me and Dan Domis, the Community Development Director and the housing folks is that we don't know what the political leadership will be in two years. So, we cannot get the guarantee. It's not likely, but we can't get the guarantee.

Mayor Hammon: I tell you, I still think you should wait until next cycle.

Mr. Krings: Don Trundell, he is the Housing Director of the MHA. The county has some appointments to the Board, I'm not sure who.

Ms. Hueber: I definitely think somebody needs to be talked to about the properties we currently have and their complaints.

Mayor Hammon: I agree to some point, but until we have some other people clean up their properties, we can't force anyone else. We have some up there that are just as bad. Over the years, I have talked to them a couple of times. Like any other landlord, they have to abide by our rules and I'm not sure people living there are living according to the codes or rules of MHA.

Ms. Hueber: I think we as Council need to drive around again up there and get tickets going and get this started again.

Mr. Thomas: Our costs, fixed costs have increased \$50,000 - \$100,000 in one year. We can't control it.

Mr. Pulskamp: Greg, come up and look at the houses and tell me if you want them as your next door neighbor. Greg, if they can't guarantee us, there is no way I am going to sit here and vote yes.

Mr. Thomas: I say we take pictures of the houses we have now and take them to that board and let them evaluate.

Mr. Evans: This is a perfect situation where we have to "think outside-the-box." I agree with Mrs. Waits, Joanie I know River Hills is a problem. I am with you. I see what John is saying and I have listened to Mr. Krings. My feelings are this, we as Council have to put in place different things to make people "want" to clean up their property. We need to make it where people "want" to move here and property values increase without extra taxes. Give them good service, but we have to show them we do mean business on this stuff. I don't want to see any more subsidized housing either. We have to set in place a motion to where people will "want" to improve their

property on their own. We can't make people fix up their place if they don't want to. David, what do you think?

Mr. Krings: I think it is legitimate public policy to say you have considered this and have decided not to go in this direction. I also think it is legitimate public policy to say here is \$50,000 that we can use for the development of our community, whatever the purpose. I know that sounds wishy-washy. What I do as a staff person, I present you the facts, then you make the tough decisions. I can assist you in either direction you want to go.

Mrs. Waits: Would there be any guarantee if they go that way, that these houses would be scattered out throughout the Village and not in one space.

Mr. Krings: All I can tell you, the staff people I have talked to admit the mistake they made in the past. The MHA have new administration, the people that were there when the current houses were bought, are no longer there. I cannot give you a GUARANTEE.

Ms. Hueber: So, it sounds like a gamble.

Mayor Hammon: There are HUD houses and local citizens there that need to clean up. River Hills has taken the majority of the hit of the HUD homes. Newtown has seven or eight HUD houses with six of them being in River Hills.

Ms. Hueber: Out of our eight, how many are in violation of our Maintenance Agreement? We should get the Maintenance Code a little more in tune.

Mr. Pulskamp: Then we need to get our Code tuned before allowing more HUD housing. Until that happens, we shouldn't open ourselves up to getting one more of those houses.

Mr. Kobasuk: John, would you explain to me the promise you were talking about.

Mayor Hammon: About seven or eight years ago, when all the subsidized housing came to River Hills. We didn't have some of the problems, as we do today with some of the other homes. The quality of the housing and the upkeep of it was marginal. The citizens came down and complained about these houses. At that time, the Council made a motion to that they would no longer accept Community Block Grants. We have not signed on for them in respect of the citizens input. A few of the houses have been fixed up, not sure if it is individuals buying them, but you are starting to see it come around. We made a pledge that we wouldn't accept it, it was not worth it to have the HUD housing to come into the neighborhood. Their charter is to disburse people into the neighborhoods and not to just disburse them and put them in subdivision in the sub-burbs. They have admitted they screwed up, but they haven't said they would rectify it in any way, shape or form. They won't put it in writing, there is no guarantee. I have talked to them, they will not put anything in writing.

Mrs. Waits: Mark, since you are newly on board, I would ask you to take a tour around River Hills and see what you think about it.

Mr. Kobasuk: I would like that very much.

Mr. Evans: Dave, is there anyone getting more than \$50,000 from them?

Mr. Krings: \$50,000 is what was mentioned to me as the base amount. Depending on the quality of the project that we come up with, there is an opportunity to get more.

Mayor Hammon: Rushing to judgment seeing dollar signs a mistake.

Mr. Krings: I may have misled you John, there are more than five communities that aren't in, there are some that were never in, like Indian Hill. I believe they are coming back into Anderson Township.

Ms. McCarthy: Can we take a vote on it.

Mayor Hammon: Does anyone want to make a motion?

Mr. Evans: Greg, I think it is another missed opportunity for Newtown.

Mr. Thomas: I do too.

Mr. Evans: Mrs. Waits, I love you to death.

Mrs. Waits: Doug, I hope they put one right next to you on Pinehurst.

Ms. Hueber: What Doug is trying to say, if we put our ordinances in place and get more hard-nosed. We may make it through three years, because they have already told us that we are over our budget. All of the problems we have in the Village, are not Section Eight housing.

Mrs. Waits: Get everything in place first.

Ms. Hueber: But, we're going to miss an opportunity with this money and most of the problems are not HUD houses. I want this Village cleaned up just as much as the next person.

Mr. Thomas: I'll make a motion to suspend the rules.

Mayor Hammon: There is no paperwork in front of you, this might be a mute point. You have to have the ordinance in front of you to pass the Resolution and you don't it right now.

Mr. Evans: John, just because you don't want it doesn't mean...

Mayor Hammon: That's the law, I don't change the law Doug. If you want to do it, I have to go get the paperwork. When you turned it down five, six, eight weeks ago, I got rid of the paperwork.

Mr. Thomas: We didn't turn it down.

Mayor Hammon: Yes you did! We talked about it at this table and there was no interest in pursuing it.

Mr. Evans: We didn't hear all of the information.

Mayor Hammon: I don't care Doug, we have to find the paperwork now if you want to do. I can excuse myself and Tracy can take over and I'll go look for the paperwork. I mean there is no guarantee, he says a guy "says it", there is no guarantee.

Mr. Evans: There is no guarantee that we all are going to wake up tomorrow. At least a positive thing, to make the thing better.

Mayor Hammon: It's positive to you, because you haven't lived through what we have in River Hills.

Ms. Hueber: Tom just said, "the eight houses that we have aren't the issue."

Mr. Kobasuk: You made a promise to somebody in the past; if you promised these residents that you were not going to bring more homes in, it's kind of tough to go back on it.

Ms. McCarthy: Joanie, I'm with you 100%.

Mr. Evans: Mark, how do you feel?

Mr. Kobasuk: I have come into this sort of inexperienced, but in my simple way of looking at things, a promise is a promise. If you have promised these folks, maybe we ought to get the ordinances enforced better and get the properties cleaned up and then do it. I hate to disappoint you all, I know you'd like to get that money. What I have heard tonight, I am a little troubled. It is a tough call, I hear your points Doug and I hear Joanie and she has lived through it. I heard the Mayor said he has met with these folks before.

Ms. Hueber: Right now, I don't see the issue being accepting the money and HUD properties coming in. The problem is cleaning up the property period. Promises made eight years ago, I wasn't here and none of us were here except John.

Mayor Hammon: Joanie, we didn't have trouble with houses in River Hills until we had subsidized housing there, is that true?

Mrs. Waits: That's true.

Mr. Evans made a motion to enter into Cooperation Agreement with Hamilton County for Community Block Grant program. Ms. Hueber seconded. Ms. Hueber-Yes, Mr. Evans-Yes, Mr. Thomas-Yes, Mr. Pulskamp-No, Mr. Kobasuk-No, Mrs. McCarthy-No, Mayor Hammon broke the tie with NO.

David Krings, Assistant to the Mayor:

- 1) **Cell Phone Usage:** There have been significant legal settlements, where an employee was in an accident, not on work time, in the evening using their personal cell phone. Some cases have been awarded six-figures where they did not have a cell phone usage policy. I have a number of questions we can do a working session. You all have a draft dated June 12th and that should be adequate preparation for whenever you schedule the working session.
- 2) **Sexual Harassment Policy:** We are against it! I have made use of materials provided to me by Keri from a course she took with the State Auditor's office. I have also pulled other examples from other localities in the area. The draft has a number of spots in it and is also dated June 10th. You have to identify somebody who is responsible for enforcing the policy. If you want to call me at home or whatever, that is fine, I have the time to deal with this. Again, this is something we can deal with in the working session.
- 3) **Health Insurance:** I have just started researching this information. There is a potential savings of \$24,000 to \$25,000 per year with no significant impact on the employees. When you schedule your working session, I may have something for you to consider on the health insurance as well. I will put together a chart that compares various benefits amongst the plans, as well as the cost for the various plans.
- 4) Others have asked me, what I have been working on in other jurisdictions. Specifically with Lockland, they are under a Fiscal watch by the State Auditor, which is second most severe of categories. I have spent a lot of time there working on basis for Financial Recovery Plan. I don't know if any is applicable to Newtown.

Mayor Hammon: We'll talk about these issues in a working session.

Solicitor Doug Miller: All David has talked about should be your employee handbook.

Engineer Bruce Brandstetter:

- 1) **Church and Valley Intersection:** We had to get Kokosing out of the way. They were back a few weeks ago; they had a structure that was leaking and they fixed it. We also had to deal with Cincinnati Bell, they had to move their cable and they did that. Dave Stenger has worked closely with Jurgenson, they are supposed to come in next week. Doug, I received a phone call today from Hamilton County Park District about the land. We put a dollar bid in on the right of way. I left a message today. He said they would have staff do a sign transfer and they would put it on the next board meeting. They are comfortable with us going ahead; the board has previously passed Resolutions to do it. They don't have a problem with us starting construction; just a matter of closing documents and doing what is needed. I finally got a letter from them on the \$70,000 they have committed. Basically, they have come through and said they have had these funds in place since 2004. The only reason we haven't built this thing is because of what Kokosing was doing. The commitment is theirs, so I think that all is lined up for us to get started. We have had some cost increases and I have passed out the proposed changeorder Jurgenson has submitted to us. The proposed changeorder is for two things. One of which, we did this project back over twelve months ago now. There has been a substantial cost increase in asphalt, even the last couple of months. Total changeorder is for \$13,191.00. The first thing is the \$9,219.00, was basically on the original bid from April, 2004 to present. That averages out to about 5 ½%, given the increase in asphalt, I think that is pretty acceptable. We have notified the Park District that was coming. The second thing on the proposal, the \$3,972.00, part of the turn lanes extends onto the county. The county standard is for a thicker pavement section and that is what the \$3,972.00 is for. The pavement we have designed in that project is the same that is out there on Church Street. That has held up pretty well over the last five years. The County issued a permit to us some time ago, back in January or so. They do want to see a thicker pavement on their property that comes up to \$3,900.00. That is where we are with Jurgenson property.

Ms. Everett: The Hamilton County Park District promised \$70,000 and changeorders for \$13,191.00.

Mr. Brandstetter: I'd say Hamilton County will be responsible for the \$9,219.00. That is Hamilton County Engineer's office.

Ms. Everett: So, Hamilton County is going to pick up the \$9,219.00 and we're going to pick up the \$3,972.00.

Mr. Brandstetter: That is correct. If we need to take action on that the next meeting, that is fine with me. That's not going to keep us from starting construction or anything. Does that cover Church and Valley John?

Mayor Hammon: Yes.

Ms. Everett: When is the start date?

Mr. Brandstetter: They are going to start construction next week. Dave met with the superintendent this week. Completion should be by August 5, 2005.

2) **Route 32:** The project was moving until Cincinnati Water Works decided to come in and do a water main and that is what Sunesis has been working on until a few weeks ago. We do have the \$558,457.90 changeorder that Water Works is going to pay for and they have asked us to incorporate into the Sunesis contract. It would be great if we can get that going. Sunesis has done a lot of work and they may have invoiced the Village. Keri sent a letter to CWW requesting the \$558,457.90. I have that changeorder if you want to see it. This is no money out of the Village's pocket. Basically, the Water Works will negotiate a contract with the contractor and incorporate it into the bid. That is what we have done in this case. We made it clear to the CWW that you need the \$558,457.90 before you sign the changeorder. I believe Doug has the ordinance for this. Part of the ordinance could say John doesn't sign the changeorder until you receive the check.

Mr. Pulskamp: The last meeting, we were not signing it until we had money in our pocket. I will vote NO on the changeorder or on the Ordinance until it is here. They have screwed us too many times Bruce.

Mr. Miller: I put in here, authorizing the Mayor and the Fiscal Officer to sign the changeorder, upon receipt of the \$558,457.90. So you can go ahead and pass the ordinance.

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

Mr. Thomas made a motion to adopt Ordinance # 20-2005 An Ordinance To Approve A Change Order To A Contract With Sunesis Construction Company, Dispensing With The Second and Third Readings and Declaring An Emergency. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Abstained, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. All Aye. Motion carried.

3) **Alley Paving:** We have put out bids on the Alley Paving, the low bid is Barry Brown Paving at \$25,840.00. They do the work in August, which is a good time of year to do it with it being good and hot. This does include some trimming of the trees that hang over in one alley. I don't think we need to take action on this tonight. Next meeting will be fine. Personally, I choose Brown.

We have looked at the Parking Lot Issue, and two things are your options:

- 1) **Straight-end Parking:** The survey is completed. The layout shows thirty spaces through the main section and a handful opposite of Newtown Feed. We have included two universal parking spaces, you could elect not to have these. I gathered at past meetings, that you do not want the parking lot to be a pass-through. Cars would just come in and turn around. Cost estimates show that we place two catch basins in the middle of the lot for drainage.
- 2) **Vehicle Park at Angle:** This will pretty much do the same, with the parking around the Newtown Feed. We would do more of a circular pattern, angled parking. You wouldn't pick up any more spaces. Perpendicular parking is the most efficient, over angular parking. You would only need one isle for perpendicular parking and in the case of angular parking, you would need two isles. This is a nicer flow, it costs more and provides no added spaces. Amenities would include landscaping and curb and sidewalk. The sidewalk would encourage people to walk to the Mini-Park, maybe Main Street Café and UDF. You could tie into the property line.

Mr. Pulskamp: Bruce, I don't necessarily like the parking next to the Feed Store. I can see a problem with people going in and backing out right there.

Mayor Hammon: Ken, you have to have handicapped parking somewhere. If you put in down on the hillside, you have to have a 2% grade or 2 ½% grade is maximum you can have. Therefore, it could be a problem for people in a wheelchair to get up the hill. I am not saying you have to have them perpendicular, you could have them parallel. We do need to have some at the top of the hill, I believe so people can get out.

Mr. Brandstetter: John, on the handicapped parking, you could make an end spot. They do take 11 feet and the regular takes 9 feet.

Mr. Pulskamp: I envision not seeing that parking space from the street until you get back in there.

Mayor Hammon: From the back of the building, back out to Plum, there is about a four foot drop and about one- hundred feet.

Mr. Brandstetter: The adjacent side amenities of the curb and sidewalk could be on any one of the isles.

Ms. Hueber: This will act as a huge center, for Fire Department and Village functions and benefit all the local businesses.

Mr. Brandstetter: Option 1, the estimated total is \$108,000.00. Due to an increase in asphalt, this total could creep up a little. It's just the nature of the business right now. Option 2, you have a little more parking, you can come in and come around. You're up to \$140,000.00. You do get a nicer flow with people are not going against each other. You will just have a better-looking lot. It also includes curves.

Ms. Hueber: What is Option 3?

Mr. Brandstetter: I took a quick ratio, with the extra area you are probably looking at \$160,740.00. Drainage on all of these will go out to the street to the manhole. You'll see you storm pipe coming off.

On your last page of the estimates have numbers for site amenities. Landscape allowance is \$5,000.00, that figure could go up or down, whatever you choose to do with it. Concrete sidewalk, you could spend \$25,000.00 to \$30,000.00. We figured on having three lights. If your intention is to get people down in the court area and give them a place to park; it would be good to run that sidewalk out. There is also room to trim some of the existing trees back, this would give people a little more security and feel more comfortable about it.

Ms. Hueber: I think possibly having a green space with a few benches vs. the extra few parking spaces would allow people a place to sit and enjoy. People do utilize the Mini-Park.

Mayor Hammon: Have you looked at our Code?

Mr. Brandstetter: Yes it is.

Mr. Evans: What about if we could do both together at the same time? I realize this is more construction and the Alley project is more paving. I think the alley bid was very fair, but it would be more economical if we could tie them both together. I think you might be surprised what we can get for \$100,000.00. I just want the "best bang for our buck" for Newtown.

Mr. Brandstetter: The unit price for the Alley paving is \$98.00. We budgeted on this estimate, \$100 - \$125 per yard, so you would save some money on the paving. I don't know if this guy doing the Alley does concrete work. I think you need to try and decide which option you want to go with.

Ms. Hueber: If we go with Option 3, we need to first decide if we can go with 3, due to what John said using that land. I say if we are going to do anything, we should utilize it; we own that land. Put it to the benefit of the village, right now we are starting from the beginning, instead of leaving that piece of land there. Because once we do that, nobody is going to want to buy that piece of land. Why are we sitting on land when we are not using it? Well, if it was given to us, we could utilize it for the Village.

Mr. Siegel: I had a copy of the deed on the particular property in question, there by the Mini Park. It is stated, according to my recollection, that the first ten years it had to remain a green space. The reason I said that, the question was brought up when we made it a Mini Park on what we wanted to name it. There was a question on the man's name, we wanted to name the park after him. I do have that deed and I'll check that. I think the name was Earl Siegel.

Ms. Everett: We can put a plaque there and dedicate the parking lot to him.

Mr. Evans: Do we know of any of the neighbors that might complain about this?

Mayor Hammon: When we talked about it before, they all had very intense conversations. But at that time, they wanted Plum St. to be the exit point. That was the most controversial point that you have. This is a residential area around it, there is a business across. My concern is lighting, for security purposes and you can't keep the lights on all night due to the neighbors. I believe we ought to fence the parking lot and put any access to Plum Street. We could put a gate going to the Mini Park to the walkway going up to the roadway. I don't think we want to encourage people to walk through there. If you don't fence it, you don't have security.

Ms. Hueber: Couldn't we put a natural buffer of trees instead of a fence. We could put a nice black wrought iron in the front entrance. This would be for all the customers servicing all of the Village businesses.

Mr. Evans: I want my kids to get on the sidewalk as fast as possible and not walk behind the cars. Kenny, why should he cut that guy's business with people parking there.

Mr. Brandstetter: The goal is to get people to come to the Village, you don't want to make the parking more difficult, you have a few spots there, you could make a loading zone.

Ms. Hueber: Before the Neeley's were there, everybody used the backdoor. They have a ramp off the back and they pulled in there. That is their parking spot. They never went around to the side until recently when we knocked over that building. It's still a convenience they could park back here. The only reason they are parking there is because they can.

Mayor Hammon: Bruce, I'll tell you honestly, I think it is the employees of the Feed Store parking there more than customers. There is a handful of customers.

Mr. Brandstetter: Right now, you have a mixture of gravel and grass. What kind of treatment do you want? I'm just trying to get where you want to go with this.

Mayor Hammon: We want to have a walkway coming out along the drive.

Ms. Hueber: Especially if somebody is coming off with a wheelchair. Then there is space by the sidewalk if you want to have a couple of benches. That way you're not looking at parking right there. You can do a nice sign "WELCOME TO THE VILLAGE", to have a little black wrought iron.

Mr. Pulskamp: We want greenspace and putting some dirt mounds and planting some things.

Mr. Brandstetter: Which option are you looking at?

Ms. Hueber: Option 2 and 3 are about the same. Option 3 if we can do it.

Mr. Brandstetter: Option 3 maximizes number of parking spaces.

Ms. Hueber: The original bid was \$168,000.00.

Ms. Everett: The memo I sent to Council showed you having money for the alleyways and \$170,000.00 for the parking lot. Right?

Mr. Brandstetter: Here is the issue. If you want to build the parking lot this year, I probably cannot come back a month from now with the new sketch and finalize the preliminary design. We can do a special meeting to discuss just the parking lot. Just understand that if we wait until the end of July, we will need another two weeks to finalize the job and get bids and all. We'll be looking at Thanksgiving. We can have the meeting just about anywhere, if you can't have it here.

Mayor Hammon: Why couldn't we use part of Church Street. If we get the funding for it and get it out, can we do that to try and see if we can't package even more. That should be done and hopefully we'll know in the next few months whether or not we are getting the funding.

Ms. Hueber: Can we do it in our working session?

Mr. Pulskamp: Can we make our first meeting a working session to go over the items David presented us with and for Bruce to come back.

Mr. Brandstetter: When would that be?

Mayor Hammon: July 12th at 7:30 p.m.

Mr. Siegel: So that means I don't put signs out.

Mr. Pulskamp: Right, it's not a regular Council meeting, it is a work session.

Mayor Hammon: Then we'll get it on the website and try to get an article in the paper, Alright David, July 12th.

Mr. Krings: July 12th, working session at 7:30 p.m.

Mayor Hammon: Right.

Mr. Brandstetter: How long will that take? I'll be pushing it to get here before 8:00 p.m.

Mayor Hammon: 8:00 p.m. or 8:30 p.m. will be fine. Alright, Bruce anything else? Charlie?

Street Commissioner Charlie Siegel: I have several things on the agenda.

- 1) As we discussed, the Building Commissioner's office is in the process of repairing and painting the walls. I will get new carpet laid down and the current furniture will be electrostatic painted. It will look like a new office.
- 2) I also need to get the street striping, the center lines and the white lines painted this year as we do every year. It will be approximately \$3500. I will need to get the approved, my Committee Chairman has that.
- 3) MSD is putting a sewer line through our Village across Debolt through the park all down and up Newtown Road. They have this end of it down by the Service Building enough where MSD will allow us to tap into it. Several years ago, MSD agreed to give us two taps, one for the Service Building and one for the park. The idea to put a bathroom over there someday. We said "thank you very much", you can use our property and come through it and put your line down. Well, John and I found out here lately when we went to ask MSD if we could go ahead and put our sewer line in. They said, "sure just bring down your \$5,140.00 check and we'll be more than glad for you to tap our line." This took us back a bit because we were under the impression on the terminology they used they would give us a free tap. Well, they gave us the "right" to tap, is what they gave us. Nevertheless, that's MSD you have to have it done. My septic system is below septic level as far as Hamilton County Health Department. Last year they came out for inspection and found that the beach lines were deteriorating due to the construction in the area. I told them that as soon as they were done that we would tap into the sewer. I told them it would be at least another year. Now, it's been another year. They said as long as we had an application into to tap that they would not fine us or shut us down. I got some bids on the cost us hooking up the system to the MSD sewer and do away with the septic system as required to by law, according to the county health codes. The bid of \$5,140.00 is a given for tap-in fee. You have to cut a check to MSD for that. Then you have to pay a plumbing contractor or a contractor that has been approved by MSD to do the work. They only allow certain contractors to do the work. I contacted four contractors, my Committee Chairman has the bids on the cost to get our "free" tap per say.

Mr. Miller: Did you say their sewer is on our property?

Mr. Siegel: Part of it is.

Mr. Miller: Did we give them an easement at the time?

Mr. Siegel: We did. With the understanding they would give us a free tap. I have a drawing on the plans, Curt Cosby was the Mayor at the time and you even signed it as far as the easement right-of-way. You were one of the witnesses. It's doesn't say what they give and don't give us. They did agree to give us two taps and they are going to give us two taps, it's just going to cost us.

Mr. Miller: It's too late to argue about it.

Mr. Siegel: We need to possibly vote on that tonight and get this expedited so we don't get into any trouble with the Hamilton County Health Department. Sewer tap-in fee is based on your water size. If you have a 3/4" pipe or 3/4" feed to your establishment, it's only \$2,800.00. When you go up to an 1", it jumps to \$5,100.00.

Ms. Hueber: Thank you Charlie for getting everything done in a timely manner at Moundview Park. The trees, waterfall, etc, thank you very much.

Mr. Evans: Charlie, when you pull out of Ivy Hills Blvd, your brush is beginning to grow in that blocks the view.

Mr. Siegel: Last week we worked on that all day on both sides. It's fine now.

Mr. Evans: I just want to make sure. What would your opinion be there at the Dairy Mart when you come around Little Dry Run and somebody pulls out at the Dairy Mart, in the curve with the lemon trees there and other brush, you can't see anybody. I have had to slam my brakes on more than once and I have seen others do the same. I think it's an accident waiting to happen unless someone says something to Dairy Mart.

Mayor Hammon: We can look into it. Table?

Mr. Siegel: There is an old Council table that use to be out here before they got this fine piece of furniture that is located in the Building Commissioner's room. It takes up about one-third of the area. I'd like to have the old Council chairs declared surplus to do away with. Monies are available to buy a smaller table to put in there for blueprints, etc. Maybe even purchasing some padded chairs for Councilmembers, when they go in there for executive sessions or other meetings in that room.

Ms. Hueber: Could we see if any of the churches would want that table. It's a decent table to maybe put a cloth over. Before we pitch it, see if the Fire Department would want it.

Mr. Siegel: The lamination is coming off.

Mr. Pulskamp: It would make a good conference table, we can see if the Fire Department could use it.

Mayor Hammon: We could declare it surplus. Mike has given me some materials and I have bought some. That is one thing I think we could get rid of and the chairs are too big and bulky. Remember, we're trying to make room for the second guy.

Mr. Siegel: I'll check with the Fire Department and Churches.

Mr. Pulskamp made a motion to declare the old Council table and chairs surplus. Mr. Thomas seconded the motion. All Aye. Motion Carried.

Ms. Everett: Have the residents moved it at Moundview? At 7:00 a.m., I saw two cars up there.

Mr. Siegel: I believe you told me they were to move in on the first of July. They've been working up there all month. Did they pay the deposit like you requested? You said it would alright for them to go in there.

Ms. Everett: Yes they did.

Ms. Hueber: Have they started their duties then?

Ms. Everett: That is what I'm getting at. We need to kind of pin them down if they are in there.

Ms. Hueber: Are they going to move in on the first?

Mr. Siegel: That's what I was told.

Mayor Hammon: Anything else Charlie?

Mr. Siegel: No sir. May I be excused?

Mayor Hammon: Sure, goodnight. Chief Zornes?

Police Chief Daryl Zornes: My Committee Chair has my report.

Mayor Hammon: Keri or Doug, do you want to talk about the Fire Levy Issue.

Mr. Miller: Three years ago, you passed the Fire Levy as a replacement of your 4.5-mills, they have now informed us that you can't do that. The original 4.5-mill Levy of which the 3.5-mill is tacked on expires this year. The 3.5-mill would continue to be collected, but the 4.5-mill would be expiring. It would have been nice if they had told us back then, I don't know if there would have been anything we could have done about it back then anyway. Other than just add the 3.5-mill which is what we have done. This didn't come up last year when we were arguing over what Levy is collected in the Fire district and what Levy is collected in the Village. That's where you are. But of the 4.5-mill you're not collecting

Ms. Everett: Of the 3.5-mill we're not collecting the 2.

Mr. Miller: We can go back and start collecting the 3.5-mill, so in effect you're only losing 2-mill.

Mayor Hammon: If it's 8-mill now, it's 2-mill.

Mr. Miller: I don't know what you're collecting now. You're collecting 3.5-mill.

Ms. Everett: We are collecting 4.5-mill and 1-mill.

Mayor Hammon: We turned down 2.5-mill.

Mr. Miller: So you can turn it down off the other levy so you're coming up two mills short.

Mayor Hammon: What's the time line?

Ms. Everett: Seventy-five days before and there is a two-step process.

Mr. Miller: You have to have your Resolution to put the issue on the ballot to the Board of Elections 75 days prior to the Election. That would be mid-August. Before you could pass that Resolution, you have to pass a Resolution requesting the County Auditor to certify the amount of money that that particular millage would raise on that issue. You have to have the answer back from the County Auditor. They tell you they need six weeks to do that, I think they do it in a couple of days.

Ms. Everett: I think they do it at whatever meeting they have scheduled next.

Mr. Miller: If you call them up, they can tell you what the number is. The state now requires you to do this certification process or have them certify you what amount of money that will raise. Again, when we went through process last time, they didn't inform us of it. When we put it on the ballot, they didn't inform us of it, or when they were arguing with us last year they didn't tell us about it.

Ms. Everett: They found out from the state in November, 2002, that our 4.5-mill was not eligible to be put on a ballot until November, 2004 or anytime in 2005. The Hamilton County Auditors have in their notes that "someone" from the Village was notified at that time. Which, I disagree with them.

Mr. Miller: Given the controversy that surrounded that whole process, I find it hard to believe that somebody knew something and didn't say something. Is that something that I should have caught? Very possibly. There's nothing we could have done about it anyway.

Ms. Hueber: Okay, so what do we need to do then?

We need to put type of additional Levy on the ballot. The question is, do you want to do it for Fire? In which case, it could only be used for "Fire" purposes. The Fire Department has always

said their intention was when our Levy's expired, that they would put their own Levy on and we would just do away with ours.

Mr. Pulskamp: Correct.

Mr. Miller: Maybe that date has just arisen sooner than we thought it was going to. You have the option of just putting it on as an Operating Levy and using it for Fire purposes for the two-year period of time that you would need it meet the terms of the Fire contract. At that point, it would then be available for any purpose. You're really not subject to what the Fire District is doing at that point.

Mr. Pulskamp: So, we need 2-mills.

Ms. Everett: I would urge Council strongly to go with the General Operating Levy where you can decide what the money is used on.

Mayor Hammon: I believe in 2000, we had an Operating Levy turned down, I don't know if it was 2 or 3-mills. So, we have been doing a really good job with limited funds. I've looked at it and I don't think we ought to go with a 2. I think it should be a 3 or 4-mill. I know that's a risk you take.

Mr. Evans: What happens if they do vote it down.

Mayor Hammon: Then, we're stuck.

Mr. Miller: We are only collecting 3.5-mills and we need to talk to the Fire District.

Mayor Hammon: You have to go back and negotiate with them or get \$150,000 out of the general fund anyway.

Mr. Pulskamp: Remember, the school districts also have a Levy on the ballot this year.

Mayor Hammon: It's a tough one, you can go with 2-mill and just make it even. It's no additional to us. I agree with Keri, 2-mill for five years and when that money is not needed for the Fire Department, you just put it into a building program or whatever else at that time.

Mr. Miller: I guess I'll give my five year speech, why do keep doing these five? Why do you not do them for a continuing period of time? You are allowed to do that for Fire, I am pretty sure you can for Operating. I am not positive, but I know you can for Fire. I brought it up in the past and I know we want to do five years.

Ms. Hueber: That would make sense because you never know what is going to go. I'd rather do it continually.

Mr. Miller: Well, here is the thing. If we know, because we did it this year; you don't have to collect a Levy. You can tell the County Auditor or Treasurer "don't collect the money on this." If you don't need it, you don't have to collect it and that's the trust you are keeping with the taxpayers. You did that this year. It's nice to have if you have an emergency on something or whatever. But, I really never could figure out why you guys keep doing these five-year Levies's.

Mr. Pulskamp: What if we continue a Levy like that and say for a period of time in two years, we don't want to collect anything. We don't? Then that following year we want to start collecting.

Ms. Hueber: Then we don't.

Mr. Miller: I think you have to tell them every year "not to collect it."

Mr. Pulskamp: Okay.

Ms. Everett: Even this 3.5-mill that we have that we only took 1-mill this year. By January, you have to them what of that you still want to collect. They're not going to just collect 1-mill again, you have to tell them again.

Mr. Pulskamp: But, if we didn't collect for a couple of years and the following year we decided we want to collect, it's not a problem.

Ms. Everett: Yes, you better talk to your residents and your public and tell them why all of a sudden you're collecting it.

Mr. Evans: Do you really think it looks good for us to put something on the ballot to try and get more money out of people.

Ms. Everett: Doug, what if you don't put anything on? How are you going to pay for the rest of your Fire contract?

Mayor Hammon: You're 2-mills short.

Ms. Hueber: See, we're not taking anymore money, we're taking the money that we're already collecting. Like, if Doug, if we had not done this five-year thing. So people are use to paying it. It's just that now we have to go through and put it on there and what happens is; people get confused. They think, "I'm already paying this" communication is the key to it. Because now they're thinking, "Oh, I'm going to be taxed that much more", which actually, they're not, their taxes aren't being raised. We're just continuously trying to collect the money that we have been collecting. So, if we have done what he did, if Council would have done what he said in the past, we wouldn't be in this situation. Because right now, if we don't pass it, we're out a lot of money.

Mr. Evans: I'm just saying to me, the mood of the people anymore is "NO MORE TAXES".

Mr. Miller: I don't know if that's true Doug.

Mrs. McCarthy: Oh, I do.

Mr. Miller: In general, yes. But there's a perception out, they will vote for something if they perceive it's valid.

Mrs. McCarthy: What else is going to be on there is the School Board.

Ms. Everett: Well, what else is going to happen is your 4.5-mill is going to be gone. You don't have a choice to just put on a Levy.

Ms. Hueber: It's a matter of like we said, of communicating that to pass this taxes will not be raised.

Ms. Everett: We don't put on any more than a 4.5-mill.

Mr. Evans: Can we word it as such that "you're taxes will not be raised."

Mr. Miller: It depends on how you're going to do it. But, you're only collecting 2.5-mills of it now, of the 4.5-mill. I mean, look at it that way even though it's the 3.5-mill that we're not collecting. But, you can collect the entire 3.5-mill. You have a 4.5-mill and a 3.5-mill for a total of 8-mills. We're only collecting 5.5-mill.

Ms. Hueber: Out of an 8-mill.

Mr. Miller: Is that correct?

Ms. Everett: We are only collecting 5.5-mills, but our residents are also paying 2.5-mills.

Mr. Miller: So, you break even. Leaving evaluation issues aside, because this is a re-evaluation year. All the other stuff being equal, to break even, you need a 2-mill Levy.

Ms. Hueber: When we re-do these Levies, people get so confused, they think it is “that much more”, and it is not.

Mr. Miller: That’s why you would do it as a “continuing” Levy. Or you can replace it whenever you want. You can replace it in three years or you can replace it in five years. What the statute is saying if it is for a set period of time, you’re only allowed to replace it in the year

Ms. Hueber: Can we word it on the ballot that this is just a “continuing”, but just up for renewal. I mean, how can we word it?

Mr. Miller: It would probably be worded as a “2-mill replacing a 4.5-mill” or a “2.5-mill replacing a 4.5-mill.”

Ms. Hueber: People would go for that.

Mr. Evans: Exactly.

Mr. Miller: Or, it would be termed as a “reduction” from the 4.5-mill to 2.5-mill.

Ms. Hueber: Either way, as long as we get that out, the thing is that would have to be really explained in the next Newsletter.

Ms. Everett: Can you deduct that from the Fire though, because it was a Fire Levy. What if we want to do a General Operating Levy.

Mr. Miller: If you are doing a General Operating Levy, then you are probably not replacing the Fire Levy.

Ms. Everett: Exactly.

Mr. Miller: But, you have to get word out that there is a 4.5-mill Fire expiring and you are only putting it back on with 2-mills or 2.5-mills.

Mr. Evans: Most of the people will not vote for anything that is going to raise their taxes; unless there is a reason why.

Ms. Everett: Well, the first reason why is for the General Operating Levy, we have not had one on. So, their taxes for how long have not been raised. However, there are services they are getting for that; for example, the trash and garbage does increase. It’s up to \$115,000.00 now. So, do they want to okay a Levy to help pay for that or do they just want to get rid of the free and start having to buy stickers here to help pay for the trash pick-up.

Pulskamp: Doug, what do you need?

Mr. Miller: A Resolution, I need to know what type of Levy you want and what millage.

Mr. Pulskamp: Whether it is Operating or whether it’s Fire.

Mr. Miller: Right. We need to do a Resolution

Ms. Everett: But, I think what you can do, just like we did with the Fire, we gave them like five. We can give them one for the General and one for the Fire and however many mills. We did that with the Fire.

Mr. Pulskamp: Yeah, we want to do a General and a Fire and do everything from 2-mill up to 4.5 mill and everything in-between. (2-mill, 2.5-mill, 3-mill, 3.5-mill, 4-mill and 4.5-mill)

Mr. Miller: Okay.

Ms. Hueber: Then we still have time in the work-session.

Ms. Everett: I don’t think anything is going to pass, I’m with Doug. But, something to think about, if you put a Fire on and it doesn’t pass; how are we going to pay for that contract? But, same thing, if you put a General one on and it doesn’t pass, we have to pay for the rest of that contract.

Mr. Miller: The contract says if it falls below \$580,000.00, we have to renegotiate.

Ms. Everett: But, they have to pass a Resolution for each one of those?

Mr. Miller: Yes.

Mr. Pulskamp: Can we just do it as one?

Mr. Miller: I don’t think so. That’s how we did it last time.

Ms. Hueber: I don’t think we need to go as high as what you just said.

Mayor Hammon: I believe if you go with the 2-mill and make it an Operating Levy, in two to three years, it’s all your money if you make it indefinite. So you can start collecting that and it’s my guess it’ll be \$160,000.00 to \$200,000.00, but I don’t know what the re-evaluation and the new property coming in will be. So you got it. I’ll tell you back when Council voted in hindsight for the 8-mill Fire Levy, that was a rush to judgment, literally. We put ourselves against the wall and did it as everybody thought it should have been Operating. Everybody said, “this was a mistake” we should have had an Operating Levy to give us the flexibility and pay for the Fire out of the General Fund. I do believe that is the way it is.

Ms. Everett: That way, you can negotiate the price. With a Levy, they get it all, basically.

Mayor Hammon: You restrict the amount of money that can be moved. This way you can pay it, two or three years, the other Levy goes on. This is then our money that we can bring back in Operating. I grant you, you’re really talking about 2-mills. It’s what you lost, maybe 2-mills is the way to go. So we can sit here and justify it.

Ms. Hueber: We need to figure out what our best chances are of passing one and go with it.

Mr. Pulskamp: Remember, Board of Trustees for the Fire District, can also decide at any point to put a Levy on that would cover Newtown.

Ms. Everett: That’s what he is talking about.

Mayor Hammon: The question is, if they put it on and it fails, where does that leave us?

Mr. Miller: That’s the question too Ken, should we just go to them and say “put your Levy on?”

Mr. Pulskamp: That’s what I’m wondering.

Mr. Miller: Two years from now, that’s what they were planning on doing.

Mr. Pulskamp: We’re at a time frame here where we need to do something.

Mayor Hammon: You're looking at a time frame. You're right now today, against the wall. If they take four to six weeks to get your information

Ms. Everett: But, once again, you're back to what if they put one on and it fails. We're still stuck with having to face the money.

Mayor Hammon: It's the same thing. I think we should have in the Resolution that they can go back to the Board and get their feedback. Tracy you need to contact Jennifer Kaminer, Driggers or Ted or Doug.

Ms. Hueber: If they went ahead and put theirs on now,

Mayor Hammon: We need to push forward, we don't have the time to wait. At least get the information from the Auditors and then make a decision in August who is going to do what.

Ms. Hueber: Okay, we're going to push forward. I will call him. We're going to push forward on trying to collect 2-mills as an Operating Levy and if they want to go ahead and push, then it's going to be continuous, right?

Mr. Miller: I'm not sure if Operating can be, that is what I'm looking to see. I know Fire can be.

Ms. Hueber: So, they can go ahead and put it on if they want to mess around and get it on this thing; as a continuous for whatever they collect on there, correct?

Mayor Hammon: They can do whatever they want, yes.

Ms. Everett: Is Fire the same way though Doug, if their 2.5-mill isn't up, can they even put on a replacement?

Mr. Miller: If it's a continuing Levy, I think they could because there is no end of the year.

Ms. Hueber: Okay, if they put on a continuing one right now then they can delete that one.

Ms. Everett: They can only do that if there 2.5-mill right now is a continuing one. That's what happened

Ms. Hueber: They don't have one of those.

Mayor Hammon: There's a 2.5-mill that covers the entire district that's a district one.

Ms. Hueber: Fairfax is coming up.

Mr. Puskamp: Fairfax is separate.

Mayor Hammon: He said, "if when ours expired, he would then go back and put it." That was the plan, he sat here and talked about dollar amounts. He would come back, they would put on a district-wide one at that time.

Mr. Miller: Reading this quickly, it looks like you are limited to five years on an Operating one.

Ms. Hueber: So, back to your five years story.

Mr. Miller: On the Fire Levy, you can do it for a continuing period of time.

Ms. Hueber: So, if we put this on, we have to do it as a five year and not continuous.

Mayor Hammon: We need to push forward, they have to decide what they want. Then that will at least give us until August to make a decision.

Ms. Hueber: So, what do you want me to talk to them about?

Mayor Hammon: Tell them the situation and ask them if they want to put a Levy on.

Mr. Puskamp: Doug, what do you need for a Resolution?

Mr. Miller: What type of Levy for the Village.

Mayor Hammon: I say 2-mill, that's my opinion. That's what your are losing.

Mr. Thomas: Do General, five-year.

Ms. Hueber: Whatever we do, we need to do the one that is "replacing". Can we do "replacing?"

Mr. Miller: You can't replace something that doesn't exist.

Mayor Hammon: It behooves us if we get the support out there. We have the website.

Mr. Miller: Are you going to ask for more than 3-mills on anything?

Mr. Puskamp: No.

Mr. Miller: You are between 2 and 3-mills, so we do 2, 2.5 and 3-mill. And we do it from Fire and Operating and that leaves you the option to, we'll do those at your July 12th meeting. We'll give it to them and they'll probably certify them by, within a week or two. Certainly, I would hope prior to your second meeting in July. If not, then by your first meeting in August and you just need to decide what you want to put on, certify that and get it to the Board of Elections.

Mayor Hammon: We have to take the first step to get information from the Auditors.

Mr. Puskamp: We'll have the Resolution ready for the next meeting.

Mr. Miller: Yes. For 2, 2.5, or 3-mill, for Fire and General.

Mayor Hammon: Doug will bring back the written document.

Mr. Miller: Don't forget, you're not allowed to use Village expenses to promote a letter.

Mr. Puskamp: Correct.

Ms. Everett: I think Jennifer was right, my fax to him was on Thursday.

Mayor Hammon: Special "Election" here at Town Hall, August 1st at 7:00 p.m. and will have until close of the polls on August 2nd, roughly 8:00 p.m. Special Election for Portman's seat.

Mayor Hammon: Caryl Clark has resigned her position. Tonight is going to be her last night to try and help get the Clerk of Court's position best in shape she can for Keri. Keri is going to fill in. We have an ad in the paper.

Ms. Everett: Two weeks in both papers. I put resumes in by July 15th. I urge the Mayor and the Human Resource Committee that week after the 15th to dedicate yourselves to go through the resumes, maybe interviewing right after that.

Ms. Hueber: Back to Step-1, there is not a "Job Description" or "Salary".

Ms. Everett: I started working on a list of duties.

Mayor Hammon: I'm assuming Keri has it. I have had some communication with Barry and he said he would get his documentation to me. I thought we somewhat did this before, I don't know if you remember or not. We did some stuff when Sharon and I were talking about the Fiscal

Officer. At least all of the duties are there, we didn't really set a description. We kind of set the qualifications. We need to get the salary set or range set.

Ms. Hueber: I have the list of stuff Caryl put together back when we doing it with all the duties.

Mayor Hammon: We've added a couple, I think.

Mr. Pulskamp: I thought we put that in the Salary Ordinance already.

Mayor Hammon: We did, but we need to examine and make sure. One of the problems we have, Daryl will have to help me. To make entries into InterBadge, you have to be certified. It takes about six weeks to do that and we have no one that can do that. Keri can't do that. It takes six to eight weeks to get fingerprints, to get approval for it.

Mr. Evans: Can we borrow Fairfax's?

Mayor Hammon: We have part-time Officers scheduled to come in and do the entry for us. So, there will be some additional part-time workers around entering on InterBadge. Keri will pick it up after Court.

Ms. Hueber: Now, that position can be trained "FREE" by the State?

Ms. Everett: They will give us so many hours. It's not by the State, it's by the Mayor's Court Clerk Association.

Mayor Hammon: We talked about Mike's office, also approved the fund for new carpeting in the Police Department.

Fiscal Officer Keri Everett: You have a Resolution in front of you, to do a supplemental appropriation and that is the money to cover that expense of the two office carpets.

Mayor Hammon:

- 1) I met with Paul Gallenstein and Jim Salley, the main Engineer. If you look at the entrance way up there, a new pole has been set. Once the lines are switched over the new pole, the old pole will be removed. So that is in the works and process right now.
- 2) When Charlie was talking about the sanitary tap, Doug and I talked. Before we act upon the \$5,000, we need to do some research and get the documents out. Are there any agreements with anybody? I seem to remember Kokosing was going to run some lines too. So, we need to go back and research that before we spend that money.
- 3) Working Session scheduled for July 13th, really looking at changing the Zoning Code. If you all have any input, I suggest you give it to Debbie or me. If there is anything regarding the codes you believe is wrong, give it to us. This will be about a six month process to go through it and have all of the hearings.
- 4) Curt Cosby's property, in front of the development up there, he is looking to put a school in for autistic children. It does not fit in the code anywhere.

Fiscal Officer Keri Everett: I already said everything. The checklist and then you have the letter from Thomas Tepe. A motion needs to be passed, accept the dollar amount and add it to the checklist. A Resolution for the Supplemental Appropriation, and the Budget, if it is not going to be passed at the next meeting, needs to be passed tonight.

Councilmember Tracy Hueber: The Code of Ordinances, pay for the changes from the State, runs between \$3,500. and \$4,000.00.

Ms. Hueber made a motion to accept the amount of \$3,500.00, not to exceed \$4,000.00 to be paid to American Legal Publishing Corporation for State Ordinance updates. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.

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

Ms. Hueber made a motion to adopt Ordinance #22-2005 An Ordinance Adopting The Village Budget for 2006 and Dispensing With The Second and Third Readings, and Declaring An Emergency. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.

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

Ms. Hueber made a motion to adopt Ordinance #23B-2005 An Ordinance Providing For and Authorizing Weed Cutting, Dispensing with the Second and Third Readings, and Declaring An Emergency for 3434 Church Street. Mr. Thomas seconded the motion. All Aye. Motion Carried.

Ms. Hueber: Doug Miller, remember when I talked to you about the property located on Edwards Road that had a storage unit that contained items that caused a fire. You all met together and had a meeting with the Fire Department. Mike was there.

Mayor Hammon: Doug was not there.

Ms. Hueber: Now, I am part of this whole surface. What happens is, we can't do anything about that piece of property because it has been in there for more than two years. The Fire Department cannot go in there because it is our zoning issues. Mike Cornette said, he faxed you something stating there was a Case Law Study where they went in after four years.

Mr. Miller: Why are we limited to two years?

Ms. Hueber: Because Mike Cornette says this is our Zoning.

Mr. Miller: I would not necessarily agree.

Ms. Hueber: Okay, the Fire Department just wants to know. Right now, everybody is at a standstill and we're trying to figure out how to we can get at that property.

Mr. Miller: What are the Zoning violations?

Ms. Hueber: The Zoning violation is he is keeping contaminants. It's storage.

Mr. Miller: But, it is zoned for storage. I don't know that our Zoning Code says that you are not allowed to store this, that or the other thing.

Ms. Hueber: I'm just saying, what are we going to do about this? Are we going to do nothing? Right now, they just said, "it is our ballpark."

Mr. Miller: I don't know the Fire Code, I don't know what the rules are.

Mr. Hueber: They can't go in there to that piece of property because it is zoned storage. So, they can't go in there and tell us "they are not zoned to store whatever they are storing in there."

Mr. Miller: Then, I don't know that we can either. I don't know that our Zoning Code excludes any type of storage items.

Mr. Pulskamp: I don't see why the Fire Department can't go in there and find out if there is something against the Fire Code.

Mr. Miller: First of all, the Fire Department can, if on the premises. They may not find a violation. They may have to get a search warrant to do it; but we have done that in other communities. I won't say we get them all the time, but we get them somewhat regular.

Ms. Hueber: Which is another thing that I brought up when I brought this stuff up to them. Some of these rental properties and stuff we think is hazardous; are either about the fall down. Some of these, even Tucker's, I think are fire hazards. They can go in easier than any of us can, even as a Building Inspector. They can go into any of them, but they need it to be "requested." So, some of these properties that we have, they said they have to have them requested.

Mr. Miller: They can get search warrants, we get them all the time. If a person doesn't let them in, they can't go in, but they can get a search warrant.

Mr. Pulskamp: Residents are different than commercial.

Ms. Hueber: They said they can do this on residents and commercial.

Mr. Evans: Anderson Township comes to my commercial properties, charges me for it and they do whatever they want. I mean you can't tell them NO.

Ms. Hueber: This can also help us in our Property Maintenance Code. If they go in and see some of these properties that we think are in bad shape. They can go in there with a search warrant.

Mayor Hammon: They can do a lot of things, we went in there. Hamilton County Inspector was there, Mike was there, Hamilton County Health Department. We had State Fire Marshall that presented it and they all said the same thing that it's the Fire Department that can get in. No one else can get in there. They're hesitant about stepping forward to do the job.

Ms. Everett: Marks is wrong, it's not in Mike's lap, it is in Marks' lap.

Mr. Evans: They can check and make sure the fire extinguisher is up to date.

Ms. Hueber: Then, why is he saying it is zoning.

Mayor Hammon: They've been sitting on it for two years and we had a meeting in there.

Ms. Hueber: I was not at the meeting, so I don't know. I'm repeating what he said and then Mike said he faxed you something, he's saying it Zoning.

Mr. Miller: I don't think there is any statute of limitations on a Zoning violation. I'm not sure where he's getting the two years, maybe he is thinking it's now become a non-conforming use. There is some two-year language in there. But, I'm not hearing that there is a Zoning violation.

Mr. Pulskamp: The Fire Department with commercial structure, Zoning doesn't matter anyway. As long as it is commercial, the Fire Department can go in there.

Ms. Everett: I thought Mike was talking that he had been there longer and he was sort of grandfathered.

Ms. Hueber: Short Park, the elevation is done, next step is to put the ballpark in. Hopefully we'll be done by August, depending on the weather.

Councilmember Ken Pulskamp: Doug, status on Zicka property?

Mr. Miller: I left a message for Mike saying we wanted to take it and I haven't heard back from him.

Mr. Pulskamp: John covered the Secretary position. Website should be updated in the next seven to ten days, I have a lot of stuff to put on. Deborah, can you remember back to the July 13th meeting, that you were to talk to Mike about? I have received a lot of complaints about the Dairy corner with their structure, painted signs. Plan Commission approved back in March, that all signs shall be approved by Building Commissioner, prior to erection and installation. I hope Mike did not approve those signs that were up on sheets of plywood.

Mayor Hammon: Mike did not approve anything, Plan Commission approved everything. Mike basically divorced himself from the situation.

Mr. Pulskamp: It says, "signs shall be approved by the Building Commissioner", so I'm sure Planning Commission did not approve those signs either. I've just had numerous complaints from residents and I don't think that should go back in there next year.

Ms. Hueber: They approved the spray painted signs?

Mayor Hammon: Yes, I do believe. I'll have to go back and listen to the tapes, but we talked about it and put some limitations on them.

Ms. Hueber: Do you guys think that's professional having spray painted signs on the corner?

Mr. Evans: Well, the Finance Committee wants to know if we ever got any taxes? I know he didn't do any the first year.

Ms. Everett: I have turned him into R.I.T.A.

Mr. Evans: Okay that's all I care about.

Mr. Pulskamp: Also Deborah, one sign going west on 32, it's a big drywall sign.

Ms. Everett: He's already been contacted, a letter was sent to him. We've received numerous complaints.

Councilmember Doug Evans: I did go over to the Church and talked to a Trustee, James Whited. They only have about eighty active members, they're not losing any, but not gaining any member either. I put a bug in his ear, he has my card and he will keep in contact. There might be hope somewhere. They almost have six acres. We talked and I told him we are concerned as Council about how they are doing and if we can help to let us know. We'll see what happens.

Ms. Everett: How was his reaction?

Mr. Evans: Things like that take time, the bug is planted.

Ms. Hueber: That congregation, even though they are hurting, they pull from the pool of Baptist.

Mr. Evans made a motion to accept Tom Tepe's invoice for \$4,613.50, he's been taking care of the Ed Foster workman's compensation information. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.

Mr. Evans made a motion to accept the checklist dated 6/28/05 with the addition of the Tom Tepe invoice for \$4,613.50. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Abstained, Mr. Thomas-Yes, Mrs. McCarthy-Yes, Mr. Kobasuk-Yes. All Aye. Motion Carried.

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

Mr. Evans made a motion to adopt Resolution 4-2005 A Resolution Approving a Supplemental Appropriation and Reconciling the Budget and Amending Appropriations for Calendar Year 2005 Dispensing with the Second and Third Readings and Declaring An Emergency. Mr. Thomas seconded the motion. All Aye. Motion Carried.

Mayor Hammon: Mark, do you have anything?

Councilmember Mark Kobasuk: No report.

Councilmember Greg Thomas:

Mr. Thomas made a motion for Hamilton County to do Line Striping in the Village, not to exceed \$3,500.00. Mr. Evans seconded the motion. All Aye. Motion Carried.

Councilmember Debbie McCarthy: The SCSA Select Soccer that has been renting Short Park wanted to know if they could rent the field from August 1st through October 21st. By next week, during the week for three hours per night, 5:00 – 8:00 p.m. Twelve weeks, five days per week, for three hours each day would be \$15.00 per hour, totaling \$2,700.00. We already have a contract.

Ms. McCarthy made a motion to accept the contract from SCSA Select Soccer for renting Short Park, August 1st through October 21st. Mr. Evans seconded the motion. All Aye. Motion Carried.

Ms. Hueber made a motion not to exceed \$3,000.00 for Print Management. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.

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

Ms. Hueber made a motion to adopt Ordinance 21-2005 An Ordinance Designating NO Parking on Crull Street, Leonard Street, Crawford Street, West Plum Street, and West Street in the Village of Newtown and Dispensing with the Second and Third Readings. Mr. Thomas seconded the motion. All Aye. Motion Carried.

Roll Call for Executive Session: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Ms. McCarthy-Yes. We're adjourning for Executive Session at 10:58 p.m. to discuss litigation.

Reconvened from Executive Session at 11:07 p.m. There is an action to be taken, will anyone make a motion to authorize the Solicitor to settle workman's compensation.

Mr. Pulskamp made a motion to authorize the Solicitor, Doug Miller to settle the workman's compensation claim case. Mr. Evans seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adjourn meeting. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

Completed 9/2/05

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