

The October 12, 2006 meeting of the Newtown Village Council was called to order at 7:30 p.m. by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

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

**Mayor:** John Hammon  
**Assistant to the Mayor:** David Krings  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri Everett  
**Lieutenant:** Tom Synan  
**Little Miami Joint Fire District Chief:** Tom Driggers  
**Street Commissioner:** Charlie Siegel (absent)

**Fire Chief Tom Driggers:**

- **Fire Protection Agreement:** Last Council meeting there was discussion regarding minor language change in the agreement. The agreement will be effective January 1, 2007. Mr. Kobasuk had discussed some points of interest. Mr. Kobasuk had some conversations with our attorney, as I did. I also had conversations with the president of the fire board. We have all come to the conclusion that the addition or the adding of some verbiage is agreeable to both parties. I have copies tonight for all councilmembers because one of the things discussed was that many councilmembers had not seen this document and would like time to peruse it before they vote on it, understood. I ask that you place this issue on the agenda for next council meeting so we can get this passed and move onto other issues.

**Mr. Kobasuk:** Thank you chief.

**Chief Driggers:** Is it permissible to have this on the agenda in two weeks.

**Mr. Kobasuk:** Sure.

**Fire Chief:** If there are no questions, I will excuse myself and go to dinner.

**Mr. Kobasuk:** That's fine, thank you for making that change chief. I appreciate you coming here, two meetings. I do appreciate it. We're both doing our job, your protecting the people and I'm trying to do my job.

**Fire Chief:** I think we're both on the same page and we are both committed to doing what is best for the residents of Newtown, the fire district. I'm here and part of my job is to represent the district when necessary, so I'll be here in two weeks. If there is any discussion prior to this passage, I'll be here to answer them.

**Mr. Kobasuk:** Thanks for coming.

**Steve McCauley, Aero Battery:** 3442 Church Street. I'm here to discuss the Church Street south bound order issued by the Mayor, July 20, 2006. I'd like to have clarification of what exactly we're supposed to be doing. I read the notes from the first couple of council meetings and it said we would have easement to get to our work. Changing it to one-way direction, I've had a couple of incidences where I've been caught going the wrong way. I've been warned, but my problem is I'm there doing work and we're worried about the safety issue of the people doing their job and the people driving through and there is nobody around patrolling it.

**Mayor Hammon:** The original intent was to allow two-way. When they first started digging up there they hit sand and gravel deposit, so they ended up with a four-foot hole. The hole was thirteen or twenty feet, I don't remember now, but it almost went across the roadway. That was not anticipated being on the hill, so the contractor felt they could not safely dig up there and work in the area and leave it due to the possibility of collapsing. We took away the two-way driving for safety of the people using the roadway, which should be the residents. It's something we had to do for safety, at request of the contractor.

**Mr. McCauley:** The problem is when I'm trying to turn onto Church Street at 6:00 a.m., there are cars coming out and all throughout the day cars are coming down.

**Mayor Hammon:** I cannot station a police officer there constantly. I know the police sit there at various times.

**Mr. McCauley:** Why weren't flagmen issued for this job?

**Mayor Hammon:** They don't enforce the law. The law is one-way south. Flagmen are issued when they are on a site working and they need to block or other issues like that. They can't enforce the law and stop anybody legally.

**Mr. Evans:** Sir, I've been frustrated myself. People don't understand until you live up there. I own those five lots from St. John Fisher Church and I have to go all the way around myself and it is a pain. It biggest pain of the whole thing is the project took too long. The next time we get involved with one of these things we are going to make sure they don't work four ten-hour days. Council's hands are tied in a lot of things and the contractor was already a little bit behind schedule. R.A. Miller is trying to get caught up and once the thing is finished I know everybody will be happy.

**Mr. McCauley:** I know, well in the first two and a half months we had no problem. People were being courteous and allowing people to go both ways and going slow. Now they are speeding up through there. There are school busses going up and down both ways on that road.

**Mayor Hammon:** Is that true Tom? We've never given school busses permission to come down that way.

**Lieutenant Synan:** I don't know if they are or not.

**Mayor Hammon:** The school board is well aware of it. I've personally had conversation with Ray Johnson who is in charge of transportation. He knows the rules and enforces them and if anybody from Forest Hills is doing otherwise, is against Forest Hills School District orders.

**Lieutenant Synan:** We've written over two-hundred citations and probably warned double that. I've been up there before from 1:00 p.m. to 9:00 p.m., my entire shift and literally could not get out of there. We do have numerous other things going on that prevent us from being up there 24/7. We are aware it is a problem, but like I explained to the Mayor and Council, there has to be personal responsibility from the drivers and they have to be held accountable for their actions.

**Mr. Evans:** It should be finished in a couple of weeks.

**Mayor Hammon:** R.A. Miller wants to have the base in November 1<sup>st</sup>. They are trying to work with Jurgensen to come com quickly. Barret Paving says they will have two-way traffic open and with a lot of luck of the weather, by November 15<sup>th</sup>, that's their personal target.

**Mr. McCauley:** Somebody ought to come up and sit around 7:30 a.m. and watch those busses fly up through there. That's all I have to say.

**Mayor Hammon:** They are the only vehicles that have permission to go through there. No other thru traffic is allowed through there. The school busses serve eight-eight schools so it is very difficult for them not to come through town to get the students from here to their schools. They are never supposed to come down the hill, it's a one-way street to the south and that's it. For residents only, I might add. The sign says, "No thru traffic."

**Mr. Kobasuk:** John, could you possibly explain on the record why we have these delays. Many of my neighbors are asking why the delays. Is the sand and gravel and the earth that is causing the problem?

**Mayor Hammon:** There have been a series of delays. At first they did not receive the correct catch basins and they had to send those back and wait on the correct ones; that was probably a two-week delay. They were supposed to have started April 10<sup>th</sup> and it was late April before they actually started. They did have the water main explode and tore out the street. They had to go back in and restore that, which took about thirty-six hours. They do work four ten-hour days and that way if there is a rain date, they can make it up on the Friday. Since the new water main has been put it, I think there have been four water leaks they had to dig up and repair already. Yes, it is really behind schedule but if they get it done by November 15<sup>th</sup>, they will be less than a month behind schedule. If they are done by the 15<sup>th</sup> that will be a thirty-five day delay, which is actually quicker than what occurred on Church Street Phase I project.

**Mr. McCauley:** So, are we going southbound until an officer turns us around to come back northbound.

**Lieutenant Synan:** If there is actual construction going on and you cannot physically get to the road; which we've brought this up with the Mayor and we will bring it up at the construction meeting. My understanding is they're supposed to have a route open at all times; if they have not been doing that we will have an officer present at that meeting. We are very upset about them telling us one thing and doing something different. We are just as confused as the residents, next thing you know they'll have it shut down and bringing people back down this way.

**Mr. McCauley:** That's my point too. If no officer is there and I do that then I'll be liable for a ticket.

**Lieutenant Synan:** As a general rule, if you look up there and something is blocking the road and you can't get through there, you can come down this way. The officers all know that that is going on.

**Mayor Hammon:** I'd love to tell you a black and white answer, in reality, it changes daily. The only place they've been officially close the road entirely is between Edith and Jefferson, because of the tremendous drop off area.

**Glen McCauley:** We've been here for sixteen years and enjoy working and living here. We appreciate the police department that we've had. We've had no problems and want no problems. I want to stay here; we can bear with what is going on over there.

**Mayor Hammon:** Let me talk to you sometime other than a Council meeting. I will give you my number or you can leave your number here and we can talk some other time.

**Mr. McCauley:** I think it's going to be over once we get the road completed. Thank you.

**Resident Louise Liming:** 3311 Church Street. I first want to say what a good job this construction company is doing. I watch these police men work very hard. I think it's time for the residents to bite their tongue a little bit and look at what we're going to end up with. In the scheme of things, these few months will amount to nothing, in the average life span of seventy-four years. The police department is fantastic! I have seen the officers there in various places and times. They give out tickets and if they see it's a resident, they flag them to go on. I just think the residents need to be more appreciative of what we have and a little less critical of the inconvenience. The sidewalks will be so nice to have and the water pressure will be a lot better because the old 1924 water pipes are out of there.

**Mayor Hammon:** I do appreciate that, but I also recognize it's been an inconvenience.

**Resident Tammy Thornberry:** I just want to clarify, you're allowed going up Church Street?

**Mayor Hammon:** As long as you're a local resident. You can't drive through to go to Turpin. It's for local residents traffic only.

**Mayor Hammon:** (Public Hearing) Public Hearing is scheduled for November 14, 2006 at 7:00 p.m., for Ivy Hills zone change requested and definition.

**Solicitor Miller:** Does that give you enough time?

**Mayor Hammon:** That is thirty-four days from today. It's between 30 and 60.

**Solicitor Miller:** Then you have to advertise, thirty days prior to the hearing.

**Mr. Kobasuk:** I don't think that's enough time. Can't we do it the 28<sup>th</sup> of November?

**Mayor Hammon:** Historically Mark, we've never had the meeting before Thanksgiving.

**Solicitor Miller:** I didn't know you have to advertise it and then wait thirty days. You have to advertise it at least thirty days prior to your public hearing.

**Mayor Hammon:** You can schedule for November 28<sup>th</sup>, which is the week of Thanksgiving, but you do have to show up.

**Mr. Kobasuk:** What about the first meeting in December; is that too late?

**Mayor Hammon:** I think they're very anxious; this is holding up them refinancing.

**Solicitor Miller:** My sense in talking with their attorney, if they could get it passed by the first meeting in December, that would make it effective thirty days later because there is a referendum period. I think that would be sufficient for their purposes.

**Mr. Kobasuk:** There is no reason to have three readings; I thought we could do it in one. We just need to give them a thirty days notice and by the time we advertise we can't get it done by the first meeting in November. I'm more than happy to come in November 28<sup>th</sup>, that second meeting; but I can't speak for everybody else.

**Mr. Pulskamp:** The 28<sup>th</sup> is fine for me.

**Mayor Hammon:** The public hearing will be November 28<sup>th</sup>, at 7:00 p.m.

**Solicitor Miller:** Do you think you might be going ahead and passing it at that point and time?

**Mr. Kobasuk:** Yes.

**Mr. Evans:** Yes.

**Solicitor Miller:** I think that will be very helpful to them if it didn't have to go through the three readings. They're not as worried about the public hearing as they are getting it on the tail end and not having it stretched out for three more readings.

**Mayor Hammon:** (Computer Surplus) We have been going through storage down stairs and we have a lot of computer equipment and the dollar value is probably \$1.00 on everything. There are two monitors; one has a sign on it that says it does not work. We have one processor and five printers and miscellaneous equipment. I'd like to declare it surplus and get rid of it. We need the space down stairs. We will take the hard drive out of the processor and destroy it.

**Solicitor Miller:** Do we have a description of what it is? You need to pass a resolution to declare it surplus.

**Mayor Hammon:** Keri has it.

**Ms. Hueber:** We'll surplus it next time.

**Councilmember Tracy Hueber:**

1. Newsletter: Do we want to continue the newsletter? Do people want to contribute to it because I'm not going to track down everybody from on? Should we save our money and not do it?

**Mayor Hammon:** I think this is something the village needs. This has been the history of the newsletter; it goes for two years and then the input just dries up. It gets harder and harder to get people to write for it as it goes by. Maybe we could make it semi-annually.

**Mr. Kobasuk:** How much do we spend sending it out each time?

**Ms. Hueber:** About \$2,300 for printing of the actual newsletter and about \$300 to mail it out. Maybe it would be better to do it twice a year and get better input. We could do an update from council, maintenance and the police and fire departments and add some things about businesses, etc. I can do a November issue, which is plenty of time for you to write a letter and get the police chief to write a letter.

**Mayor Hammon:** Let's wait until the street is finished and we can put a picture in there. I think twice a year is good.

**Ms. Hueber:** We'll make it a December letter and put the hayride for Christmas in there.

2. Safety Committee Meetings: Mark, can you make the first Tuesday of the month at 7:00 p.m.? I'd like to officially change the meeting to that time since you seem to not be able to make it to the morning.

**Mr. Kobasuk:** I cannot attend a 9:00 a.m. morning meeting. I've told you that Tracy; I appreciate you moving it.

**Councilmember Ken Pulskamp:**

1. Drainage Problem at Jefferson and Ragland: The pipe has slipped and has been causing a problem. We've obtained one estimate, one said they were not interested and two others have not shown up to give an estimate. We need to get this taken care of so I would like to make a motion.

**Mr. Pulskamp made a motion to approve an amount, not to exceed, \$5,200 for pipe replacement for about 24" storm sewer between Ragland Road and Jefferson. Mr. Cosby seconded the motion.**

**Discussion:**

**Mr. Evans:** It is ours?

**Mr. Pulskamp:** It is ours, we installed it.

**Mayor Hammon:** We installed it. Charlie has gone back and got the right of entrance of paper done so he can go in on property and fix it. We had guys come in and inspect it and they found it. Actually, they have a little guy who crawls up into these kinds of pipes to find the problem. They couldn't determine it from a camera and brought the guy in and he crawled through the 24" pipe and examined the underground. The pipe had slipped.

**All Aye. Motion Carried.**

**Councilmember Ken Pulskamp:** (Continued)

2. Ivy Hills Crack Sealing: The crack sealing is almost completed and should be completed by the end of next week.
3. Leaf Pick-Up: The maintenance crew has begun leaf pick-up.
4. Resident Earl McCane: Mr. McCane was at our 9/26/2006 Council meeting and asked about the pipe on Monongahela Drive; Charlie and I checked the pipe out and the pipe is actually eight feet on his property. That is where the problem is and we notified him that he is responsible for that pipe because it is on his property.
5. Mayor's Monthly Statement to Council:

**Mr. Pulskamp made a motion to accept the May 2006 Receipts, Mayor's Monthly Statement to Council. Ms. Hueber seconded the motion. All Aye. Motion Carried.**

**Mr. Pulskamp:** Mark, the additional change to the Fire Protection Agreement, was the wording for the paramedic; was that all that you were aware of?

**Mr. Kobasuk:** There was some other change about a fire hydrant. The other change that I discussed was the "all" reasonable efforts; the word "all."

**Mr. Pulskamp:** I knew about the fire hydrant. Okay, so everything else is the same then.

**Councilmember Doug Evans:**

**Mr. Evans made a motion to accept Checklist 10/10/2006.**

**Discussion:**

**Fiscal Officer Everett:** I believe on the last checklist we had Little Miami Fire District, but the check didn't print correctly, so we voided it and there is another one on this checklist. The new one is on this checklist.

**Mayor Hammon:** We voided that number and reprinted the check.

**Fiscal Officer Everett:** Also, the R. A. Miller is a different dollar amount than what was approved on the last one; it is smaller. I also believe the updates from American Legal Publishing, I think you approved a dollar amount of \$3,000.00 and there was \$9.00 for shipping.

**Mr. Evans made a motion to accept Checklist dated 10/10/2006 for the amount of \$227,076.84. All Aye. Mr. Kobasuk seconded the motion. Motion Carried.**

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

**Mr. Evans made a motion to adopt RESOLUTION 12-2006 A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION AND TRANSFER, RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2006, DISPENSING WITH THE SECOND AND THIRD READING AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Mr. Evans:** I just wanted to recognize our maintenance guys: Tony, Robert and Andy for doing a good job cleaning the hillside on Church Street; there at the "S" curve before it goes into Anderson Township. Some people have asked me if there is anything we can do to the "S" curve or do we just have to wait for Hamilton County?

**Mayor Hammon:** I can change the Newtown section; I can't change the Anderson section. I have talked to Hamilton County and they tell me they are going to engineer it in 2007 and do the construction in 2008; but that will be part of the Newtown bypass.

**Mr. Pulskamp:** Will they come through lower Ragland?

**Mayor Hammon:** They can't come through the creek area; they can't touch that so they'll have to build rebuild a whole Ragland Road and move it all the way out of that area. They can cross the creek one time.

**Mr. Evans:** Is there still a flashing light there?

**Mr. Cosby:** Yes. I brought it up a long time ago that when the construction is completed we are going to put a mirror back up on that pole. We approved that and I'll take action when the construction is completed. The flashing light is still there.

**Councilmember Mark Kobasuk:**

1. HCDC Contract: Last time we discussed a resolution authorizing a contract with the Hamilton County Development Company. I would like to go ahead and make a motion to suspend the rules, dispensing with the third reading.

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

**Mr. Kobasuk made a motion to adopt RESOLUTION 13-2006 A RESOLUTION AUTHORIZING A CONTRACT WITH THE HAMILTON DEVELOPMENT COMPANY, DISPENSING WITH THE THIRD READING. Mrs. McCarthy seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

2. Dog Excrement Ordinance: We talked about this at prior meetings and we have a new ordinance that we have now had two readings on. The ordinance deleted some language; which would make it a misdemeanor not to have some device for removal and containment of such dog's excrement. The ordinance that we've had two readings on indicates that no person or owner shall fail to remove and properly dispose of any excrement deposited by any dog under his or her control or ownership on public property or the property of another. I think this is a better ordinance because the police officers will witness the misdemeanor and cite the person. I don't think it should be a crime to not have some device for removal or containment of dog excrement.

**Mr. Kobasuk made a motion to adopt ORDINANCE 27-2006 AN ORDINANCE REQUIRING THE REMOVAL OF DOG EXCREMENT. Mr. Cosby seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Councilmember Curt Cosby:**

1. Tide Soccer Camps: This past year, Tide Soccer Camps were held and they called me up and want to have them again next year.

**Solicitor Miller:** We just do a written agreement with them for them to use the field.

**Mr. Cosby made a motion for the Village of Newtown allow the Tide Soccer Camps use the field for early June 2007, and early July 2007. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

2. Little League: I remember back in July, I brought a motion to the table for a two-year Contract for Little League. I recall discussing it at the table and cannot find record of it. I would like to make the motion again and the contract would be for Spring/Fall 2007 seasons and Spring/Fall 2008 seasons.

**Mr. Cosby made a motion to approve a two-year contract with Anderson Township Little League for the use of Moundview Park and Short Park for Spring and Fall 2007 and Spring and Fall 2008 seasons. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.**

**Mr. Cosby:** Little League has contacted Motz for a cost estimate on re-grading one of the fields at Short Park. They will sod and do some of the same things to Short Park as they did at Moundview. They do appreciate the two-year contract.

**Mr. Cosby made a motion to grant Anderson Township Little League and Motz permission to work the field at Short Park to their satisfaction and at their expense. Mr. Evans seconded the motion. All Aye. Motion Carried.**

3. Moundview Apartment: I have Silas on board for the door. I do need to get the tenant's phone number to arrange a time to get in there.

**Ms. Hueber:** Has Miami Valley contacted you about getting that third field going?

**Mr. Cosby:** They know they have the approval to do it but have not stepped forward yet. I talked to them a few months back and they said they were not going to do it this year, but have targeted next year.

**Mayor John Hammon:**

1. Ordinance for Part-time Position: Last meeting, we created an ordinance for a part-time position for the Administrative Assistant position. I'd like to nominate Becky Fairley for this position so I would like Council to make a motion accepting that. The position is set for thirty hours per week.

**Mrs. McCarthy made a motion to hire Becky Fairley for the part-time Administrative Assistant position. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.**

**Mr. Pulskamp:** Welcome aboard Becky.

**Councilmember Debbie McCarthy:**

1. Police Department Ride-Around: This past Friday, I was able to do the ride-around with Lieutenant Tom Synan and I would like to thank him for that. I rode with him his entire shift. It sure was an eye-opener. Our officers are busy with many other important issues, other than just looking for people speeding. I truly enjoyed riding with Lieutenant Synan and hats off to our police department.

**Solicitor Doug Miller:**

1. Code of Ordinances: You need to adopt the supplement for the Code of Ordinances. That's the book of the general ordinances of the Village's and some statutes.

**Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion. Mr. Cosby-(absent from table) Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mrs. McCarthy-Yes. Motion Carried**

**Mr. Pulskamp made a motion to adopt ORDINANCE 26-2006 AN ORDINANCE ENACTING, ADOPTING AND SUPPLEMENTING THE NEWTOWN, OHIO CODE OF ORDINANCES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY.**

**Discussion:**

**Mr. Kobasuk:** I have two questions. 1) Why is it an emergency? Why didn't we have three readings?

**Solicitor Miller:** We have a Code of Ordinances, and they mirror the Revised Code; such as our speeding statute should read like the Revised Code speeding statute. Our DUI should read as theirs, etc. All of those sorts of things, so when our police officers cite; when Ohio changes their code, we get out of sync because now there are changes in the state law that we haven't adopted and actually that instance came up in a case in the last couple of months and it caused a problem. The reason for the emergency is to get back in compliance with what the State of Ohio says. Ohio probably changed last year sometime. We only do this once a year; they update codes, we want to get this in as soon as possible.

**Mr. Kobasuk:** 2) It mirrors the Ohio Revised Code, it's not the Newtown ordinances that we're talking about.

**Solicitor Miller:** No, these are not like your dog excrement ordinances. That would be in addition to this. These are the types of ordinances .....

**Mr. Kobasuk:** The Ohio Revised Code, I know what it is.

**Solicitor Miller:** I know you know what it is; I'm just saying it is not the general weed ordinance or the dog type of things you just passed. It's things that are in the Revised Code, like speeding, etc.

**Mr. Kobasuk:** I'm fine; you've answered my question.

**Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Koabsuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Solicitor Miller:**

2. Executive Session: I will need an executive session to discuss property acquisition.

**Councilmember Tracy Hueber:**

1. HCDC Committee: Barbara Greve is interested on being the committee whenever we make that choice. She is a new business owner here in Newtown of "Details." I think she should be a good candidate for that committee being she does both business and a representative of the Ivy Hills community.

**Mr. Kobasuk:** Mayor, do you have Heather Patton on that list?

**Mayor Hammon:** I don't have a list, but I'll start one.

**Lieutenant Tom Synan:**

1. Reimbursement of Funds for Drug Testing: A law was passed that allows the courts to reimburse villages, communities and police departments for the money spent on testing drugs. I received a call and we did receive some money back. They will either pay partial or the full amount. It costs about \$65.00 to have crack/cocaine or any other illicit drugs tested. Courts are now ordering that through probation so we will be getting money back.
2. Police Ride-Along Program: I want to thank Mrs. McCarthy for coming out. It was very enjoyable. I know Mr. Cosby has been out before and I believe Ken has been out also. I'd like to open up the ride-along program to all the councilmembers and the mayor. Eventually, I would like to open it up to citizens who qualify for it. It definitely opens up your eyes and you get to actually see some of the things we do.
3. Heroin Bust: This weekend, we made a heroin arrest of a major trafficker; we got 1.5 grams of heroin. It's black tar heroin which is an extremely dangerous and addictive drug. This occurred at Lake and Bend Streets. We witnessed a person making three purchases. During the arrest, we had shots fired; fortunately it was not a person hit. There was a dog that was shot after attacking an officer. That was a good arrest and the officers did a great job. I want to send a message out to the community that we are watching; we know what is going on. This had been a dealer from the city that had been dealing in the area for a year and a half. We were amazed, we watched the first deal go down and literally handfuls of people came out of their homes and were dividing up the heroin. We get a lot of narcotics through here, but we are very proactive and I think a lot of people are shocked by it; but all of you aren't really affected by that because we are so proactive. We have a reputation; in the City amongst the drug dealers, that this is an area they don't want to mess with, they literally tell the people, "do not drive through Newtown, they will get you." We had Madeira, the Hamilton County Sheriff's K-9 unit and Fairfax, Terrace Park and Cincinnati police. We appreciate the good working relationship we have with everyone. I appreciate all of your comments regarding the police department; please stop and thank the officers, we had five here that had dropped everything and came in here to clean up our streets.

4. Tactical Weapons for Regional Response Team: I've been in touch with the school; with all the recent school shootings and I will be going out with them to discuss some plans on how we would respond. Part of my goal is to set up a regional response team; which would help us in case we had an emergency and vice versa we could do the same for other communities. Madeira police department is on board and we'll be conducting some training with them. I was talking with a resident recently about this and some of the incidents in Newtown and explained that somewhere down the road I would like to purchase tactical weapons; I was thinking five or ten years down the road and I was talking to Turpin Fisher about it and about ten minutes before Council started he handed me a check for \$3,500.00 to purchase five tactical weapons. It was an outstanding donation and I would like to have it put on the website; it's also in conjunction with One-Shot. I've talked to Mrs. McCarthy about when we do training with these weapons to add a link to One Shot, thanking them and Turpin Fisher for their generous donation. I will get with Solicitor Miller to have a resolution made up for the next council meeting.

#### **NO PARKING – Crull Subdivision:**

**Mayor Hammon:** Charlie and I went down today to paint the 30' from the intersections. The homes that will be impacted by doing this are right there at Leonard Street and Crull. I've talked to them; they're not so happy about it, but understand the situation. We also looked from one end to the other and we're trying to maintain a 15-16 foot width for driving, this goes back to the white lines. If we paint the white lines, I talked to Lt. Synan about it and the signs will roughly say, "No Parking in Roadway." These will be less of these signs than is currently posted. If we paint the white lines, it will allow people to park outside the white lines, doesn't affect people like the Thornberry's who have a parking pad, they are still allowed to have the parking pads outside the white lines. Some of the other homes on the other side will have a little bit of a problem with it, so it's minimal impact on them if we go that way. I talked to a handful of residents about the white lines and I won't say they like it Tammy, but would say it's acceptable? I want to remind Council that if they don't start doing something, the law will go into effect November 15, 2006. That is when we will start writing citations. That's my recommended solution. It gives people parking when they have visitors come in, as long as they get outside the white line, they can do it. You would have to park outside the white lines. If you don't have a parking pad, in theory, you couldn't park there regularly, but guests could park there or up in the yard. All we're defining is the driving lanes, so anyone who has a parking pad will be minimally impacted.

**Mr. Kobasuk:** What if they have a party John?

**Mayor Hammon:** They park outside the white lines. No parking in-between the white lines, they can pull outside in their front yard. That's what they do now Mark. We're just clearly defining where the roadway is that people can drive on.

**Mr. Cosby:** How did you come up with 14-15 feet John?

**Mayor Hammon:** Well, it's generally acceptable. Right now that's the width of the road at the stop sign at both ends of Crawford, West Plum. That's what it is on Crull Street, the narrowest part is 15 feet.

**Mr. Evans:** A typical street is 26 feet?

**Mayor Hammon:** We don't accept any street less than 26 feet curb to curb. That is one proposal we talked about, making the street like River Hills, 26 feet where you could park on one side and the other side would be a fire lane. That would cost dollars. I believe this is a way to give people parking and define the driving area to keep the road open.

**Mr. Kobasuk:** If they have a pad they can park on the pad?

**Mayor Hammon:** Absolutely, if they have a pad now; but they can't put one in.

**Resident Robert (Bob) Smith:** 3524 Crawford Street. Regarding the "safety" issue, since the current no parking signs went up, there have been a few incidents where kids have run into the signs on their bikes.

**Mayor Hammon:** There will still be signs down there because we have to define no parking. You can't park within 30 feet of the intersections and you can't park within 30 feet of the hydrants.

**Mr. Smith:** I know back where Tracy lives, that corner there, the curve between Tracy and the Moore's.

**Mayor Hammon:** There's a hydrant there, so there is definitely no parking period there. The people at the end of Leonard and Crull, there's a hydrant there at the intersection and they're losing their parking pads all the way.

**Mr. Evans:** That's Ohio Revised Code, right?

**Mayor Hammon:** I think they hydrants are, but I think for us on the intersections is up to us to adopt. Right now, the code is 30 feet from the stop sign, but not on the other side. That's the problem for the fire trucks making the turn there.

**Mr. Kobasuk:** What if somebody parks on their front lawn, is that okay?

**Mayor Hammon:** It would probably be okay for a party, but if they do it regularly they'll get a visit from Dick Weber, Property Maintenance Inspector, because there is not a pad.

**Mr. Smith:** There are times when my wife and I will switch cars around I will pull up in my front yard, just off the street.

**Mayor Hammon:** I don't think an officer will give you a ticket for parking there for a brief period. Mr. Weber is very fair and may talk to you about the situation.

**Mr. Smith:** I've got a letter on that, it's not a situation where it happens everyday.

**Mayor Hammon:** This is the only solution I can come up with. I've been down there several times recently; I think it's very fair to everybody. Mark, I have not talked to everybody, but Tammy if you want to speak out, you and I had a very long conversation about it today.

**Mr. Kobasuk:** Did you talk to the members on the committee, Dale Martin, etc?

**Mayor Hammon:** Dale wasn't there. We went down strictly to mark the streets and get a visual on what sort of an impact, Brian and Tammy came out. Brian left and Tammy and I sat and talked for a long period and some of the other people. Mark, I haven't gone to everybody door-to-door.

**Mr. Kobasuk:** If I drive down there tonight, am I going to see the white lines?

**Mayor Hammon:** No, we just went 30 feet from the intersections and put a mark so we could see what the impact will be on the residents.

**Mr. Kobasuk:** You've got a 15' right-of-way between the driving lanes.

**Mayor Hammon:** Yes. Cars will be able to travel safely.

**Resident Tammy Thornberry:** 6612 West Plum Street. I know I spoke to you earlier, but if you're going to put the white lines at our end, will it be village-wide? I know I have had problems going down Center Street with people parking on both sides of the street. I also want to know how many signs will go up and will they be in the way of the people parking outside the lines?

**Mayor Hammon:** The number of signs will be reduced; some will mark the beginning and end of the 30 feet around the hydrants. In general, the no parking signs will be spaced greater than what they are now. As far as village-wide, I think this is the program all communities should use where there are no curbs. This is used very commonly used to define the driving area where there is no apparent shoulder or curb. I'm not against going down Center Street. I know some of the homes have parking pads that have been there for a long time. I know they park on one side. The same situation is on Edith, Jefferson and Pine, there are parking pads and I do believe that should be part of that.

**Mrs. Thornberry:** I know I'm not in favor of the lines, but I guess it could be a common ground. I also know that last week when SR 32 was closed and cars came down through our street; which was a lot of cars, had no problem getting through and neither did the fire department, with the cars parking the way they are right now. Is it really necessary to paint lines, with the cost of paint and maintenance?

**Mayor Hammon:** There have been people that have violated that too frequently. This is the only way I could find common ground.

**Mrs. Thornberry:** If I'm still living in this house twenty years from now is there going to be another couple of more inches? What is going to on?

**Mayor Hammon:** The right-of-way is set. I can't speak for the next mayor or council. Right now, there are no plans to take additional right-of-way from you. As we talked, about four feet of your parking pad is in the right-of-way.

**Mrs. Thornberry:** Just look at how much it is going to cost. You'll need to go over the lines with paint again and again.

**Mayor Hammon:** There are issues around it. Charlie is very much in favor of it, as the Street Commissioner he thinks it's the right way to go.

**Ms. Hueber:** Okay, what do we need to do now?

**Solicitor Miller:** Given the problems that we've had, I would like to make sure we've got something definite on there that says here what it is. The last thing I did was the 30 feet from every intersection. I can add something to that saying, "no parking in the roadway," which is indicated by the white lines. You are going to keep them painted if that is what you're going to say.

**Ms. Hueber:** Charlie can do it when they do their striping.

**Mayor Hammon:** Do you agree?

**Mr. Kobasuk:** I want to talk to those people. John, I just have a problem not giving them a place to park when they have parties.

**Mr. Pulskamp:** They do have a place to park Mark.

**Ms. Hueber:** They do have a place.

**Mr. Kobasuk:** Let me finish, please folks. I want to make my point for the record. They don't have a place to park when they have functions. I don't know where they're going to be parking.

**Mayor Hammon:** Where will they park now Mark? In the middle of the road is okay?

**Mr. Kobasuk:** I think it looks fine when I go down there. We're blowing this problem way out of proportion.

**Mr. Pulskamp:** I think John's compromise and his suggested solution is tremendous. They are not losing anything. We are marking roadway lines. We're not taking no parking spots away from anybody that has parking spots now, unless they're within that driving lane. The 15 foot-wide strip is designating no parking within the strip, but you can park outside the strip Mark. What are you saying we're taking away? They can park in their front yard if they have a party. Who cares? We're not taking anything away.

**Mr. Cosby:** We've got two weeks to look into it anyway.

**Mr. Pulskamp:** Right. He's saying they can't have parties.

**Mr. Kobasuk:** I mean where are they going to park? They're going to be parking off in the mud and grass.

**Mayor Hammon:** That's where they park now Mark.

**Mr. Pulskamp:** Do you want parking in the middle of the street that nobody can get through? Because that's what the problem is now.

**Mr. Kobasuk:** There's not a problem now, I drive down and I don't see a problem.

**Ms. Hueber:** Okay, get with him on the wording.

**Mayor Hammon:** I'm going to tell you if you guys can't compromise, November 15<sup>th</sup> there will be no parking on the streets. I've given thirty days notice. If this Council doesn't take any action, that law will be in effect at that time. So, this Council has been warned that will be the enforcement date of the law.

**Mr. Kobasuk:** I don't think you need to warn Council. We've worked this issue repeatedly.

**Mayor Hammon:** Well, I'm telling you now.

**Ms. Hueber:** Okay, as Council, Doug Miller, please get with John and word the ordinance to where we're going to mark the 15<sup>th</sup>. I think that's very comparable, if I have a party and need to

park in my front yard, that's fine. I've never had to do that. If he has a party he can park in his front yard. No body now is being forced to do anything that is costing money.

**Mr. Kobasuk:** Why not have a meeting with these folks John and try and get more of their input, you don't want to do that?

**Ms. Hueber:** They're getting what they want.

**Mayor Hammon:** I've told you, I'm not going to sit and meet with them until I can get Council to say it seems to be a concept, let's work with it.

**Mr. Kobasuk:** How can we say yes until we talk to them?

**Ms. Hueber:** There are a couple of people in here that are okay with it, as we speak.

**Mr. Kobasuk:** Not the majority that ever showed up.

**Mr. Pulskamp:** The majority is the loud minority.

**Mayor Hammon:** I talked to six of them.

**Mr. Cosby:** It's clearly the majority.

**Mr. Smith:** Just because people don't show up doesn't mean they don't have a voice. Personally, I think the no parking was a little excessive and I think it was fine the way it is. The common conception is they are going to do what they're going to do. If we can keep our parking and give up 15 feet, personally, I'll accept that compromise. He formed a committee. The committee made a suggestion; he didn't take the committee's suggestion. The common perception is he is going to do what he wants to do.

**Mayor Hammon:** That's not a true statement. I have no vote.

**Mr. Smith:** I know that. I did not say it was a statement. I just said the common perception is you're against anything that; the committee was formed, the committee recommended to take the signs down and that wasn't good enough.

**Ms. Hueber:** There were only a few people from the committee.

**Mr. Kobasuk:** I was there for all the meetings, the majority agreed no parking 30 feet from the intersection.

**Mr. Smith:** I'm not here to argue.

**Ms. Hueber:** When you take into affect the expert witnesses.

**Mr. Kobasuk:** Expert witnesses, those weren't expert witnesses!

**Ms. Hueber:** You are so obnoxious. I can't believe it!

**Mayor Hammon:** Let's quit being lawyers and be residents.

**Solicitor Miller:** Let me get this clear, you guys were for the 30 feet from the intersection.

**Mr. Kobasuk:** That was the consensus.

**Solicitor Miller:** It sounds to me that is kind of what we're saying, but we're going to paint the lines on the road and say you can't park over the line.

**Mr. Pulskamp:** Exactly.

**Mayor Hammon:** We're taking that piece, plus paint the lines.

**Ms. Hueber:** Fifteen feet is enough for cars to get both ways, instead of going to parking on one side or the other or a one-way.

**Mr. Cosby:** Doug, the intersection language doesn't change.

**Mayor Hammon:** That's the ordinance we have in place actually already, but.

**Mr. Kobasuk:** Are you taking this Village-wide? Are you going to other locations to do this?

**Mayor Hammon:** I told you any place there is not a curb I think it's the appropriate thing to do.

**Mr. Kobasuk:** I disagree with being the parking police of Newtown.

**Mayor Hammon:** This is not parking. This is defining the edge of the roadway.

**Mr. Kobasuk:** I just have a problem with all of these contentions.

**Ms. Hueber:** If we have complaints then we'll do that.

**Mayor Hammon:** I think it's appropriate to go up on Jefferson and that and paint the edge of the roadway where there is not a curb; you show visually the edge of the blacktop.

**Mr. Pulskamp:** I agree.

**Mayor Hammon:** I think that's what you go out and you do it.

**Mr. Kobasuk:** If it's not a problem, don't make it a problem.

**Mr. Smith:** So what you're doing, you're going to paint the edge of the roads on each side?

**Mayor Hammon:** Yes. If you can park outside of it, that's fine. Not on a permanent basis, but if you have a part or whatever.

**Mr. Smith:** What is an approved pad, gravel?

**Mayor Hammon:** No. Gravel is not acceptable.

**Ms. Hueber:** Except what is grandfathered-in, it's already there.

**Mr. Smith:** Like what is in front of the apartment.

**Mayor Hammon:** Yeah, he's allowed to refresh the existing. He can't expand it, he can't do anything else. It has to be a solid surface. You'll need to talk to Mike Cornette and he'll help you work it out.

**Mr. Evans:** The reason we started all of this.....

**Mr. Smith:** I know Barry Phillips complained about Crull.

**Mr. Evans:** There's more than one in here complaining. If everybody's property values and the people that own homes in there, and want to keep the neighborhood up, this is why this all came about so you wouldn't have all sort of cars everywhere. We're not telling you that you can only have one car or that you can't have a party. We're just trying to be realistic for everybody down there.

**Mr. Cosby:** Are you saying it's a property value issue?

**Mr. Evans:** No, it's a safety issue too, but we're trying to keep people's property rights in line too.

**Mr. Cosby:** All I can say to that statement is twenty-eight out of thirty-two households opposed it; then obviously they're comfortable where their property values are.

**Mr. Pulskamp:** Out of those twenty-eight, how many are actual property owners?

**Mr. Smith:** I own my house sir.

**Mr. Cosby:** Does it really matter?

**Mr. Pulskamp:** Yes it does, maybe we ought to go to the property owners.

**Mr. Cosby:** If they live there, they pay rent there.

**Ms. Hueber:** We're going beyond this, I'd rather have this.

**Mayor Hammon:** Where did they all park when Brian had eleven vehicles on the street from end to end, Mark? Where did people park that had a party, at that point and time?

**Mr. Kobasuk:** It's not done anymore, okay! It is different, we sent a message and you treat them like children.

**Ms. Hueber:** You haven't been around this town Mark.

**Mr. Kobasuk:** What did you say Tracy?

**Ms. Hueber:** You haven't been around this town long enough to know.

**Mr. Kobasuk:** You don't need to make comments like that. I could say things about you, but I don't.

**Ms. Hueber:** I'm saying look around town. What are you going to say about me, that I haven't lived around town?

**Mayor Hammon:** We need to go into Executive Session.

**Resident Helen Jean Ackerman:** 3512 Leonard Street. I'm not against no parking where parking shouldn't be; but we have to be able to park guest. Now that you've told me that we can park there if we're having a party, I'm happy to know that. I'm not happy with the statement that Brian told me today that he irresponsibly went out and got signatures on his petition. He did not irresponsibly get my signature. I did it cooperatively; he was very nice. I'm glad he told me what was going on because I did not know what was going on. Thank you.

**Mayor Hammon made a motion to enter into Executive Session at 9:10 p.m., to discuss employee compensation and land acquisition. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Council meeting reconvened at 9:35 p.m., no action to be taken as a result of Executive Session.**

**Ms. Hueber made a motion to adjourn Council meeting at 9:40 p.m.**