

May 24, 2005 meeting of the Village of Newtown was called to order at 7:30 p.m. by Mayor John Hammon who led the Pledge of Allegiance to the Flag.

Council Members Present: Doug Evans Ken Pulskamp
 Tracy Hueber Greg Thomas
 Debbie McCarthy

Police Chief: Daryl Zornes

Solicitor: Doug Miller

Absent: Keri Everett

Mayor John Hammon:

Last Council meeting, May 10, 2005, we had someone question what is going on across the street on 32 with the new development. Mike Thompson is here from Barrett to answer any questions and give us an update.

Mike Thompson: I am Regional Manager for Barrett Paving here in Cincinnati. I was informed that there were people at the last meeting complaining about the asphalt plants and I want to address that situation. Barrett and our predecessor, Brewer Company have been good citizens of Newtown for over fifty years. When the resident development began encroaching several years ago, we became proactive on being a good neighbor. We knew there would be issues. We daily water all roads and ramps. We pay a pick up broom to come in a couple times a week to sweep. A couple of years ago, we bought a water truck to flush down a lot to keep the dust down. If we are doing night work, we tell the truckers don't slam your tailgates. We use a flashing beacon instead an audible backup alarm on the loader. We silenced the burner several years ago so it would be quite. When the apartments were built several years ago, I went over there on several occasions at night to listen for excessive noise and trying to detect odors, etc. Same thing when the condos were being built, I would go there during the day trying to detect odors and checking excessive noise, etc. I didn't encounter any. We're trying to be a good neighbor, soon we are going to paint the plant soon. In fact, tomorrow we are meeting with a representative of a company who sells a product to decrease odor in the asphalt. Seriously, I welcome calls from the neighbors. If they have a problem with odor, noise, dust whatever, I will be glad to meet with them at their location see if I can determine any problems. We want to be a good neighbor, we have been here a long time and intend to stay here a long time.

Mayor Hammon: What kind of controls from EPA are you under, do you get monitored?

Mr. Thompson: Well sure, we have to have an EPA air permit and that requires us to have a bag house and to control fugitive dust and take readings on the bag house daily to determine pressure drops. In fact, we are going to run another "stat" test later this year to make sure everything is where it needs to be according to the EPA regulations. I understand two weeks ago, the EPA was called out with a dust and odor complaint. When they visited our plant, they saw no obvious dust from our location and couldn't detect any odors. If someone has a complaint they are welcome to call the EPA, that is their right. I would also appreciate a call so we could respond.

Ms. Hueber: Just for the record, what number would one call?

Mr. Thompson: 271-6200 We did move our regional office from Newtown to Lockland, but still have same phone number. My name is Mike Thompson and the Plant Manager is Dan Gennaro. One of us should be available virtually all the time and we would be glad to meet with anybody anytime.

Mr. Thomas: What did percent about do you guys run at night?

Mr. Thompson: Depends on what the job requires. The work on 32 we did at night, when we do work on I-275 we have to do that at night. I would say last year we probably ran 20-30 nights and there will be some night work this year. There always will be for the convenience of traffic for public we have to work at night a lot. I have to say the times I have gone across the street to try and detect noise that would be obtrusive, especially if you had your windows closed. You know my office was within 100 ft. of that plant for eighteen years and sometimes I had to look out the window if the drum was turning to see if the plant was running. I conduct business in my office, telephone calls, conversations and never any problem with excessive noise. I'm not saying it's perfect you know occasionally a tailgate slams and the backup alarm could be annoying, but you have to have that cause you can't be running over people in the lot.

Mayor Hammon: That was one of the complaints we heard, backup alarms.

Mr. Thompson: The backup alarm primarily is from the loader. When it is loading at the plant, you have to have an audible alarm. That's an OSHA requirement. At night you can run a flashing beacon. Frankly, at night if you see a flashing light, that would probably catch your attention more than noise anyway. In reality, backup alarms kind of becomes background noise if you work around them all the time, unfortunate you don't pay attention to them.

Mr. Thomas: So you turn them off at night if you can?

Mr. Thompson: Yes, also we have tried a flashing beacon or there is what you call "proximity" alarms that won't sound an alarm unless there is something behind the machine.

Mr. Evans: Mike, one question. All you guys do there is take sand, gravel or limestone and put liquid asphalt in it. Then you put it through a drum and heat it up and it makes a mix you put in the back of a truck and haul it out. You don't use any toxic chemicals or anything else that is harmful to where one would have to wear a mask.

Mr. Thompson: No, there has never been any study that links asphalt with any type of cancer or any serious type of disease. Several years ago we voluntarily participated with NIOSH "National Institute for Occupational Safety and Health" in a study of asphalt workers. Our workers actually

wore an apparatus that filtered the fumes they breathe in, this study would show if these fumes were detrimental to the workers. There was nothing found in that study. Currently, there is a worldwide study going on now on the affects of asphalt fumes. To my knowledge, there has never been a link between asphalt and any kind of serious disease. We have guys that have worked in the asphalt plants and in the field for as many as forty years and still going strong.

Mayor Hammon: Audience, any questions? No. Thank you Mike.

Mayor John Hammon: We're in the process of choosing a Candidate, everyone's input is in an we had two people tied. I have been trying to interview one gentleman, he is right now out of town and I can't do that until Thursday. There won't be a Candidate until that time.

Mayor Hammon: Another piece of business is June 14, 2005, there is Election here at Town Hall, we will not have the Town Hall from 7:00 p.m. on the 13th of June until they leave on the 14th. We need to discuss the meeting for then.

Mr. Thomas: We should probably cancel that meeting.

Mayor Hammon: So you all know we have to make a decision, so if you leave you need to stay tuned. Does anyone want to address Council at this time?

Ron Hartman: I am a thirty-three year resident of Newtown. I'm here tonight representing the American Legion from Post 72 in Mount Carmel as Commander and with me is Bill Bayer who is the Longhorn Chairman for the American Legion. We have a presentation here to make to the Newtown Police Department, so if Chief Zornes would come forward. It is a check in the amount of \$800.00. I understand the Police Department is seeking funding and wants to purchase a TAZER, so we hope this will help.

Chief Zornes: I have to tell you they will work through the vest.

Ron Hartman: That's what we are all about, community service and we're just glad we can help out.

Bill Bayer: I'd like to add one thing, services like this that we do is provided by our bingo that we do on Tuesday nights and we take all proceeds from bingo and put them back into the community. If anyone needs something to do on Tuesday nights, come see us.

Mayor Hammon: Does anyone else want to address Council?

Resident Joan Waits: 7133 Monongahela. Are any of you familiar with Cincinnati magazine? On sales of homes in Newtown in 2003, these numbers are taken from the MLS that realtors go by and in 2003 there were twenty-two homes sold averaging \$102,338. In 2004, fifteen homes sold averaging \$91,500 at a loss of \$10,805 per average sale of these homes. What is going on?

Mayor Hammon: I can tell you it depends on the property and I know when I sold my house to pay my daughter off, homes in our neighborhood were selling for \$70,000. That was roughly three years ago. My take on that is you are not looking at the property, you can't compare one in section of town to one in a different section. You have to look where it sold and what SKU's those numbers.

Mrs. Waits: John, right now this village has big problems. The blight you have across the street, and look at the yellow house owned by the caterer who lives in Terrace Park. The slum house on Monongahela is owned by Aero Battery, who also lives in Terrace Park. That would not be permitted in Terrace Park. Now, the Miller house, this is what we are putting up with Council. Sunday morning at ten o'clock, I am going to market. there are five county cruisers at that house looking in windows and pounding on the door and going around the house. When I came up, our officer was pulling in. If this was a one-time occurrence, I would not be opening my mouth. This is a frequent occurrence up there. I pulled out an old ordinance, when the Council was doing ones for the RV's. When an ordinance is passed under "emergency" measure it says "for the preservation of the public peace, health, welfare and safety of the Village of Newtown." When we have homes in this, this is not for our peace, not for our health, and not for our welfare. Tonight, I had to laugh. On Channel 9 Problem Solvers, in Colerain a neighbor called in on a house that was not occupied and had weeds like this and a reporter came out and within days Colerain was out there cutting weeds down. Board of Health inspected the house and the house was boarded up within ten days. The property owner was notified to demolish the house within so many days or they would demolish the house and the owner would be billed for it. The Miller house has broken window, the screen door no longer has a screen. You have a washer sitting out there for nine months. You have junk sitting out in that yard and when it rains, you walk past there it stinks. Now, you talk about property values. We have a house across the street three doors down, nice little house. They have tried to sell it, it is in the hands of a Realtor. They have not shown the house for five weeks and I'm gonna tell you why. Who wants to drive past the Millers, who wants to drive past a slum landlord. It's going to end up as rental property and that is all we're going to have around this village is rental property. If they can't sell their property, they are going to rent it. The woman who is the slum landlord, when the young boy across the street was doing yard work for her a few years back. She said "I get \$900 a month and I don't care what the house looks like as long as I get my check." I can guarantee I bet they have never gone up to look at their house. If these people move out of that house, it will cost a fortune to put that house back. I will be calling the Board of Health on them. When the pool collapsed, they took the sides down and it filled with water. I called the Board of Health out and I don't know if they came out. We're going to have the same situation again, it's a DISASTER. Who wants to buy a house on a street where you have two homes like that. We have serious problems in this village. That yellow house up there, two junk cars, grass like this. That house should be condemned and should be demolished. If she doesn't want to pay for, then by gosh have someone come in and do it and bill her for it like Colerain just did tonight. I have been so close to calling Michelle Hopkins on Channel 5, but I didn't want to embarrass the village. By gosh John, when people

when you buy a house you want to property value to appreciate, not depreciate. We have serious problems on some of these homes here. I don't know the answer.

Mayor Hammon: I hear what you say. Our ordinance is not written like Colerain's. We give people their rights, we have to go through the steps. If other communities want to do it, that's fine. I'm telling you all ordinances have to go through the process.

Mrs. Waits: You have never taken the Miller's through the process John.

Mayor Hammon: You're right, we have never taken them through. I can tell you Joanie, looking at that, my opinion standing here right now to you is that they are not that far out of compliance. There is a big difference between a mess then being junk.

Mrs. Waits: You cannot tell me, would you want that next door to you?

Mayor Hammon: No I wouldn't. But I also realize that it is a mess and that's the problem I have had for twenty years being involved with it. There is a big difference junk and a mess. Hopefully they will clean it up.

Mrs. Waits: When you walk past there, and I have had the opportunity when we towed cars at one time, my husband said to me one time "put your head in that car if you want to know what marijuana smells like." I have walked past there and smelled marijuana coming out of that house.

Mayor Hammon: It's not the right for us to go in there.

Mrs. Waits: I mean what condition does a house have to get before our property in the Village goes down to nothing John?

Mr. Mayor: I'm telling you they have rights too Joanie to live in their house. I live back there and I can tell you that my house has appreciated 50% in five years.

Mrs. Waits: We'll see about that when they try to drive down the street to get back to your lovely little house and see what you get.

Mayor Hammon: I know that old houses are selling for more than what I paid for mine in 2000.

Mrs. Waits: Well, I have news for you there is one up there off the market that will be rental property. Frank who lived on the corner of Rio Grande and Olentangy died and it went into an Estate. A young man bought it and refurbished the house inside and outside. It's rental property now. She cuts the grass, but doesn't cut the weeds. She's only been in there two months. Now, this is the start of what renters do "I cut the grass, I don't have to clean the sidewalk, I don't have to cut the weeds." This is the problem we are going to have John.

Mayor Hammon: I'm well aware of it Joanie. There's not a whole lot I can do to stop rental property.

Mrs. Waits: I know you can't stop it, but if you clean up the blight in the areas, people can sell their homes. They won't have to resort to rental homes.

Ms. Hueber: The tall grasses, have those been?

Mrs. Waits: I just came down and told Zornes about the Miller house yesterday. Yes I did.

Ms. Hueber: But, the weed notice has been issued?

Chief Zornes: The weed notices have been issued. The yellow house, those people do live in Terrace Park. The other people that own Monongahela live on Eight-Mile Rd.

Mrs. Waits: Look out your own front door, you have them down Main Street. I know you people want to do really good for the Village and I applaud you. I want to tell you if Tom was here, last year when we got on the RV's and I applauded Council. You passed the ordinance very quickly and Tom got his job done quickly. He cleaned fifteen of the up on the hill. That was a big job in a very short time. Whatever happened to our Property Maintenance man, eight months we waited for it last year. You hired him and he didn't last five weeks. Now we still don't have one and we're going into June and I want to make a suggestion. It may go in deaf ears but I think what we need is a Code Enforcement Officer and I don't mean a Police Officer. Because I think our Police Department right now is worked to the max, especially Tom. He does his job, he trains officers and I just don't think that is a job for a Police Officer. Now, this guy you just hired that worked for the Hamilton County Administrator or whatever he did, at \$54.00 per hour. Why can't that be part of his job description?

Mayor Hammon: Oh, we can ask him to do that. We've turned other people who have asked for similar dollars.

Mrs. Waits: But he's an employee.

Mayor Hammon: He is a part-time employee and we want to keep it that way.

Mrs. Waits: Okay, but if that is part of his job description how can he turn him down?

Mayor Hammon: It's not part of it, that's what why he was hired.

Ms. Hueber: It's a matter that we don't want to pay somebody \$54 to go do that.

Mrs. Waits: Well, I want to tell you, I would rather see this man get \$54 an hour and work overtime and get these homes cleaned up. Because I want to tell you, you clean these homes up it's going to be a one-time thing. It won't be an ongoing thing. If you don't think the Village is worth it to go to the expense to help people with their property values, we're in sad shape in this Village.

Ms. Hueber: It's not that we don't do it, but we do have this law in effect. We do have this ordinance in effect. John's been going around, you make notes and you bring them down and when they get a chance, they have seen other things too and they have gone through and won some of the cases. They were doing the experiment on making sure that everything was covered. There are a few houses out there and we all know them, but you know as slum landlords you can't.

Mrs. Waits: Have you been up to see the Miller house?

Ms. Hueber: If I know which one it is.

Mrs. Waits: I want to tell you what happened last week. This started months ago, the house behind the Miller house. This young man started a junk business, were you familiar with it Kenny? Okay. The junk you would not believe was in his driveway. He was the kind of guy that

went out on a Sunday night to pick up everybody else's trash and it sat there. That was when the refrigerator business came up and everything. Okay, Lieutenant went up there and put him out of business. He cleaned up. I was down here last Monday and I said to the Lieutenant "go out there and look." My God it was worse than ever. I could not believe this, it was like 11:00 o'clock Monday morning. I passed there Tuesday afternoon and there wasn't one thing in that man's yard. I said to Tom "I don't know what you said to this man, but man has he cleaned up." I mean I just feel like I'm beating my head against a brick wall. Don't tell me the Millers is mess, it's TRASH and what Village allows trash. When I was down here last winter, I told you about Fairfax, what a model Village that was that you would not find this there. Believe it or not, the sales on their housing in year went up \$15,899. What does that say? Ours goes down and Fairfax's goes up.

Ms. Hueber: You can't take what's in that book for true. John says his went up, mind went up.

Mrs. Waits: They are just taking the sales of the houses they sold.

Ms. Hueber: They may have sold three, five houses down in the worse houses in town and they were rehabbed. The year before they could have sold upper Ivy Hills or they could have sold here. You can't take, that's not comparing apples to apples.

Mrs. Waits: But Tracy, last winter when I started talking about Fairfax and the Solicitor was so afraid of what was going to come out of my mouth because, I grew up in that area and Fairfax was not a nice place. Mr. Shannon was sitting right behind me. When you drive through Fairfax you don't see one bit of junk in their yard. They're doing something-right John. I don't know how they are running their village, but apparently we're not running ours the right way.

Ms. Hueber: Maybe we should do a "drive around" again as Council.

Mayor Hammon: Nothing's changed. We passed a new ordinance just a month ago. We made a lot of mistakes, we could have had one hundred cases thrown out and eggs on our face. I think we did it very intelligently to go through it. We've had it in place now a month. Tom and I have talked about it at different locations, I've become more active in it and we've talked about how I'm going to approach it. The fact of the matter of it is, I can only give so much time.

Mrs. Waits: I realize that. When they grabbed E. Baker and they changed it from a misdemeanor to a felony, which is great.

Mayor Hammon: No, not quite.

Mrs. Waits: Whatever, close to it. Then he was told there were certain sections to that ordinance that had to be revised to make it tire, thank God. But, is that going to take in people like the yellow house, or the Miller's?

Mayor Hammon: You have to work through it, what we have at this time. I can tell you I've actively searched for someone to fill the position and I cannot get anyone interested in it at this point.

Ms. Hueber: Can we do some kind of citation for both of those houses?

Lt. Synan: I am going through the sensitive process where I have presented it to Council. I told you I would not deviate the property.

Ms. Hueber: No, I'm saying, "not deviate". Can we start the process on those two or not?

Lt. Synan: Yeah, we can and I plan on it, but you have to give me time to do it.

Ms. Hueber: Oh, okay.

Mrs. Waits: I do want you to understand, I was down here for an hour and talked to the Chief yesterday. I DO NOT believe this is a job for the Police Department. Look at the construction we have up here, look at the traffic that goes through here. This is NOT their job.

Mayor Hammon: It's not intended to be, but unfortunately right now it has to be.

Mrs. Waits: That's the way with Tom, he wrote the ordinance and everything like that and God Bless him, did the best he could you know. I'll be patient, but as long as I know that if I'm going to put money into my house, I don't want it to depreciate.

Ms. Hueber: John, is it possible – does Mike have the hours to work an extra day, two days a month extra.

Mayor Hammon: Probably not, I've talked to him about staff and at this time, he has no other people.

Mrs. Waits: I'm gonna tell you how serious I take this. When my nephew's wife died and I wanted to have a memorial. It was going to be on an afternoon and afterwards everyone was to come to my house for a little thing. I thought "Oh My God", relatives on her side were from California and I didn't want them to drive to my house. So I talked to Mike and I said "let's do it in the evening." So they could come in the dark. Now, nobody should have to be embarrassed of where they live.

Mrs. McCarthy: That is true.

Mrs. Waits: This is sad. Kenny, I'm counting on you, you live right on top of it.

Mr. Pulskamp: I see it everyday.

Mrs. Waits: Everyday. John, the thing with the Miller's wouldn't take an hour for them to get off their lazy ____.

Ms. Hueber: But, there is different mentality in that house, as we all know.

Mrs. Waits: Absolutely! Tell me, I know, I have seen it.

Mr. Pulskamp: Last year I thought they were making such great improvement, they put new siding and stuff.

Mrs. Waits: Tom got them started. But then the kids come back and that's where. No neighborhood should have cops as frequently as up there.

Ms. Hueber: Sometime there are churches and what about the school that had the volunteer program. Maybe we can get the approval from say that house to weed or clean up junk.

Mayor Hammon: You have to get the approval.

Mrs. McCarthy: What if she calls the news, I mean wouldn't it get done then?

Mrs. Waits: Debbie, I want to tell you what the situation is there. I contemplated it a lot. But on the one house, serious thing is they could fire ball me. That's the mentality of the people I'm dealing with and that's the only thing I backed off on; because I would be retaliated against. I can't afford that.

Mrs. Hueber: Have you called the Health Department?

Mrs. Waits: I called them last year on the pool, they don't tell you if they come out or not. I will be calling again when it is hotter on the backyard, it's a disgrace.

Mrs. McCarthy: Joanie, we can sympathize with you.

Mrs. Hueber: When I called the Health Department about my neighborhood and walked the neighborhood to find water. The Health Department met with me immediately within the week and we walked and found water and we knocked on doors.

Mrs. Waits: When I called down there, I gave them name and address and phone number. They never contacted me if they went there or not. I don't know. I guess I'll just be patient. I'll be back.

Mr. Pulskamp: Is there an ordinance for dog feces in yards for the smell?

Chief Zornes: Defensive odors? Yes there is.

Mr. Pulskamp: I have a neighbor three houses down that never cleans up from their dogs. I can't go in the backyard if the wind is blowing the right way. It's nasty. Walking past their house that she is talking about is the same thing.

Chief Zornes: That is also a Board of Health regulation.

Mrs. Waits: Then if you call, how do you tell the Board of Health?

Mrs. Hueber: Tell them it is a health issue.

Mr. Pulskamp: Tell them it is a health issue and you want a follow-up phone call to know what they have done.

Ms. Hueber: Tell them it is endangerment to the neighboring residents.

Mrs. Waits: I know you people think I am picky and everything else. I'm telling you, I'm not going to quit. I'm in this for the long haul.

Mrs. McCarthy: No, we sympathize with you Joanie.

Mayor Hammon: Does anyone else want to address Council?

Resident Darwin Brooks: 6620 Crull. John, you and the Lieutenant have driven the Crull subdivision.

Mayor Hammon: Early the month of May. We've been trying to go out early each month.

Mr. Brooks: The parking on City right of way, that issue?

Mayor Hammon: Ah that is not an issue we are looking at. We were looking at homes and the property maintenance is what we're looking at.

Mr. Brooks: Campers parked in the backyard. Parking on gravel, gravel being put down to park on.

Mayor Hammon: That's going to be a tough one.

Mr. Brooks: It's in the Zoning.

Mayor Hammon: It's a tough one. When was the gravel put down, was it established before the Zoning code was in.

Mr. Brooks: Gravel has gone down after the Zoning code. Parking on a hard pavement.

Mayor Hammon: You have to talk to Mike. I know some issues we addressed down there, the guy said he had been doing it for twenty years and we can't dispute him.

Mr. Brooks: But you can't grandfather that if he is putting more gravel down.

Mayor Hammon: He can refresh it.

Ms. Hueber: That's the problem, see they can refresh it.

Mr. Mayor: We went over this, I spent two weeks with Michael discussing this.

Mr. Brooks: And parking on city right of way next to the stop sign at Crull and Leonard?

Mayor Hammon: It's up to the police to enforce, it is not for this council. I thought a lot what you said and when there is an issue, call the Police Department. Don't wait two days and sit here, then we can't go back and address it.

Mr. Brooks: What is the ordinance on the length of the vehicle that can be parked on streets?

Mayor Hammon: It's 21 feet long in an RV ordinance, but I don't know on the street in general.

Mr. Brooks: Can I park a vehicle 21 feet long on Crull Street?

Mayor Hammon: I'm not gonna give you that permission.

Mr. Brooks: So, if I was to buy several school buses, license them and insure them I could park them down here?

Mayor Hammon: It's height and length Darwin. Any commercial vehicle could not fit underneath what we put it in for.

Mr. Brooks: So, if I chose to buy vehicles under that I could park them there. And enforce the issue that you deal with parking next to the stop sign.

Lt. Synan: I went down there in the day and I didn't see it during the day. I talked to Darwin and it is my understanding it is going on weekends and nights. We did ask the officers to keep an eye on it. I talked to Sgt. Stewart who has not seen any violations to this date. They are still keeping an eye on it and if they see any violations they will enforce it.

Mr. Brooks: But the reluctance to put a sign "NO PARKING" from here to the stop sign, that's not an option?

Ms. Hueber: Could you put a "NO PARKING" right there in just that one area?

Mayor Hammon: You could put them everywhere, but the law says 30 feet, I'm not sure I don't think it has to be more.

Mr. Thomas: I don't think it has to be more.

Ms. Hueber: But I think that some people don't know the 30 feet.

Mr. Evans: If they get a ticket, they'll find out.

Ms. Hueber: The people we need to deal with are the visitors and different things. If we put a “**NO PARKING**” sign then people are a lot easier to look at a sign that says “**NO PARKING**”.

Mr. Brooks: The issue of the manpower to enforce that stop sign, the expense of a stop sign, would in fact alleviate that burden to take it off of them.

Mr. Evans: Have you ever tried to talk to them or does it do any good?

Mr. Brooks: It doesn't do any good. They roll the tires in and out of the roadway, they work on vehicles there in the middle of the day and on the weekend.

Mr. Evans: Do they have a permit to do that?

Mr. Brooks: No, it's embarrassing that they ah and police drive by “sorry Tom” and they will take the tires and lay it on the backend of the wheel well and the car goes on.

Mayor Hammon: I'll go back to one thing. We're trying to put the alleyways in and when they get in then “**NO PARKING**” goes up down there completely. I know that's going to be controversial with the people down there, but that's the intent at this time, no more street parking there.

Ms. Hueber: It's not like it is over by Thornberry's, I think everyone where Darwin is talking, everyone of those houses have a driveway including the end. So, where they are all parking is right where even the house on the corner has a driveway going right there. If we put a sign “right there!” in between Crawford and where that stop sign is, then nobody can park right there. Crawford ends right at Crull. If we just put one right there that's a major issue don't you think?

Mr. Brooks: Well, you can't go out to the stop sign and turn right. On weekends, in order for you to if you're going East on Crull, you have to be in the left hand lane to go out and turn right up to Leonard.

Ms. Hueber: I came through yesterday and they were playing basketball on the street and there were actually no cars. I was actually able to get through. But, if we put the sign there now, it will alleviate giving them tickets for parking too close to stop sign. Because as soon as they come into court to try and fight it, they'll say “I didn't know that rule”. This way if there is a “**NO PARKING**” sign posted then there is at least a “**NO PARKING**” sign. If they get a ticket then, it's legit.

Mr. Brooks: The guy has difficulty getting his lawn mower out on Leonard and Crull. That driveway where he puts his mower down, he often has difficulty getting that mower out, often there's a car parked in his driveway and he said “I'm not getting involved.”

Lt. Synan: Chief and I did look at the stop sign law and it's our interpretation that if it's on the other side of the stop sign, it cannot be enforced. It has to actually be in front of stop sign, I could be confused on where he's talking about. The cars he is talking about, if you go down Leonard and make a right on Crull, turning left may be something different.

Ms. Hueber: With everybody having driveways on that side, can we put a parking sign? Can we just do that?

Mayor Hammon: You're not suppose to be parking there now, it's just a matter of enforcing.

Ms. Hueber: I mean it's like a little reminder. If we do it and then if they go buy then they have a legitament reason to write a ticket. Daryl?

Chief Zornes: There's “**NO PARKING**” there right now and never has been.

Mayor Hammon: No, I think she is talking about 30 feet from the sign.

Ms. Hueber: I'm just saying, I don't know the legits, but on Crull Street, that's not going to be an issue when we do the alleys. The alleys are going to be benefiting from the other street. It 's gonna go back behind Crull and will back it a little bit, but everybody over there has a parking lot. They have their own driveway is what I'm saying, correct?

Mr. Brooks: They have two-sided in that alleyway, they have a garage back there. And again, the people who are parking there DO NOT live there. Residents park in their driveway. These are people who are there on the weekend. Thank you.

Mayor Hammon: We'll look into it, we're working on it down there. Tom has assured you we'll pick up on enforcement if we can. I'll encourage it. Call the police when you see it.

Ms. Hueber: So, do you want to do “**NO PARKING**” signs or not? Do you suggest putting “**NO PARKING**” signs Daryl, Tom?

Chief Zornes: If you're going to have “**NO PARKING**”, you're going to have to put up signs. You can't enforce something that is not posted.

Ms. Hueber: So, can we instruct Charlie?

Mayor Hammon: What signs do you want? Do you just want one 30 feet from the stop sign?

Ms. Hueber: I just want “**NO PARKING**” period on the streets.

Mayor Hammon: Then you have to get an ordinance written and have a reading, got to them thirty days.

Ms. Hueber: Just like we did on Debolt.

Mayor Hammon: Same way and same procedures.

Ms. Hueber: Well Council, what do we want to do?

Mr. Pulskamp: We need to get directions and everything else.

Ms. Hueber: To write an ordinance. It's thirty days away anyway so by the time we write the ordinance and then we bring it in. In thirty days, the alleyways should be started. Still has to write a contract for it, alleyway. Then we're just ahead of the game anyway for when we do when things are paved cause we're going to put it in the ground. Right? So, there we go, we start it now. Okay.

Mayor Hammon: Well, you have to get the ordinance first.

Mr. Brooks: As Daryl just said, “unless it's posted, he can't enforce it.” So after you do the alleyways, how will you enforce the parking in the streets?

Mayor Hammon: We have to pass the ordinance. There's a whole process to it, we have to pass the ordinance and put the law there. We can't just go and put a sign there, we'll get laughed out.

Ms. Hueber: So Doug we need an ordinance stating we're going to put "**NO PARKING**" signs.

Ms. McCarthy: I say "let's do that."

Ms. Hueber: Then we're three months down the road it will be done. "**NO PARKING**" signs on where John? I mean I live there, but I don't know. That's Crull.

Mayor Hammon: Crull, Crawford, Leonard, West and Plum.

Ms. Hueber: There's Leonard that comes in and there's Crawford, there's West Plum, Crull and West.

Mayor Hammon: Anyone else want to address Council? Bruce?

Engineer Bruce Brandstetter: We are opening the bids on the alleys Thursday. We have eight planholders. The other thing I want to talk about is the public parking lot we were talking about and had some further discussions here in the village. What we're proposing is a two-day proposal. First thing we do a survey on where the property lines of the property owners. Then do a preliminary design. We'll generate about three alternatives and cost estimates. Alternatives might range from the very simple parking lot to a nice facility with amenities, and try and do something with the adjacent property owners. Then it would be more detailed in the schematic and all of this information would be used if we continue with the signs. If you do a simple parking or a thirty car very detailed with a lot of landscaping, then our final fees might vary. So that is basically what this says. We can then meet with you as a Council, we can meet with the committee council, refine this and most likely come back with some blending of whatever we bid and then move forward with further bids. The fee we are asking for is \$4,000 survey in a preliminary design. Once we know the final is going to be, we'll just adjust our fees accordingly. Anyway, that's what we're suggesting here.

Mr. Pulskamp: Bruce what are we looking at if we go ahead with this and you come back with preliminary design and we pick a design there, what are we looking at?

Mr. Brandstetter: We showed on those estimates, I think one of like an \$85,000 project. Our total additional fees can be up to \$65,000 range. If you get into a \$150,000 range, our fees will probably go higher. Our fees typically will be in the 80% range on account of the survey.

Mayor Hammon: Bruce and I have met and discussed the parking lot. You have to have the increased light and increased concrete and all that.

Ms. Hueber: I don't think we need to be that extensive and I'm wondering if we need to go through that expense to do three. We need to do it and get the parking lot. We need to start the domino affect cleaning up that part of town. It will alleviate some of these smaller buildings that are now residential-slum, can maybe turn to business district. I think we should do it.

Mayor Hammon: That's not the question, the question is "do you want to authorize Bruce to draw the plans up?"

Ms. Hueber: That's what I'm stating "yeah, I think we should do it."

Ms. Hueber made a motion to go into contract with Brandstetter and Carroll regarding the parking facility on Main Street, not to exceed \$4,000. Mr. Pulskamp seconded the motion. All Aye. Motion carried.

Mr. Brandstetter: Next thing, Route 32, I think everybody knows Sunesis is doing pretty well. Then the Water Works decided to do some water work and they worked out an agreement with Sunesis over January, February and March. They did some nighttime construction work down 32. I'll pass this out to you, I don't think Doug got this together as an ordinance. The changeorder that Water Works worked out with Sunesis is \$558,000 and consider this a draft. This is at no cost to you folks. A few years from now somebody else might use this. The details of the \$558,000 are attached, here again this is no money out of the village's pocket. Keri and I have talked about a letter that she needs to send to the Water Works requesting the \$558,000. They will send it to you now and you'll just draw down on it and you can just make payments to the contractor. We added a paragraph in the middle of that changeorder, John was worried if projects went over, there's a paragraph where says "no payments above this amount shall be made from the Village to the contractor. No such funds have been received to the Village from the Cincinnati Water Works. When Sunesis signs it, I copied Russ Weber with the Water Works, when Sunesis signs this they know they will get paid when you get the money. That's just the way it's going to work.

Mr. Evans: Did you do the engineering on that?

Mr. Brandstetter: No, the Water Works did this.

What is the ordinance on the length of the vehicle that can be parked on streets?

Mr. Pulskamp: I hear a "little note" in here that says "**no payments above**" this amount.

Mr. Brandstetter: They're going to send you a check for the \$558,000.

Mayor Hammon: He's got it copied here from the Water Works if you don't see a detailed list. Keri and I have talked and she has the invoice drawn up, so I talked to her today to send it out for that amount of money. The last time we went over, we had a hard time collecting. There will not be any money coming out until money comes in to cover.

Mr. Pulskamp: Well, we shouldn't approve this changeorder.

Mr. Brandstetter: Ken, that's what I said "consider this." That's fine with me.

Mayor Hammon: Well, we don't have the ordinance to do it. I told him we needed an ordinance since it was so vague.

Mr. Miller: Bruce, what are the chances of them giving us the money before we sign this. When we do a deal with Hamilton County, they won't do anything until they get the money in-hand.

Mr. Brandstetter: I don't know. I'm not sure where you are coming from or where you're going with that.

Mr. Miller: Our point is, Water Works, give us the money and we can put your changeorder in.

Mr. Brandstetter: Water Works has clearly indicated sending a letter. We did kind of send a letter out right away to address if it would come in over the \$558,000 and that's why we added that paragraph.

Mayor Hammon: That's exactly why we didn't invoice it, because I didn't think we would cover eight overages.

Ms. Hueber: Okay, now we can put the letter together to Water Works stating that once we receive it we won't approve the changeorder.

Mr. Brandstetter: Mayor made it very clear when we met with Sunesis four or five weeks ago that you don't have to sign changeorders as far as we're concerned. I present this to you as something to look at as a courtesy.

Mr. Pulskamp: Is there a reason that Sunesis can't contract directly with Water Works?

Mr. Brandstetter: Because then they would have to bid it and they may not get the job. That is that issue. Are you going to have full schedule this summer, do you know yet?

Mayor Hammon: Well, we're probably not going to meet the 14th, but right now we're on a month-to-month basis. We'll let you know when if we are going to cancel meetings.

Mr. Brandstetter: Church and Valley, Jurgenson is talking about starting the first week of June. That requiring land and park district and I wish Doug hadn't walked away. In our revised code there is a method and the park districts have to go through to give away land.

Ms. Hueber: We've already got it, we got it for a dollar so now what?

Mr. Brandstetter: We don't have land. I called the park district, my contact and we don't have the signed plat yet. Personally, I don't have a problem with Jurgenson getting started. They are going to give you a right-of-entry, you know the footsteps are ongoing. I not sure Jurgenson is going to start the first week of June, but they probably will. They may start before.

Ms. Hueber: So, we just need to ask Doug to make sure he gets us our copy.

Mr. Brandstetter: Right.

Mayor Hammon: I will say I'll go back to the same thing is they owe us the \$70,000 for a long time. I will also reiterate they have an illegal drive sitting there, they don't have a curb cut for it, they haven't applied for it. They need to make actions quickly or we'll shut the drive down.

Mr. Brandstetter: Okay, I'll tell them that.

Mr. Evans: Bruce, you don't see any problem with this construction going at the same time as this construction? How much more does Sunesis have to go, would you say?

Mr. Brandstetter: They're probably in there for three weeks after the water line is done.

Mayor Hammon: They said they are eighteen days from completion. They are pretty much done with all the structure stuff, just need to put the blacktop down.

Mr. Pulskamp: How much more work is there actually to do at 32 and Roundbottom?

Mr. Brandstetter: Well, they have to close up the curb at the Valley sign and then they'll move traffic over. The waterline is in. Originally, Water Works wanted to keep the watermain up River Hills Drive, that could not wait until August. Water Works let us make a temporary connection cause they are paying for it. Then they'll go back and lay the rest of the main. I'd say three weeks worth of work left once the main is done.

Mr. Evans: Then how long is this going to take down there with Jurgenson?

Mr. Brandstetter: Four or five weeks, something like that.

Mr. Brandstetter: Doug, do you have any light to shed on the land from the Park District?

Mr. Miller: Ah, no. I do have a comment on Meridian. You were wondering about a legal description. The entire amount of properties isn't going to be in the right-of-way is it?

Mr. Brandstetter: Let me answer the question on Church and Valley and then we'll move on. The last topic is a land swap with Meridian, we've gone through that process. They submitted an offer to swap a land, they've let us go ahead with construction obviously. I think you have already passed an ordinance to dispose of the property. I met with planning commission and we're pretty much ready to go. Doug, do they even need to take action.

Mr. Miller: No, I think Council needs to accept their offer to swap the land. Actually I think we already did that, but you need to do it since they made their offer.

Mr. Miller made a motion to accept Meridian's offer for exchange of land up on the hill for the land on the corner of River Hills and SR 32. Ms. Hueber "so moved." Mr. Pulskamp seconded. All Aye. Motion carries.

Mr. Miller: Anyway, Bruce, and now back to what I was talking about. All of what we are getting from Meridian is not going to be right-of-way correct? Let me just catch up with you.

Mayor Hammon: What do you want to do about the June 14th meeting?

Mr. Thomas: Cancel it.

Ms. Hueber: You can either cancel it or make it for Monday. We could change it if we have burning issues.

Mr. Thomas made a motion to cancel the June 14th Council Meeting. Ms. Hueber seconded. All Aye. Motion carries.

Mayor Hammon: There are two letters generated for the TID Eastern Corridor and one from Anderson in response to some issues. Information for you to be aware of what is going on with them.

Mr. Thomas: I can't believe that there are people who feel the environment is more important than growth.

Mayor Hammon: A lot of pressure on it. Doug, I guess you have the checklist. Debbie?

Councilmember Debbie McCarthy: John, in the past, did we ever do anything with deer being so over populated?

Mayor Hammon: No, I mean you can't go out and shoot them.

Mrs. McCarthy: Whom do I contact?

Chief Zornes: Ohio Department of Natural Resources.

Mrs. McCarthy: Tracy, I noticed you did the pots, they look good.

Ms. Hueber: Thank you.

Mrs. McCarthy: What about the two signs, were you going to do those?

Ms. Hueber: The signs are done.

Mrs. McCarthy: The one at the Mini Park?

Ms. Hueber: No. The Mini Park, I actually had a team donate flowers to me for a gift and I didn't want them so I put them in there. I didn't do anything at Short Park.

Mrs. McCarthy: Why, with that big bush sitting there?

Ms. Hueber: It's been trimmed.

Mrs. McCarthy: Good, I wanted Charlie to know.

Ms. Hueber: The eight large pots were done, three signs were done, four small at Mound View all around there and I did some around by the back so that would be pretty there.

Mr. Pulskamp: Just so everybody know, Tracy did this on her own time to save the Village.

Mrs. McCarthy: Doug, Tracy and Greg, you know I have been trying to work on a lighted sign for a year. In working with Mike Cornette we tried various locations, different sizes and actually this is Mike Cornette's idea and this is what we're going to come up with. I'd like to get this approved. It's going to be a lighted sign, Mike had suggested to have "Town Hall" up here removed and have them fill that in. If we do get a different Newtown Hall, of course we're going to take this with us.

Mr. Thomas: He suggested to remove the old "Town Hall?"

Ms. Hueber: I like the old "Town Hall."

Mrs. McCarthy: Well, that was Mike Cornette's suggestion. Especially it being right here, he thought it would be redundant.

Mr. Pulskamp: This sign just looks very out of character with the building. I agree we need a sign, but I don't think it should be on the building.

Mrs. McCarthy: That's the only place we can go with it.

Mr. Pulskamp: It's going to be useless on the building because if you're driving north or south, you'd have to be turning your head 90 degrees to be reading that sign. Let's see what the residents think.

Mayor Hammon: We do get the Fire Department sign when there is a major meeting. Keri generally does it like when we had an open position for Council. We also have to go through the process with Mike getting approval to do it. I do believe there's a need for it. We tried to go with the Church and they don't want to give up any land so we can't it out.

Ms. Hueber: If it sat back up there when she first thought, I mean it's a pretty sign up on bricks and stuff. But the set-back regulations.

Mrs. McCarthy: I tried everything.

Mayor Hammon: We tried to purchase it and he turned us down. I haven't tried to pursue a lease agreement.

Darwin Brooks: Can you lease that space for the sign?

Ms. Hueber: But I think to put that there is kind of permanent. If you're running electric there, they might not want to lease you the land. I don't know.

Mr. Evans: What about our neighbor across the street?

Mayor Hammon: That's not on our property. Well, it is over there. How would that work?

Mr. Pulskamp: How far is that over there? How far do we own?

Ms. Hueber: Why would we want to put our sign over there?

Mr. Pulskamp: It's an information sign.

Mayor Hammon: Problem is it has to be five feet from the highway. So, it has to set back six feet from the sidewalk. That's the whole issue you have.

Ms. Hueber: None of this is ours?

Mrs. McCarthy: Tracy, I have tried everything, upon every angle.

Mr. Brooks: Has it been presented the Board of Zoning and Appeals for a variance?

Mrs. McCarthy: I have gone through with Mike Cornette with all of this, the size and everything.

Mr. Pulskamp: Darwin, you're right. We need to buy a permit for the Village for the front of Town Hall. We need to be turned down by Mike Cornette. We need to take this to the Board of Zoning and Appeals for a variance to show a hardship.

Mr. Thomas: And do it soon.

Mr. Brooks: That's our process geographical because of geographical restraints.

Mayor Hammon: Alright, there are a lot of thoughts to it. My two cents, simply put is that we are looking to get a new building. I don't think you should be putting this kind of money out in any kind of a physical sign for long term.

Mrs. McCarthy: We can take it with us John.

Mayor Hammon: No, you can't. You can't pick a sign up and just move it from location to location to be effective. We don't have any more space there.

Mrs. McCarthy: But realistically John, I hope to God we get a new building. But what are we looking at, two years down the road, three years?

Mayor Hammon: We're \$600,000 short of having money to buy the land. I think we have to suck it up and put it away for a year and see where it goes. That's my opinion. If you guys want to pursue it, go ahead.

Mr. Evans: Debbie, I really do like the sign if it could be where somebody could see it. I applaud you for the effort.

Mayor Hammon: I'll talk to Mike to see if we can work out some of these issues. When we had a sign out front advertising "VACANT COUNCIL SEAT", the Police Department had some concerns of the sign blocking the road. We just don't have the land with current zoning. I suggest you getting a permit and taking it to Board of Zoning and Appeals for a variance.

Councilmember Greg Thomas: Tracy and I met with Charlie and the drain will be installed soon at Mound View. Drainage will be corrected around the drinking fountain. We're going to solve any erosion at the steps to hold the steps and fix the drinking fountain. Haul away trash.

Ms. Hueber: The pillars have been replaced, the manhole has been filled and all garbage has been cleaned up around the building

Mr. Brooks: Are you aware of trees needing attention at the play area, some limbs need to come down. Are you aware of other dead debris that needs attention? Are you aware of the condition of the basement and heating problems?

Mr. Thomas: No.

Ms. Hueber: We need to pay attention to the boiler, temperature downstairs of 110 degrees and upstairs is 80 degrees. Darwin has some good ideas about what can and needs to be done. As money is available, we can separate these and get things taken care of. Greg, Charlie is getting a bid on the tree at Short Park that is hanging over on our property. When you talk to him about that, have him to get a bid on cutting off dead wood and such at Mound View and we'll possibly get a better deal on it.

Mr. Thomas: Okay that's all I have.

Mr. Evans: Did everybody review the checklist? Any questions?

Mayor Hammon: Just so you know, Keri has shown me the blank checks from US Bank starting at 2523, they will be destroyed.

Mr. Evans made a motion to accept the checklist dated 5/24/05. Mr. Pulkamp seconded. All Aye. Motion carries.

Councilmember Doug Evans: Last night we had a finance meeting and we received and approved the monthly finance packets for January, February, March and April, just for the record. We also discussed a couple of other things. R.I.T.A. will be coming to conduct the Municipal Income Tax, subpoena program August 23rd and 24th at Town Hall for everybody.

Ms. Hueber: Say that again, R.I.T.A. is doing what?

Mayor Hammon: Subpoena program for those people who have not paid in the past will be subpoenaed to appear here at Town Hall.

Ms. Hueber: That needs to go out in the Newsletter.

Mr. Evans: I think that would be a good idea. Say in the letter "if you have any questions or need to discuss Newtown taxes with anybody, there will be a free open house August 23rd and 24th at Town Hall." Kenny, on the Village receiving money from the landfill, do you know what we need to do?

Mr. Pulkamp: We approved the ordinance. They did not start collecting that money until April 15th, that is when the landfill started collecting the money. The first payment due to Hamilton county is due at the end of May. I would not expect to see the first month's payment come in until the end of June. That is their system, you're going to be about sixty days behind. We've done the ordinance.

Ms. Hueber: Is the next step, Keri notifying who, where and when?

Mr. Pulkamp: That needs to go to Hamilton County Board of Health, a copy of our ordinance. That should have been two months ago.

Ms. Hueber: Did she do that?

Mayor Hammon: No.

Ms. Hueber: Then we won't get any money yet.

Mayor Hammon: That leaves the question, do we need to take additional action. I got the opinion that she didn't do anything, because that actually started with another conversation.

Mr. Pulkamp: Hamilton County requires an ordinance from us, actually it was a resolution.

Ms. Hueber: Okay, so the copy needs to be put on Keri's desk and she needs to send it to the proper area in order for us to collect that?

Mayor Hammon: Correct.

Ms. Hueber: Who is going to tell her that, you?

Mayor Hammon: I can tell her that.

Mr. Evans: One other thing, we touched again on the County incentive program when people do remodeling jobs. I think we are all in favor of that. Where people could remodel their house and that extra money they put into their house they would not pay property tax on that for up to ten years.

Mr. Pulkamp: Basically, tax abatement for new remodeling to increase value of what you put into your house.

Ms. Hueber: Is that something that we should put out in the Newsletter?

Mayor Hammon: I don't think so, we have too much to put in place before that goes in. You have to determine how many years, how much, where. There are some limitations on it.

Ms. Hueber: Maybe we can put that in the fourth quarter, just remind me.

Mr. Evans: We also discussed looking into the E-Check building. I've made contact with the church just to see if there is any way we could do a deal with them, just to see what is on their agenda. I haven't heard back from them. We're just trying to position ourselves just in case something happens to E-Check. I also discussed maybe, with the amount of trucks and vehicles and problems we have with vehicles coming through here. We're looking into trucks being

overweight, it's something that is going to take a while to look into. I think Tom has been looking into it too.

Mr. Evans made a motion to suspend the rules on motor vehicle license tax. Mr. Thomas seconded. All Aye. Motion carries.

Ms. Hueber made a motion to adopt Ordinance #18-2005 An ordinance establishing and imposing an additional municipal motor vehicle license tax under Ohio Revised Code section 4504.172 and dispensing with the second and third readings. Mr. Thomas seconded. All Aye. Motion carries.

Solicitor Doug Miller: By way of discussion, I was able to determine what we have and what we don't have. Actually, the Village is not imposing any municipal license tax at this point and time. We do get some from the county, both off of the general taxes there and there is an additional \$5.00 tax the county collects that we end up with for a vehicle registered. The only section left to us to adopt is the additional \$5.00 is the 4504.172. In order to start collecting this for the 2006-registration year, a certified copy of the ordinance must be up to Bureau of Motor Vehicles by July 1st.

Ms. Hueber: Keri will need to take this ordinance?

Mr. Miller: She needs to sign and this one has an extra sheet on the back for certification. Someone or I will have to notarize that. I will get with her to make sure we get this there in time. You can't do it by emergency. You can suspend your rules, but cannot pass it by emergency. Suspending the rules won't go into effect until thirty days. It will go into effect the end of June and we can get it to them by July 1st.

Councilmember Ken Pulskamp: Last meeting I asked everybody for the website. Greg, do you have anything for that? I have Tracy's information, Doug has his. I will stop here Monday night to get everything. This is why the website doesn't get updated, I can't get the information from everybody. I asked a month ago. Correct me if I'm wrong, I was sitting in the audience last year and Council passed to buy time clocks. I will purchase those next week, one for Maintenance department and one for here. I'd like to see them put in place right away, I have had numerous complaints in the last couple of weeks about phones not being covered.

Mr. Thomas: Maintenance department has been asking about it.

Mayor Hammon: To be honest with you, I don't think it is going to change anything.

Mr. Pulskamp: A couple of meetings ago, John had made a statement that if anyone needed something regarding another person's committee, that he or she should go to that committee chair person. Council needs to follow chain of command.

Ms. Hueber: Fair Fax began April 1 accepting credit card payments for Court. Could this possibly assist the Village in collecting fees that have not been collected. On many occasions, people in Court have prior unpaid fines. Fair Fax states at beginning of Court that if anyone does not have the money to pay their fines, their case will be heard and they will be granted one extension. They have two weeks or will be put in jail.

Mr. Pulskamp: Doug, Deborah and I met with Fifth Third when we were changing from US Bank and they said they could take care of this.

Mr. Evans: I'll talk to Keri

Chief Zornes: It really doesn't effect us because most of ours end up being recites anyway. Sheriff is under a federal mandate on the amount allowed to be jailed.

Mr. Miller: Why don't you check with Fair Fax and they may have another solution. They may give people work for Village. We're not big on that due to the liability and management issues.

Ms. Hueber: The charge card idea could work. If we get a charge card and debit capabilities, then we could take both and people wouldn't have to walk to UDF. Doug, regarding the Fire committee, I met with Captain Marks. He has requested me to ask Doug Miller and Mayor Hammon on the status of the case law for Round Bottom road. Mike Cornette was looking into some zoning issues regarding 3910 Round Bottom road. It had been researched where zoning could be enforced after two or more years. This can be before or after the meeting. It was at the storage facility where they had toxic items.

Mayor Hammon: I will tell you what I know. We sat in a meeting there with Hamilton county and others. They strictly said it was Captain Marks responsibility to go in and do something. I don't know what has changed since that meeting. We had a Hamilton county inspector, Mike Cornette, State Fire Marshall's office, a representative from the Health Department.

Ms. Hueber: But this has to do with zoning.

Mr. Miller: I don't know anything about it. Mike had faxed me asking if this was something we could use on Round Bottom. I don't know what the facts are with the situation.

Ms. Hueber: Okay, I'll talk to Mike. Apparently, they can only do certain things due to certain zoning.

Mr. Miller: I think the case was a question if you had let something go on for two or three years, could you then go back and enforce it. I don't know why you couldn't. I don't know what your are trying to accomplish.

Ms. Hueber: I guess he wanted to know what the status is. I guess I'll talk to Mike.

Mayor Hammon: You need to ask a date on it. I'm telling you from that meeting, the ball is in their court. In my opinion, the Fire Department has not done their job.

Ms. Hueber: But, what were they supposed to do. They have gone to do the inspection.

Mayor Hammon: They had the responsibility to go in there and do reviews and everything. There is nothing else we can do. I know Mike and I have talked about other businesses that if

you don't catch it in two years, you are stuck with them. I disagree with somebody coming in the back door.

Councilmember Tracy Hueber: Since we're going to miss June 14th meeting, has anybody thought of anything else for the next newsletter. You can put any information in my mailbox. Then as Council, we have to decide if we want to pick a couple of businesses and tell a little bit about it. I thought with it being summer, we could feature the Creamy Whip and how long it has been there. We could do Giggles as a new hair place. I was going to do Inter Parish Ministry because they do so much good. I'm just picking a few new locals. Next month we could pick three more to make sure there is no favoritism.

Mr. Evans: I wouldn't do the commercial stuff until we find out we can't fill it with stuff we want. I think there is enough with the Civic League, 5K coming up, and the Creamy Whip.

Ms. Hueber: The Fire Department, you know what the doors are banged up. New doors are in and they are waiting on some panels being made because the doors were being backed into. They are pay for everything. They approved a bid and the building is going to be painted and cleaned up, unsure of when this will be done.

Mr. Thomas: How much was that?

Ms. Hueber: The bid was for \$8,500.00 and this guy is doing the soffit and everything. We approved it very quickly since this was such a good bid. The last bid was \$12,000.00 plus.

Mayor Hammon: Why don't you go back and make a motion to allow the painting, just to say "yeah, we approve your painting."

Ms. Hueber made a motion to allow the Fire Department to be painted by the Little Miami Fire District, at their expense. Mr. Thomas seconded. All Aye. Motion carries.

Ms. Hueber: Just as I told you before, they had been interested in the EPA. I had told them that we did go after the EPA building that would be more of a venture for Newtown, versus the Joint District. They had talked about it.

Mr. Pulskamp: Since we still have the vacant Council seat, I would like for Tracy to take over Parks. She is working with Kokosing with the construction for Short Park and the pots. She is up on everything so just let her be head of that.

Mr. Pulskamp made a motion for Tracy Hueber take over as ChairPerson of Parks so a new Council member gets appointed. Mr. Evans seconded. All Aye. Motion carries.

Mayor Hammon: Discussion?

Ms. McCarthy: I don't understand this, remember when I wanted to handle the website. That was with the HR Committee.

Ms. Hueber: Well, he is only making me this until somebody else comes. You wanted to take part of something when all the committees were sent. He is just saying that I take over this as a decision maker until.....

Ms. McCarthy: Why isn't it either me or Doug or on the committee?

Ms. Hueber: Because you guys have seats. He's just saying I'm the Chair, it's only going to be two more weeks anyway.

Mr. Pulskamp: I'm on four committees and you are only on two.

Mr. Evans: For two weeks, it's not going to make any difference.

Councilmember Tracy Hueber: I attended a Civic League meeting and that's one thing I want to put in the Newsletter. I want to advertise the good they do for the community because I think it goes unnoticed, except for the 5K. They do something at Christmas, Easter and all these things. Maybe we could generate more people to help them out. Maybe list contact numbers.

Mr. Brooks: Absolutely. For years, the Civic League has been hosting the Senior Citizens picnic. Recognize the fact that the people hosting the picnic should now be sitting at the table. We have no new blood and that's about \$1,000.00 that comes out of the Civic League. Tracy made mention of putting some type of activity on. Well, that is the Civic League and if there were younger people to do that. We do need new blood and Senior Citizens day is coming up. We've had a few people resign. Resources are there at this particular time. The comments I have heard here with people wanting to get involved with the community.

Mrs. McCarthy: We can put something about that on the website and the newsletter.

Mayor Hammon: That is the only application for the apartment at Moundview.

Mr. Evans: What happened to Gary's brother?

Mrs. McCarthy: I think it backfired with you guys wanting to get the highest bid. You weren't happy with \$375.00 a month. The guy is no longer interested, he had to make other plans. It's a shame. He would have been a perfect tenant.

Ms. Hueber: Are they aware of the responsibilities?

Mrs. McCarthy: I would think Keri went through all of that.

Mayor Hammon: I think she gave a copy of the lease agreement. Okay, they have a cat. Do we want to allow a cat? I said No. Some people have allergies to cats. If you allow it, we'll have to clean the apartment for the next people coming in.

Ms. Hueber: Well, the people before had cats. Do you guys have issues with cats?

Ms. Hueber made a motion to accept a lease for one year to Mr. Bonar for the apartment at Moundview for \$375.00 per month. They have one three-year-old son, one cat and two adults. Mr. Pulskamp seconded. All Aye. Motion carries.

Mayor Hammon: Electric is split, they pay the electric.

Mr. Thomas: That's a pretty good deal for \$375.00.

Ms. Hueber: Then they do cleaning, they clean the bathrooms and clean up the park from the weekends.

Ms. Hueber: If you guys really have anything or any ideas for the newsletter, drop them in my mailbox. It will have to be in print by the third week in June. I need to get it to them by second week in June.

Mr. Miller: We're going to start Court at 5:00 p.m. rather than 5:30 p.m. The docket has been getting longer and longer with the hiring of more Police Officers. There has been a substantial increase in citations. I did go through all of the Zicka documents and I have talked to Mike. He doesn't believe there is any requirement on there. I haven't had a chance to talk to you John on this, the plats submitted do say they were green space. Mike said, "I'll put a deed restriction on to anybody I give it to that it has to remain green space." I don't know if that makes a difference to anybody or not. He is still amazed that the Village might not want the property. Only because everybody else wants green space.

Mr. Pulskamp: I thought the last time we met at Council that everybody was in agreement to take it. Am I wrong? The only issue was Mike Cornette holding it for open space with zoning.

Mr. Miller: If it's approved for open space, if it was part of somebody's PUD as open space, just because they give it to us. I don't think that any longer counts towards their green space. My understanding was you only wanted to take as little as possible and the development had to hang onto six acres or whatever because of the requirement.

Mr. Pulskamp: We want it all.

Mr. Miller: Okay, well I misunderstood where you were going.

Mr. Pulskamp made a motion to accept all the land from Zicka. Mr. Thomas seconded. All Aye. Motion carries.

Mr. Miller: You can't control the ownership through zoning. It has to stay as greenspace, but it doesn't have to stay in Dry Run limited partnership.

Mayor Hammon: When I talked to Mike Cornette, stipulation is "x" number of lots have to go per land has to go with the apartments. That's part of the PUD.

Mr. Miller: That's what I'm saying. It has to remain as what Mike is saying, it has to go with the apartments. In other words, it can't be developed. That doesn't mean the apartments have to own it.

Mayor Hammon: In talking with Mike Cornette, you have to have so much land when you build. I think it is one-quarter acre for every unit. Gallenstein has four acres of hillside that they can't use, it's a density. In order to have that density for that housing and have the land for it, so many of those acres have to stay with the apartments to make it part of the agreement. I don't know of that's true or if there's another acreage or not.

Mr. Miller: I see that as irrelevant. Let's say that's six acres and they want to deed it to the City of Cincinnati. That's fine, it still has to remain greenspace for the density for those apartments. Now, that is if somebody can't make an argument because we don't necessarily have all our ducks in a row, as far as documents being lined up because there are attachments to the ordinances that are missing.

Ms. Hueber: Okay, like John is saying, "why should we take ownership of it?" When it has to stay greenspace, we're also taking on a liability.

Mr. Miller: That's a bit of a stretch to say it has to stay greenspace. I'm arguing Mike's argument, I'm not sure we have all of the documents to be able to enforce it. Mike Zicka is saying "if you don't want it, I'm going to give it to the people who have asked me for it and I'll put a restriction in there it all has to remain greenspace."

Mayor Hammon: That means if River Hills floods, this Village is not responsible for it. Think about that.

Mr. Evans: How could you be responsible for an act of God?

Mayor Hammon: Did you maintain and clear the ditches? Did you maintain everything possible through there? I believe that is what prompted this, the Mormons sued him when they got flooded.

Mr. Miller: Actually, you have to apply to have your taxes abated.

Ms. Hueber: Were you here when all the flooding happened and it was all coming from that piece of property. Doug, you weren't on Council and they had major flooding up there. There are drains up there and we don't maintain them. We're not supposed to maintain them because they aren't on our property, right?

Mr. Thomas: It's not our system either. We can't control run-off. It's a private system.

Mrs. McCarthy: Then, how could they sue Zicka?

Mr. Thomas: You can sue anybody you want.

Mayor Hammon: They filed a claim against Mike, he had a lawyer write a letter. I don't know what the settlement was out of that. I can tell you property owners on Scioto own the drains going into their drain. In fact, Sarah Neffley is one of them.

Mrs. Waits: When that occurred John, I walked back in there with Stacy. Because of people putting garbage in there, the father had told the son to make sure the pipe is always cleaned out. When it happened again in August, he got flooded the second time. I don't see how you could sue somebody when it was your own neglect. Now, he has had someone come in there with something at least five feet tall. If that was to flood again, that water is going to go on somebody else and you cannot run water on your neighbors. That's going to be a big problem there.

Mr. Thomas: It's not our issue.

Mr. Pulskamp: Joanie, I've lived up there for forty years and you've lived there for twenty-five years. Do you remember anytime, besides those two times year before last year that is has ever done that?

Mrs. Waits: No.

Mr. Miller: I saw you had a copy of the contract. Keri had asked me to prepare a resolution. This is for an agreement with the Hamilton County Commissioners for them to give us \$150,000.00 out of the Municipal Motor Vehicle License Fund. In order to approve this to Newtown Road, they have an agreement, a copy which is attached to this ordinance. This is an ordinance to approve and authorize the Fiscal Officer to sign the agreement. There is emergency language in here. I didn't know when you wanted to start, so I did do the dispensing language.

Mayor Hammon: You can execute this tonight. We have had some discussions with them and this is an additional \$150,000.00 toward this project. We have received the money. We talked about it and we had not received funding from the State on the first go around. However, the number one contingency program, they have half of the money for us and they assure us as soon as the other half is available they will contact us.

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

Mr. Thomas made a motion to adopt Ordinance-19-2005 An ordinance authorizing an agreement between the Village of Newtown and the Board of Hamilton County Commissioners relative to the improvement of Newtown Road from State Route 32 South to Ragland Road. Mrs. McCarthy seconded. All Aye. Motion carries.

Mr. Miller: I do not have a copy of this for everyone. A couple of weeks ago, somebody handed me, might have been you John, a resolution to inform the general assembly of the importance of local government funds to Ohio Cities.

Mayor Hammon: Tracy gave that to you.

Mr. Miller I didn't know if you wanted to pass this and send it on to everyone. A copy you had given me had come from the Mayor of Mason.

Ms. Hueber: Oh yes, from Mason for the State. Yes, we do want to pass that. Change our words to Newtown.

Mayor Hammon: You can do that, but it has already been discussed about a week or ten days ago with the legislative body; therefore, I'm not sure how important it would be. If you want it to go on record, you should go ahead and do it.

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

Mr. Pulskamp made a motion to adopt Resolution 3-2005 A resolution to inform the general assembly of the importance of the local government fund to Ohio cities. Ms. Hueber seconded. All Aye. Motion carries.

Mr. Miller: I did talk to the people at Highland about the Little League mowing. They said as long as we had an agreement with them where they would indemnify us, they were fine with it and we would be covered. So, that can be solved. We have a workers compensation claim that is going to court. We are waiting to hear from the other side is where we are on it.

Mr. Miller: Hamilton County prosecutors are urging communities to go after sexual offenders living within 1,000 feet of a school. They had a meeting with all of the legal representatives of various villages and communities and townships. We did attend and you do have one. I need to get authorization from Council to go after them and tell them to move.

Ms. Hueber: Just one?

Mr. Miller: They informed us of one, we have checked other lists.

Ms. Hueber: I think he moved.

Mr. Miller: This one is within 1,000 feet of the school.

Mrs. McCarthy: Yes, let's do it.

Ms. Hueber: One was Owen Brown, he moved.

Mr. Miller: There is one at 3638 Church St. #15.

Ms. Hueber made a motion for Solicitor Miller to pursue any sexual offenders and have them removed from the Village, that reside within 1,000 feet of a school. Mrs. McCarthy seconded. All Aye. Motion carries.

Mr. Pulskamp made a motion to adjourn.

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