

The October 24, 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 (absent)  
Tracy Hueber Ken Pulskamp

**Mayor:** John Hammon  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri L. Everett (absent)  
**Sergeant:** Shawn McBreen  
**Street Commissioner:** Charlie Siegel (absent)

**CITIZEN INPUT:**

**Sharon Moore, Resident:** 6633 West Plum Street

1. Berger's Old Property: Does anyone know what is going on with this property? Is there dumping back there?

**Mayor Hammon:** No I do not know.

**Mr. Pulskamp:** Is there something going on that you've seen?

**Mrs. Moore:** Evans trucks, two pulled out of there today. You don't know anything about that?

**Mr. Evans:** It's news to me. I'll find out tomorrow first thing.

**Mrs. Moore:** There is also burning back there; I was curious if you knew.

2. West Plum (Paper Street): Has there been any discussion, public or private on putting West Plum Street through to open up the paper street?

**Mr. Pulskamp:** Not that I know of.

**Mayor Hammon:** There is no discussion Sharon, but I have said I would like to put a walkway through there to connect the Crull subdivision to the park. I thought that would be an ideal way since kids continue to go through anyway. It might be nice if we could get the right of way all the way through and we could open it up for a walkway. I've also talked about the potential when it floods there if Main Street gets cut off; that would be a way for people to get out and get over the railroad tracks and get out also. It could be an emergency plan to incorporate into it to allow that.

**Mrs. Moore:** So, it's your personal thought; it's nothing you've brought up?

**Mayor Hammon:** No, No, I just said I thought this was potentially down the road with some things we've discovered. There is nothing I could do, as you know the Devore's own a piece of the land, it's not continuous. That's just a thought process that somewhere down the road we may want to do that.

**Mrs. Moore:** And no other discussion on any of the Eldidge street property back there, public or private?

**Mayor Hammon:** Not with me.

**Mrs. Moore:** Okay, thank you.

**Mayor Hammon:** Sergeant McBreen is filling in for Lieutenant Synan. Is there anything to report?

**Sergeant Shawn McBreen:**

1. Turpin Fisher: I would like to recognize Turpin Fisher for donating the \$3,500 for five Rock River Tactical Entry weapons.
2. Halloween: Hours are from 6:00 p.m. to 8:00 p.m., October 31<sup>st</sup>.

**Mayor John Hammon:** (Updates)

1. Ragland Road Pipe: The pipe has been fixed. As Charlie explained to me the pipe had separated. It hadn't really shifted so they were able to go in and basically pour concrete around the pipe and stabilize it to get a continuous flow. I guess there's not a bill, but he thought it would be around a couple of thousand dollars instead of the \$5,200. There was very little damage and restoration will be done in the spring time.
2. Ivy Hills Lane: Bruce has met with Dave Stenger have looked at it and they are working with contractors to get some bids to fix it. I don't know what caused it but one of the problems I believe is people are running their down spouts off their house out and they didn't put a concrete back so the water is coming in behind the curb and going into the roadway. That's my opinion, I'm not an engineer. Part of the process is to take all of those and channel them to their own separate system and dump them into the storm sewers.

**Mr. Evans:** Is it ours or isn't it ours?

**Mayor Hammon:** We found the ordinance that says it is ours. The documentation submitted by a land owner up there shows it not being ours. But there is an ordinance on the record that says we accepted the roadway. We're going ahead with the assumption and I left a message for Tom Van Dorselaer that is the way we'll proceed, as if it is ours. One of the concerns I have is the road is sinking and what is causing it to sink? If you haven't been up there, I encourage you to go. The curbs have put in sections and there are gaps of an inch that is allowing water go under the roadway, going in behind the curbs. It looks like some of the curbs have been pulled out and put back in and has created these gaps. Bruce will find out from Dave and let me know the exact cause.

**Mr. Pulskamp:** There is approximately 250 feet of curb and gutter that needs to be taken out and replaced. Then there are the down spout lines and sump-pump lines that are backed with nothing on the backside of the curbs going underneath the curbing. One bid has come in at \$14,700 and waiting on a few more bids. We're going to try and get this done before winter because it is the most problem up there in the wintertime.

**Mayor Hammon:**

1. Town Hall and Election: Here is a book issued by the state of issues 1-5, "Ohio Issues Report." This is for council and the public if anyone is interested in reading about the issues. Town Hall will be occupied by the Board of Elections November 6<sup>th</sup> from 6:00 p.m. on until about 8:00 p.m. on November 7<sup>th</sup>.
2. Ordinances: There have been a few incidents where the wrong ordinance was used. Solicitor Miller now has "DRAFT" on the document first; the permanent document will not have "DRAFT" on there and that is the one we will sign. This will eliminate any confusion about which one is the proper document.

**Councilmember Tracy Hueber:** (MCD's)

**Ms. Hueber made a motion to approve \$10,000 to Hamilton County Treasurer for the Police Department MDC's for Project Cop Smart. Mr. Pulskamp seconded the motion.**

**Discussion:**

**Sergeant McBreen:** The Mobil Data Terminals were replaced with Mobil Data Computers. I believe it was \$2,500 per MDC, a total of four would be \$10,000.

**Mr. Pulskamp:** That's actually our share of the computers. Hamilton County pays for a big chunk of it. It's a one-time fee.

**All Aye. Motion Carried.**

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

**Ms. Hueber made a motion to adopt RESOLUTION 14-2006 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF POLICE DEPARTMENT WEAPONS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes. Motion Carried.**

**Ms. Hueber made a motion to suspend the rules for authorizing and declaring for property surplus for old computers and accessories. Mr. Evans seconded the motion. All Aye. Motion Carried.**

**Ms. Hueber made a motion to adopt RESOLUTION 15-2006 A RESOLUTION DECLARING ITEMS OF PERSONAL PROPERTY AS SURPLUS, AUTHORIZING THE DISPOSAL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes. Motion Carried.**

**Ms. Hueber made a motion to suspend the rules for the Little Miami Fire and Rescue District, dispensing with the second and third readings. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Ms. Hueber made a motion to adopt RESOLUTION 16-2006 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TREASURER TO ENTER INTO A FIRE PROTECTION AGREEMENT WITH THE LITTLE MIAMI JOINT FIRE & RESCUE DISTRICT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes. Motion Carried.**

**Councilmember Ken Pulskamp:**

1. Leaf Pick-Up: Charlie wanted to let everyone know that leaf pick-up is in full swing and picking up leaves on a daily basis and will continue to do so probably until the end of November into the first part of December.
2. Salt Purchase: Maintenance department has received approval from Hamilton County to purchase salt this year at \$39.64 per ton.
3. Striping Machine: Our striping machine we use for doing the cross-walks and line striping is twenty years old and is malfunctioning.

**Mr. Pulskamp made a motion to approve an amount, not to exceed \$3,000 for the purchase of a new striping machine and the hand spraying gun cleaning system. Ms. Hueber seconded the motion. All Aye. Motion Carried.**

**Mr. Pulskamp made a motion to suspend the rules for AN ORDINANCE RESCINDING ORDINANCE 21-2005 AND PROVIDING FOR LIMITED NO PARKING AREAS IN THE CRULL SUBDIVISION. Mr. Evans seconded the motion. Mr. Pulskamp-Yes, Mr. Evans-Yes, Ms. Hueber-Yes, Mr. Kobasuk-No, Mr. Cosby-No. Motion Failed.**

**Mr. Pulskamp made a motion to accept the first reading of AN ORDINANCE RESCINDING ORDINANCE 21-2005 AND PROVIDING FOR LIMITED NO PARKING AREAS IN THE CRULL SUBDIVISION. Mr. Evans seconded the motion.**

**Mr. Kobasuk:** I would like to state for the record that I voted against suspending the rules because I think people ought to have three readings of this and people can come and voice their concerns. I just don't want to do this by an emergency measure because it is such a controversial thing; people may want to come next time and state their views.

**Mayor Hammon:** I said the 15<sup>th</sup> of November; we'll start enforcing the laws.

**Mr. Pulskamp:** The 15<sup>th</sup> we start enforcing laws and also our solicitor informed us at one meeting that we do know there is a problem and we need to do something about it. It puts the liability back on us as Council.

**Mr. Kobasuk:** I just don't want to do it by an emergency. This has been sitting out there since June 2005. I don't view it as something we need to do by an emergency. These people may want to voice their concerns.

**Solicitor Miller:** Does anyone have any problems with the lines? Not a whole lot has changed from the last draft that I had prepared at Mark's request other than saying we're going to paint the roads and that you can't drive in the roadway and parking in the roadway portion is the law anyway.

**Mr. Pulskamp:** No and I've talked to a few residents.

**Mayor Hammon:** In the last couple of weeks, I've been down there and talked to them and some people don't necessarily care for it but they said it is a workable solution.

**Councilmember Doug Evans:**

**Mr. Evans made a motion to accept Checklist dated 10/24/2006. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Mr. Evans:**

1. Weeds by Railroad on Round Bottom: Ken someone stopped me about the weeds on the railroad tracks up by Gamco Concrete. The railroad used to do it and since there are not as many trains, I think their maintenance has really gone down.

**Mr. Pulskamp:** I'll have Charlie check it out.

**Mayor Hammon:** I think Charlie has been out there and contacted them. I don't know if they have responded.

**Mr. Pulskamp:** I'll leave Charlie a note.

2. Finance Packets: I need to notify Council that the Finance committee has received the June, July, August and September finance packets. You're welcome to see them if you didn't receive them.

**Mayor Hammon:** I think the auditor encourages Keri to have it into the records and to the committee.

**Mr. Evans:** So we don't need to do anything else?

**Mayor Hammon:** It says to just notify Council so I think it's the fact that you stated you received them is sufficient.

**Mr. Evans made a motion to suspend the rules for AN ORDINANCE ADOPTING CHANGES FOR THE INCOME TAX CODE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion.**

**Discussion:**

**Mr. Cosby:** I spoke with Keri today and she said she has not had an opportunity to review this and she preferred that we do not pass it this evening.

**Mr. Evans:** That's fine.

**Solicitor Miller:** I think you can take your three readings on this. My suggestion is that you do when it passes, passes by an emergency. This is strictly administrative stuff; there are no increases in taxes or anything.

**Mr. Cosby:** She just said she hasn't had an opportunity.

**Solicitor Miller:** She has had it since July.

**Mayor Hammon:** She's concerned about updates.

**Solicitor Miller:** That's fine. I didn't intend it for it to pass by an emergency tonight anyway even though that language is in here so that we can get it done. I didn't even know if we'd have enough people here tonight. It's just there so when it passes, when it eventually passes.

**Ms. Hueber:** Should we retract the emergency?

**Solicitor Miller:** My suggestion would be to have a reading tonight. I also gave everybody a new draft because I did do this back in July or August and thought they may have been misplaced. There are a few changes; one question I really had a suggestion that R.I.T.A. had made; everything else is pretty much you have to; you need to make these changes under the state law and again, they are administrative. R.I.T.A. suggested that on estimated taxes you have a minimum so that you're not sending checks in for \$2.50 if you estimated tax is \$10.00 for the year. Section 7A, I made it \$40.00; in other words, if somebody's estimated tax for the year is less than \$40.00 they can just wait and pay with their return. I didn't know what the Village's situation was in terms of when you want money coming in, but I figured \$10.00 was probably de minimis. That's probably the only thing in here that you really have any control over. The rest of it is all just changing your tax code to update it to meet the state statute. The other thing you have in here is no one under eighteen pays taxes. That's an option, but the Village has already elected to do that so I did add in there that no income of anyone under eighteen is taxed. That is in Section 3 F1.

**Mr. Pulskamp:** We just passed that a couple of years ago.

**Ms. Hueber:** Nancy Devore brought it up; that's how long it's been.

**Solicitor Miller:** Yeah. You may want to rethink it.

**Mr. Pulskamp:** It used to be that we collected taxes from everyone, regardless who it was.

**Mr. Evans:** So do we want to have a first reading?

**Solicitor Miller:** Yeah, I would suggest that you do that.

**Mr. Evans rescinded the emergency to suspend the rules. Mr. Pulskamp rescinded second on the emergency.**

**Mr. Evans made a motion to have a First Reading of AN ORDINANCE ADOPTING CHANGES TO THE INCOME TAX CODE. Mr. Pulskamp seconded the motion.**

**Solicitor Miller:** It would be my suggestion to pass it this year, by emergency and it would be effective January 1, 2006; as long as you get it passed this year and adopt it by emergency or your thirty days. Again, it's not a tax increase, you're going back to January 1 doesn't mean anything other than bringing it into compliance with the state law. It's just administrative. I don't necessarily agree with all what R.I.T.A. had to say but I'll talk to R.I.T.A. about that.

**Mr. Kobasuk:** What do you mean, what R.I.T.A. had to say?

**Solicitor Miller:** They had some comments that I don't think matter. We had sent the draft to them in July and they had six or eight comments on the thing. One comment I agreed with them on had to do with the statute of limitations; if you under report your income by more than 25%. Technical things like that.

**Councilmember Mark Kobasuk:**

1. **Planning Hearing:** I want to announce to Council that on Monday, October 30<sup>th</sup> at 7:00 p.m., the Planning Commission is going to hear a proposed lot split for the area at 3222 to 3234 Church Street. Eight existing lots are proposed to be subdivided into six new parcels. I would imagine there is not going to be any opposition to that but we're going to have a hearing.

**Councilmember Curt Cosby:** I have no report this evening.

**Councilmember Tracy Hueber:** Mark and Doug, I need to cancel our meeting, due to the Board of Elections occupying Town Hall. We had changed it for the first Tuesday so we'll have the meeting the first Tuesday in December.

**Solicitor Miller:**

1. **Personal Property:** I did not have the list of property when I emailed those out. It is now attached to the ordinance.
2. **Mayor's Court:** At the request of the police department and the magistrate, we are going to move Mayor's Court to a different night. It's just not working. Lieutenant Tom Synan had requested that we do that; it's a problem when we try to hold court back there so we're going to move court to the first and third Tuesday, probably beginning in December. We'll probably start at 5:30 p.m., instead of 5:00 p.m.
3. **Fire Protection Agreement:** Chief Driggers, do we have a signed copy of the agreement? I just want to make sure it gets signed.

**Chief Driggers:** If you all will take care of the first execution part; give me both of them signed; our board will sign both of them. The old contract we submitted first was executed by the fire district and we changed it since then so everyone should have a copy.

**Audience Input:**

**Barry Phillips, Resident:** Crawford Street. I'm against what was passed around tonight. I believe there should be no parking down there. If you live down there, we don't have much of a problem on Crawford; but if you live down for the number of years that we have and it's only been a few, but quite frankly it looks like hell. There are junk cars; they park before the stop signs and I realize this will prevent some of that but I still think that it's going to be problematic. Quite frankly, it doesn't do much for my property value. People are going to park in their yards, as I understand it, if they have special events. Sorry, I didn't move to a trailer to watch people park in their yards. I just wanted to state for the record, I think the no parking should have stayed as "no parking," period. Several times my wife and I have had to literally stop on a dime in order to prevent from hitting someone's child. The kids play in front of the cars, behind the cars, they run out and the parents look at you when you do stop on a dime. The parents look at you like it was your fault.

**Mr. Pulskamp:** Thank you for the record Barry.

**Sharon Moore, Resident:** 6633 West Plum Street. I want to go on the record for the same thing but I want to reiterate everything he just said.

**Ms. Hueber made a motion to adjourn. Mr. Kobasuk seconded the motion.**