



**Resident Brian Thornberry:** 6612 West Plum Street.

All of the Knothole sponsors came from Newtown and I'd like to thank everyone involved. The majority of kids were from Newtown. To my knowledge, it's the first championship Newtown has had since the championship we won in 1970. We did win the championship this year.

I am also here because last night we heard a rumor that you all were going to do a final vote on our parking situation which has already clarified twice, but you seem to refuse to acknowledge. I'd like to state that Don Stringfield and some other former councilmembers and a former Mayor are on our side on this and don't understand what Council is working at here and are a little bit concerned and considering reactivating themselves into the political field, which we need. We need more people to run to get more qualified people in my opinion, some of you excluded. Knowing there was a vast majority of people down there that are against this; you told us that before a ruling was made you would contact us and let us know. You're three months behind on the minutes. There is no way we could keep track of it other than babysitting you personally. If you can't keep the minutes up and the people can't be here, they can't represent themselves. We feel you want to get rid of the lower income area and move in people with more money; which your article in the paper so illustriously presented itself.

**Mayor Hammon:** That's not what it said Brian, don't put your words in my mouth!

**Mr. Thornberry:** Don't yell at me.

**Mayor Hammon:** I will yell at you. I am presiding over this meeting.

**Mr. Thornberry:** No you will not. You're not presiding over nothing. What you're doing now is you're listening and you're not doing it very well! We want you to listen to twenty-eight homes in our thirty-four house area. There was three houses for the no parking; a person with a business and his daughter and a councilmember. Everybody else was against it, you guys walked it, you seen it and you know there's not a problem, it's obvious! Let's not be foolish. In the very beginning, I brought you a petition that showed the vast majority of that area was totally and completely against it and you wouldn't accept it.

**Mayor Hammon:** I gave it to Keri because it was accepted as a legal document.

**Mr. Thornberry:** You said the petition wasn't legal and you tried to refuse to accept. I'm not going to argue the case with you, I'm not going to lower myself sir. You forced the committee down our throat we didn't want and they ruled in our favor to rescind the signs. You as a Council refuse to accept the committee's findings. We need you to hold off on ruling and there is going to be more stuff brought to the table. You know who you are and you know what needs to be done. You know what is right and what is wrong. Let's make the right decision. People that are running for re-election might want to consider votes.

**Mr. Kobasuk:** Brian, are you asking us to hold off on voting on this tonight? I think it's due for a vote.

**Mr. Thornberry:** I don't think our people have had a chance to make a showing because you guys promised us you would come down here and notify us what was going on and that did not happen.

**Mr. Evans:** I was on the committee and we're trying to do what is best for all of the residents here including you. There are safety issues of getting the fire trucks through. The whole neighborhood was designed back in 1922 and some of the roads are fourteen feet. Leo Honnebrink said it needs to be sixteen feet to make it a street. The committee never came to consensus on anything. We have different viewpoints on it, but we never once came to conclusion as to what we're going to do. In fact, we were still talking about it.

**Mr. Thornberry:** You had the committee because people from twenty-eight houses obviously didn't agree with what you wanted.

**Ms. Hueber:** If people are not meeting the legal description of what Leo Honnebrink, the fire department and police department said, we have to take a legal stand of what is right.

**Mr. Thornberry:** There is no problem with transportation down there. I've pulled race car trailers through there and never hit anything. You're doing the wrong thing and you know it's the wrong thing.

**Mr. Evans:** We're trying to be fair and we're here to help people.

**Mr. Thornberry:** You're here because not enough people ran. It's not going to be that way next time.

**Ms. Hueber:** It's never been any different in the history of Newtown. Nobody gets involved. There is certain people only here sitting out there to complain.

**Mr. Thornberry:** When twenty-eight out of thirty-four homes say they don't want something, then who are you representing? Yourselves, certainly not us!

**Mr. Pulskamp:** I'd like an explanation from Brian because I think he confused this whole Council. Brian, it's my turn now so shut-up and listen. You said you wanted to put this thing on the table. Right now there is an ordinance in effect that states no parking down there that we can start enforcing any day. There is also an ordinance that has two readings to repeal that ordinance. You're standing up here telling this Council you want us to stop. If we stop it goes back to the original ordinance that says no parking and the police department can start enforcing it.

**Mr. Thornberry:** What I ask you take into account is that twenty-eight out of thirty-four homes said they didn't want it. I was asked to ask you who you represent. Do you represent us the people or the Mayor do you represent Council?

**Solicitor Miller:** I'm not going to get into that argument. I represent Council. The point is this is an ordinance that has to pass by a majority of Council. If it does not have a majority of Council, it doesn't pass; therefore, the Mayor cannot break a tie. The Mayor has no vote in this.

**Mayor Hammon:** Nine residents that are property owners have called and said they do not support changing this. That is when I went back and suggested forming a committee. The committee was supposed to come back with a consensus solution and that never occurred. I tried to pick open-minded people to come up with a resolution.

**Mr. Thornberry:** Heather, you were on the committee, do you feel like you were taken seriously?

**Heather Patton:** They obviously haven't taken what we said or we wouldn't be having this conversation.

**Mayor Hammon:** I have absolutely no say in this at all. It's up to Council. I do want to respond to one thing. The CRA was put in place for those who want to fix up your homes and do improvements, we can make it happen. It is really geared to people in this area that is in a flood district and has a lot of additional costs when they improve their homes. That was to help those people to do it, to help recover some of that cost. Same with new construction, some of the empty land down there has to be built special ways, again to help defer that cost. We did it across the Village because we think we need to stimulate development.

**Becky Fairley:** I just wanted to speak to you Mr. Thornberry, regarding the minutes, they are up to date. We have a process and Council has to approve them before they can put on our website. If you or any of your neighbors are ever interested, we'll be happy to make you a copy of the tape. The minutes are current.

**Ms. Hueber:** Thank you for clarifying that.

**Donna Brooks:** 6620 Crull Street. I have a question about the petition. When it was presented to us it wasn't just for no parking. I would like to know exactly what the people were asked when they signed the petition.

**Mr. Thornberry:** We simply asked if they were for it or against the no parking.

**Mrs. Brooks:** It was presented to us as we were going to be asked to pay for sidewalks and sewers, the people of the Village down there. If it was just for no parking I would like to know that.

**Mayor Hammon:** The verbiage on it is very brief.

**Tammy Thornberry:** 6612 West Plum Street. You want to talk about the safety, ever since school has started, I can tell you that between 6:15 a.m. and 6:30 a.m., a resident is flying through the stop sign. I think you should lower the speed limit. If you drive 25 mph on my street, you're speeding. I have a question about the fire department, do they have CDL license? Are they required to have them? If not, then how can they drive a big truck down there? I see school buses down there every morning making a difficult turn and doing it safely because she I know has a CDL license.

**Mayor Hammon:** 25 mph is a minimum speed that we can make it.

**Mr. Evans:** Firemen do not have to have CDL license. I'm positive.

**Mr. Thornberry:** I'm sorry I lost composure, but I'm passionate about this. I love this town, my grandparents lived here. I've lived my entire life here and have done everything I can to bring sports back here to give our kids something to do to keep them off the streets. There is a serious drug problem in Newtown. Two people from Newtown have been shot in the last five years trying to get crack. One died, one didn't. There's a drug problem and there's not one in our neighborhood. Just like the sidewalks that someone brought up, we don't be connected. We're separate and on our own down there. We don't have any problems and we don't want any problems. I just wish the vast majority would be taken into consideration. That's what a democracy is about, that's what they teach us. Sorry and thank you for your time.

**Mayor Hammon:** In closing, Brian, I have lived here for sixty years and have sat here for twenty-two years. Yes, I feel very passionate about this town. I've grown up on Center Street, born on Main Street and lived around this town. I feel very passionate about it to. It's going to have to grow and change or it's going to become Anderson Township. I hear you. This is not me against you. I have nothing against anybody, but I do have to look at this Village as a whole and sometimes you have to make tough decisions.

#### **Lieutenant Tom Synan:**

- **Charlie Siegel:** A few weeks ago, Charlie was out sitting on his porch and saw a seven year-old girl walking by herself. She was carrying a bag, Charlie asked her what she was doing and she said she was running away that she had an argument with her mother and had her backpack. Charlie and his wife talked to her and called the police. We were able to reunite her with her mother. It was a happy ending, they gave each other a hug. We thought it was a great thing that Charlie took time of his own and recognized this. She could have been kidnapped. She had a plan of going to 275, exit 53. Charlie did a great job of stopping her.
- **Dick Weber:** One of the things we did with the Property Maintenance Code, we wanted to be looking out for our neighbors. Dick went to do a follow-up on an inspection of a house, knocked on the door and it came open and he saw the house was in terrible living conditions. It is probably one of the worst houses I've ever seen. He knew the person living there had a medical condition; he called several times with no answer so he called and we checked the residence. We found the subject and he was okay, but Dick has taken it upon himself to contact family members and social services to give this person assistance to clean the house up. He did an outstanding job.
- **New Hire:** We eventually want to hire Elizabeth as a police officer. She is currently injured from another job. She is expecting a full recovery. We are asking that we allow her to be put on auxiliary to hold her commission until January so when she does come to work for us we won't have to send her back to classes. My safety committee chairperson will bring that up in a motion.
- **Lease/Purchase Three Police Cruisers:** (Attachment) I think everyone has the study and numbers that Kent has put together. We are trying to find ways to not only do our job efficiently, but also to save the Village money. We have done a lot of research on this and have unlimited options on the cars that we can get, whether we lease or purchase them. In the study, you'll see some of the money spent on the vehicles in purchasing or repairs. We are recommending the Village lease three cars for the price of \$28,733, we keep the miles under \$75,000 and Dodge has said they'll give us \$5,000 to \$6,000 if we trade that vehicle in. We could use that toward the purchase of another car or towards the lease. Ken will now give you more detail.

**Officer Kent Orso:** (Attachment) This is not a traditional lease. What we're entering into is a tax-exempt municipal lease to purchase. The residual value on these vehicles after thirty-six months will be one dollar. Both Ford and Dodge recognize these vehicles are put in arms way every day. There is also no mileage maximum on this lease to purchase. We're asking Council to keep it at a three-year mark, also keep the 75,000 mile mark so there is some value left at the end of the term to trade this vehicle in or allow it to be sold to a private individual so we can recoup some investment we spent. We're realizing our patrol expectations and patrol needs are far exceeding the vehicles we currently have. We have two cars on every shift; average mileage is 54 miles for every shift, per patrol car. With four patrol cars, that would average out about 29,000 miles a year. We're trying our best to keep that to 25,000 mile mark so that the three-year mark it would have 75,000 mile mark with a \$5,000 to \$6,000 trade-in value or purchase replacement cost. We would move the equipment from that car over to the new vehicle. We typically spend \$4,100 to up fit a car when we get it from the factory. That includes lights, sirens, radios and everything we need to do our job. What we're looking at doing is something completely radical, which is we start to reuse our equipment. We start to move that equipment over to the new vehicle rather than buying all of this equipment over again. In the long run, with our purchase-lease plan in a twelve-year cycle, the Village continues to save money on leasing every three-year cycle. It cost a little bit to get up and going in the very beginning because we've never done this before; but once we're in it we start to save money over the long haul.

**Mrs. McCarthy:** The only thing is that if we go that route we will have a mix in colors. We'll still have two other vehicles that will be blue and three of the new ones.

**Officer Orso:** Correct. Our plan for that is number one we're looking at going to a black and white two-tone vehicle, a Dodge Charger for the three new vehicles. Our approach is to do something also radical and be involved in the budget process early on so we can start to look at ways to move our budget around to allow us to up fit and possibly go to one additional cruiser and two SUV's in the next one to two year plan. By doing that we would allow ourselves to get into a six vehicle mode where we would have all the same colors. We realize we cannot do it all at once. We're not asking the Village for a lump sum of money to just allow us to change the image. We're asking for us to allow and become professional, at the same time cost efficient. Over the next one to two years, we would look at re-upping the fleet to get to the consistency.

**Mr. Kobasuk:** The total cost is \$28,733 for a three cars for a three-year lease, fully equipped?

**Lieutenant Synan:** Correct. Council also has another option. We put the equipment into the lease and Council could say we don't want that and the cost would go down to \$24,000; which is actually less than buying one car. I am hoping to drop that \$28,000 down to around \$23,000 to \$24,000 for the first year. Keep in mind, we're not trying to pull the rug over everyone's eyes because you would have to come up that \$28,733 for the next two years; however, you would be doing that anyway to replace the cars. We're really hoping to save money on the back end with repair costs and after we get through the third-cycle of lease, we'll be noticing a big significant savings than going out paying \$75,000 every year. The Dodge Charger is a V-8, but it drops down to a 4-cylinder when you're under 4,000 RPM's; which is most of our driving. It does save two miles per gallon on gas, over the Ford. The Charger also has a larger alternator and has a larger battery. Ford has had a lot of trouble with alternators and batteries. Dodge built the car from ground up as a police car, not as a passenger car. They recognize we have computers, lights and sirens so they use the larger alternator. Car No.4 has had seven alternators. Last week we were down two cars and had to use the unmarked car for patrol so we hope at the back end we'll save a lot more money than we're doing now. **Officer Orso:** The Dodge Charger has four-way disc breaks. It stops nine feet shorter than the Crown Victoria, from 0-60 / 60-0 dead stop. Nine feet is a big distance. I've literally locked a Crown Victoria breaks up four times and hoped that it stopped.

**Lieutenant Synan:** We drive these cars everyday. The Dodge Charger wasn't something that was just cool, we've actually done our research. Our biggest thing is the breaking and safety of the car for traction control, electronic stability. It is just an all around better car and with the V8 dropping down to a 4-cylinder we are hoping to save repair costs on the engine. With a larger alternator we are hoping to save on repair costs with that and hoping to save on repair costs with the battery. The Charger will definitely out-perform the Ford.

**Solicitor Miller:** From an insurance standpoint, if someone totals one of the cars and you have a lease and owe \$25,000 and the insurance company totals it out at \$20,000 you would be upside down \$5,000. I haven't look at any of your numbers, I just advise you to check that angle also.

**Lieutenant Synan:** We were upside down when we totaled the car we owned. We paid cash for it, but you don't get what you paid out of it.

**Solicitor Miller:** I understand that but at least

you do not have to pay off a loan or a lease with money you don't have.

**Officer Orso:** It's a lease-purchase so it is a purchase contract between the Village and Chrysler Corporation. That's why there is no residual value.

**Solicitor Miller:** The insurance company may not cover what your pay-off on the lease is. I'm not saying it's wrong, you just need to check into that to make sure.

**Officer Orso:** This is a tax-exempt lease and the total cost of borrowing the Chrysler Corporation money per car is \$1,600.

**Solicitor Miller:** I'm not saying it is wrong, I'm just saying to check it out to make sure you're okay.

**Mr. Evans:** We always pay cash for cars and how many do we get per year?

**Mayor Hammon:** Generally the rule of thumb is a new car every year on a five-year rotation.

**Mr. Cosby:** We're not really spending any more money per year on the vehicles. You're hoping to save on the backend on maintenance cost. If you get the residual which would be \$5,000 or \$6,000 which we never got before.

**Lieutenant Synan:** What you also need to look at is car No.2 last year, we spent approximately \$700 in repairs and \$2,000 this year alone and it's not even the end of the year. I have \$1,900 left in my budget for vehicle maintenance. Car No.4 needs a new engine and all we're doing is putting band-aids on it.

**Mr. Evans:** We all here know we need to do something. It's just a matter of what we can afford.

**Lieutenant Synan:** I did talk to Keri and she said the money is there. I talked about next year and would like to sit down with the finance committee and actually come up with a budget and see what we can and cannot afford. That's something we've never done before. Maybe we won't have the money and then we go back and say we don't get a car or maybe we do. There is money in the budget for the three years for the \$28,000. We get more options with a lease-purchase. **Mr. Kobasuk:** Where are we voting on this John?

**Mayor Hammon:** Tom wanted to do the presentation tonight and get some feedback from Council. It's my thought that the finance committee should sit down and go over it and looking beyond that because one thing you need to realize is we're talking about \$28,000 for three years and at the end of three years if we get additional cars you'll be looking at \$40,000 every year, not \$25,000. It looks attractive for three years but when you start planning it out we'll have increased costs. Keep in mind there is no guarantee on trade-in value.

**Mr. Kobasuk:** When do you think we might be done with the analysis and can vote on it?

**Mayor Hammon:** I think they are done with their part.

**Mr. Evans:** We'll have a finance committee meeting next Tuesday at 7:30 p.m. and then the following Council meeting we will be able to do something.

**Mr. Kobasuk:** Sounds like a good idea.

**Lieutenant Synan:** I'll guarantee you will get \$5,000 to \$6,000 for one of these cars if you hold onto it for five years. In three years we would spend \$75,000 on three cars and doesn't include what we will spend on repairs.

**Ms. Hueber:** As Council, are we in agreement that we need to get the cars, if we can afford it?

**Mayor Hammon:** I think a straw just to see what everybody would say is a good idea. They need the contract for Doug (Miller) to review it or we're not going to be able to execute it.

**Ms. Hueber:** After the finance meeting, if the finances work out then you can let Tom and Kent know and they can get whatever contracts they need to Doug (Miller) so he can write up a legal contract with the ordinance so at the next table we're not waiting another two weeks.

**Officer Orso:** It's a purchase-agreement, a one page contract and we will get it.

**Mr. Pulskamp:** I think the concept is a great idea. That's my straw vote.

**Mr. Cosby:** I've talked to Tom and looked at it and I think it's a great idea. I think it has potential to save us a lot of money over time.

**Mr. Kobasuk:** I'm for it.

**Mr. Evans:** The image and from buying a lot of things during the year, I think you'll get ten times amount after three years for trade-in or for selling with this Dodge, then you would with the Crown Victoria. I'm for it myself.

**Mayor Hammon:** The Crown Victoria goes out of production in two years.

**Mrs. McCarthy:** I'm for it.

**Ms. Hueber:** So as a Council, we're in favor of going for the three cars if after the meeting we see that we can go that amount. Doug is the head of it and he can let you know to get your form together and it to Doug (Miller) and he can go over it and draw up the ordinance for us to lease-purchase by the next Council meeting.

**Solicitor Miller:** My only caveat on that is if it's tax free, that may be beyond my ability and may have to get counsel to do that. I don't know I will have to check. It may not happen in two weeks.

**Lieutenant Synan:** I believe November is the cutoff to order cars this year to be able to get them in a reasonable time so we're okay on time. We appreciate Council for listening. I know this is a radical idea with it being something we've never done before. We're very proud of the work we put into researching this and we feel this will also benefit the residents by being most cost effective, productive and more efficient.

**Mrs. McCarthy:** Good job guys.

**Lieutenant Synan:** Just so the residents know, we actually had a meeting about leadership and values and we designed a value statement and mission statement which we will be incorporating. We're looking at how we do everything, from purchasing radios to pagers, how we communicate, the Mayor, Tracy and many councilmembers are aware of it. Our department is going to be a lot more open to how we do things and share with them with the public.

#### **Mayor John Hammon:**

- **Inner-Core Connector:** Martin Marietta has dedicated a piece of property which is Valley Asphalt Drive. If you guys want to look at this after the Council meeting, I'll be happy to sit and share with you. It's nothing more than accepting the land for it.
- **Income Tax Ordinance:** I think everybody has had a copy of the new income tax ordinance now for a couple of months. We need to see to get with the committee and see if there are any changes.

**Solicitor Miller:** I've got a couple of changes on it to be made, but I'd like to get the first reading going for the next Council meeting.

**Mr. Evans:** We'll work on it Tuesday at the finance meeting.

#### **Mayor John Hammon: (Continued)**

- **Fire Hydrants:** Keri needs a motion to have two hydrants replaced. One on Pecos and one on Round Bottom. Amount not to exceed \$4,000.
- **Auditor's Recommendations:** Auditors have recommended some changes and you have a lot of them in front of you tonight. Any changes on a contract will require an ordinance to change the original contract for a work order. Some of the transfers Keri did, basically they want motions or resolutions or whatever else. There are three or four of those in front of you also.

- Church Street II Construction - Barrett Paving: On an emergency nature, we had Barrett Paving pave Church Street. That contract is also in front of you.

**Mr. Evans:** What amount will the Village be responsible for, are we going to go after the contractor for some of it?

**Mayor Hammon:** Absolutely. In the original contract there was provision for temporary pavement. It also has a stipulation that the street would be in runnable condition 48 hours in advance of the 5K, which was 10:00 a.m. Thursday. They made a feeble attempt but the road was not in runnable condition. They actually took a soft drink bottle and put it in the blacktop and kept on going. I know Bruce did send them a letter stating it will be deducted.

**Mr. Evans:** The full amount or part of the amount?

**Mayor Hammon:** The full amount.

**Mrs. McCarthy:** It should be full.

**Mr. Evans:** I don't think that is fair.

**Mayor Hammon:** Why not?

**Mr. Evans:** Well they didn't screw the whole road up. I always put myself in everybody else's shoes on this John. You asked me if I supported you doing it and I said yes I did and I would do it tomorrow the same way. I think there should be some compromise on it. If I was the contractor, yes it's taken a long time but I think there should be some kind of leeway so the contractor feels at least fair about it.

**Mayor Hammon:** The reason the street was paved was because of the dust, the dirt and unsafe conditions that are up there. They really made a feeble attempt to do anything for us Doug. Dave Stenger asked them to do the dirt everyday and they wouldn't do it. They have made no effort to make the conditions tolerable for the people up there. The time factor was because of the race, but the conditions were so deplorable up there and we saw nothing out of Miami Western making an effort.

**Mr. Evans:** Well, maybe they'll pay it and have no questions about it.

**Mayor Hammon:** I've tried to be fair, but they have made no effort on their part to make it livable for us. They violated the contract by not having the road in runnable condition for the race.

**Mr. Pulskamp:** Bruce has always solved any of those disputes.

**Mr. Cosby:** We're paying for it out-of-pocket for it now.

**Mr. Evans:** Yes that's way I wanted to bring it up before we Okayed it.

**Mr. Cosby:** The contract says "race ready," is that not subjective?

**Mayor Hammon:** It could be but I think when you have no blacktop in a whole, that's probably not race ready.

#### **Councilmember Tracy Hueber:**

**Ms. Hueber made a motion to keep Elizabeth McNay on auxiliary force so she can keep her commission through January. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.**

**Ms. Hueber:** Police Department: The police department is looking to order some desks and conference table and chairs.

**Lieutenant Synan:** We're trying to get more space in the police department within our budget. This particular desk is a u-shape work station along with an extended filing cabinet. There is also a 6' conference table and eight chairs. These items are within my furniture budget which is actually under budget

**Mrs. McCarthy:** What is the cost?

**Lieutenant Synan:** It's \$2,678.94.

**Mrs. McCarthy:** How much is the desk?

**Ms. Hueber:** The total invoice is \$2,678.94.

**Lieutenant Synan:** The chairs to the conference table are \$39.00 each. The conference table is \$379.00. The u-shape work station is \$1,850.00 along with the filing cabinet. He gave me a good deal.

**Ms. Hueber:** Total for the chairs came to \$239.94 which is less than one of these chairs at the council table.

**Ms. Hueber made a motion to pay Elgin Office Equipment Company \$2,678.94. Mr. Evans seconded the motion. All Aye. Motion Carried.**

**Ms. Hueber made a motion to replace fire hydrants on Pecos and Round Bottom Road, amount not to exceed \$4,000.00. All Aye. Motion Carried.**

**Ms. Hueber made a motion to suspend the rules. Mr. Pulskamp seconded the motion.**

**Mr. Kobasuk:** What is the reason we're suspending the rules?

**Ms. Hueber:** Remember the taxes.

**Mr. Pulskamp:** The one terminating the fire levy.

**Mayor Hammon:** This is so we don't collect the taxes.

**Mr. Pulskamp:** We have to do it in a certain amount of time so the auditor doesn't start collecting it for next year.

**Ms. Hueber made a motion to adopt RESOLUTION 07-2006 A RESOLUTION TERMINATING A FIRE AND EMERGENCY MEDICAL SERVICES TAX LEVY, 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, Mrs. McCarthy-Yes. Motion Carried.**

**Ms. Hueber made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye.**

Ms. Hueber made a motion to adopt RESOLUTION 08-2006 A RESOLUTION APPOINTING JOHN R. HAMMON AS OFFICIAL REPRESENTATIVE FOR THE STATE CAPITAL IMPROVEMENT PROJECT FUNDING, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

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

Ms. Hueber made a motion to adopt ORDINANCE 20-2006 AN ORDINANCE DECLARING POLICE DEPARTMENT WEAPONS AS SURPLUS, AUTHORIZING THEIR SALE, 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, Mrs. McCarthy-Yes. Motion Carried.

**Solicitor Miller: “Minimum Personnel” at Fire Station. Mr. Miller read:**

“The district agrees that as part of services to be provided under this agreement, it will maintain at a minimum at the station house, three personnel on duty 24 hours a day, 7 days a week within Newtown. The district will endeavor to see that at least one of those personnel is a certified paramedic but cannot guarantee that a certified paramedic will be on duty at all times.

**Mr. Kobasuk:** My recollection is they were talking about “best efforts.”

**Solicitor Miller:** This is the same language, I believe that we have in the contract now.

**Mr. Kobasuk:** I remember when the chief was talking from the podium when I raised the issue he was going to use “best efforts.” That was convincing to me, “best efforts” is a legal term that use.

**Solicitor Miller:** They’re not going to agree to that. I personally never allow a client to sign a document that says they’ll use their best effort. Because with enough money, they can put somebody in there. They may not have that money, but if you throw enough money at it you can have someone in there.

**Mr. Kobasuk:** I think we have thrown enough money at it with the tax levy on the citizens of the Village of Newtown..

**Solicitor Miller:** They’re not going to agree to that. If you want to call and negotiate it with them you’re more than happy to do so.

**Mr. Kobasuk:** I thought he said that at the podium.

**Ms. Hueber:** He would keep the same language because at all times he does try to put somebody in there. In the event somebody was in an accident on the way to the fire house, he can’t say that someone will be in there.

**Mr. Kobasuk:** “Endeavor” to put somebody there is not as strong as using “best efforts.”

**Solicitor Miller:** I agree because to me “best effort” means you spend whatever amount of money you have to put somebody in there.

**Mr. Kobasuk:** I’d like somebody in there.

**Ms. Hueber:** Do we have to go through that again? This is what they came to us with.

**Solicitor Miller:** There is one other thing in here that we changed also that we had talked about on the fire hydrants.

**Ms. Hueber:** That they’ll be responsible for anything above ground.

**Solicitor Miller:** The district said they wouldn’t get into whatever is going on below ground but they would do above ground.

**Mr. Evans:** The \$4,000.00 was all below ground?

**Ms. Hueber:** This was through this year. As of January 1<sup>st</sup>, the taxes are changing so they will then be responsible for the fire hydrants, above ground.

**Mr. Cosby:** Tracy, there are some questions on this; should we just wait until the next council meeting?

**Ms. Hueber:** How many months are we going to wait on this?

**Mr. Kobasuk:** It doesn’t need to be done tonight.

**Ms. Hueber:** They’re not going to change the wording. If you disagree with the wording, state it.

**Mr. Kobasuk:** I’m going to vote like I want Tracy. I didn’t ask a question.

**Mr. Evans:** Tracy, just bring it up at the next meeting.

**Ms. Hueber:** The chief was here and he is not changing the wording.

**Mr. Kobasuk:** I thought he said more than once in that document, I’ll go back and look.

**Mr. Cosby:** If they’re basically guaranteeing three people in the building at all times?

**Ms. Hueber:** Yes.

**Mr. Cosby:** My question would be, then how could they guarantee that? What if the third person coming to work is in an accident or his wife becomes ill?

**Ms. Hueber:** Then they get somebody else in there.

**Mayor Hammon:** They’ll have a bigger pool of EMT’s to call to cover that person. The paramedics are limited.

**Solicitor Miller:** My only reservation is it bothers me to tell the county auditor to not collect our tax when we don’t have this agreement approved. You need to tell the county auditor to do it because today was actually the deadline and we sent them a letter saying we are going to do this. I don’t want to tell you how to vote.

**Mr. Pulskamp:** We just passed that ordinance.

**Ms. Hueber made a motion to approve the Fire Protection Emergency Medical Services agreement. Mr. Pulskamp seconded the motion.**

**Discussion:**

**Mr. Kobasuk:** I guess I'm concerned about it. As I'm looking at these minutes, the chief said, "there is always one paramedic there now 24/7." I think after the Village of Newtown paid all those taxes and agreed to that new levy, we ought to get better language than "endeavor." I'm opposed to it.

**Mr. Evans:** Can we pass it and just change the one thing?

**Mayor Hammon:** They've already signed it. You'd have to go back and talk to them.

**Solicitor Miller:** You can pass it to approve whatever you want.

**Mr. Pulskamp:** Mark, this agreement is not just with us. This agreement is with Fairfax and Columbia Township. It's all communities together. It's not just an agreement between the Village of Newtown and the fire district.

**Mr. Kobasuk:** I'd like to see it. I don't recall reading it in my email and I don't have a copy in front of me. I'm not trying to be difficult, we can come back and do it later on.

**Solicitor Miller:** Why don't you give him a copy and come back to it later.

**Mr. Pulskamp:** It is a joint agreement. It's between all three communities in the joint fire district.

**Mayor Hammon:** I'm going to go out on a limb here Mark. You're a member of the board, Tracy's backup. They have a lawyer, talk to the board and talk to the legal counsel and see what they say. I know Doug Miller has been dealing with Driggers, but this contract is with the board.

**Ms. Hueber:** Darwin, give me input.

**Darwin Brooks, Resident and Fire Board Member:** They're not going to agree to that with the liability aspect of it. In the event a paramedic is needed, they can request for another source. Mark, the board said they are not going to agree to put that in writing for the liability aspect of what happens if that person is not here. If someone walks over there and he is not there, now is he in transit?

**Mr. Kobasuk:** He's in the village somewhere, is my presumption.

**Ms. Hueber:** He may not be in the village because he may have gone over to one of the other houses. So he's not in the village so if somebody goes in there and asks where he is and you get him on the radio; well he's in Madison Place, then there's somebody is so nosey in this whole situation then they'll come running and they'll go do all their things.

**Mr. Brooks:** Or they'll call Anderson to come and fill in.

**Ms. Hueber:** Okay, there's the motion on the table, there's the contracts.

**Mayor Hammon:** There is concern that if we don't have two paramedics; the other one can't function either. It's my understanding they need two paramedics.

**Ms. Hueber:** Everybody was okay with it when Driggers was here.

**Mayor Hammon:** All right, motion is on the table.

**Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-No, Mr. Cosby-No, Mrs. McCarthy-No-(I want to read the contract.)**

**Mr. Kobasuk:** What do you think about this John?

**Mayor Hammon:** With the fact of paramedics down, it creates a situation for the whole district. I'd like to hear a response back from the board. They need to address it district-wide. If there's a paramedic missing from this house, how are they going to address that district-wide?

**Mr. Kobasuk:** You've got to protect the residents in Newtown.

**Mayor Hammon:** Probably should call Ted Shannon, he is president of the board. Talk to him about the concerns and let him take them to the board.

**Mr. Evans:** Dave Olson is still on the board, isn't he?

**Ms. Hueber:** Yes.

**Mr. Evans:** Call him Mark, you know him.

**Mr. Kobasuk:** Yeah sure.

**Ms. Hueber:** Did you give Doug Miller back the contract? I just want to make sure it's out of my hands.

**Solicitor Miller:** I have them.

**Councilmember Ken Pulskamp:**

- Street Committee: We had a meeting August 15<sup>th</sup>. We're in the process of sealing the cracks at the Village of Ivy Hills. This should give us another four to five years out of the street without a problem. The process has been approved by our engineers.
- We've also changed the cross-walk signs to the bright green and we'll be painting the stripes in the street alternating white and green stripes so they'll be more noticeable to drivers.
- Storm Pipe – Ragland: We're working on getting bids from people doing work on upper Ragland right now.

**Mr. Cosby:** Ken, did you happen to look at the other end of that where it comes out above Yeager's.

**Mr. Pulskamp:** Yeah. Charlie is talking to Adleta Construction and trying to get some pricing to see what we can do there.

**Mr. Cosby:** It's a real mess. A guy's shed is about to fall over the hill.

**Mr. Evans:** Does it involve us or not?

**Mayor Hammon:** He built the house after we put the pipe in, so he has retrofitted into an empty lot.

**Mr. Cosby:** We're not talking about Yeager. We're talking about the house on Ragland Road, not the one on the corner, but the one right up from it. The one on the corner is being affected as well, but the one next door is also being affected due to erosion. I think the end of that pipe has actually collapsed, if you look down in there. Due to the fact that we maintain that, it does become our liability, in my opinion. I'm not trying to be an attorney.

**Mr. Pulskamp:** Charlie is looking into that.

**Mr. Cosby:** It makes sense if you're going to do one piece of the pipe, whoever you're getting, have them look at it so it becomes a complete job.

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

**Mr. Pulskamp made a motion to adopt ORDINANCE 21-2006 AN ORDINANCE AUTHORIZING A CONTRACT WITH BARRETT PAVING MATERIALS, INC., 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-No, Mrs. McCarthy-Yes. Motion Carried 5-1.**

**Mr. Pulskamp:** The next ordinance I have is the ordinance for the change order to contract with Sunesis Construction Company, for the Round Bottom Road and State Route 32 Project. I believe this came about from the auditor's.

**Mayor Hammon:** It's the final change order to get it so they can issue the payments and complete the project.

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

**Mr. Pulskamp made a motion to adopt ORDINANCE 22-2006 AN ORDINANCE APPROVING A CHANGE ORDER TO A CONTRACT WITH SUNESIS CONSTRUCTION COMPANY, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 09-2006 A RESOLUTION DESIGNATING THE VILLAGE DEPOSITORY INSTITUTION, 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, Mrs. McCarthy-Yes.**

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 10-2006 A RESOLUTION APPROVING TRANSFERS AND ADVANCES FOR CALENDAR YEAR 2006, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Evans seconded the motion.**

**Mayor Hammon:** Keri needs this on record so that's why the ordinance is here. It's actually things that we've done and approved, but never made motions or anything like that.

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

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

**Mr. Pulskamp made a motion to adopt ORDINANCE 23-2006 AN ORDINANCE AMENDING THE 2006 PERMANENT APPROPRIATIONS, 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, Mrs. McCarthy-Yes. Motion Carried.**

**Councilmember Doug Evans:** Are there any questions on the checklist, dated 8/22/2006? John, do we have to pay the Treasurer of State for the Village audit?

**Mayor Hammon:** Yes. I think we've made one payment

**Mr. Pulskamp:** I think we've paid them \$6,000.00 or \$7,000.00 already. Usually our audits run in the \$8,000.00 to \$10,000.00 range, which is cheap.

**Mayor Hammon:** It seems like we've paid a good chunk, \$7,000.00 or \$8,000.00 already.

**Mr. Evans:** My other question, Hamilton County Development Corporation, almost \$3,700, how are they billing us?

**Mayor Hammon:** On a monthly basis. That is actually two months for June and July, so it's \$1,836.00 a month.

**Mr. Evans:** Do we have any records of people taking advantage of the CRA?

**Mayor Hammon:** Actually I got another contract from them. It's for the same amount, but does have some figures I haven't had a chance to compare and make sure it is with we agreed with them. Yes there are people with the CRA. That brings up a point; Council needs to name two people to the board. A councilmember cannot sit on the board. You need to start thinking as a group, who you want to name to the housing board. I name two and Council names two and I believe the Planning Commission names a fifth one. We do need to do that.

**Mr. Kobasuk:** Until we name them, they can't approve anything.

**Mayor Hammon:** Several people have called and once Mike explains to them; there is not that much interest. There have been three to four people that may proceed forward.

**Mr. Evans:** Could we do that? We're paying the money, but it's really not in place.

**Mayor Hammon:** It would be on a fee basis. The new contract has it in there. The fee is \$200.00 for commercial and \$100.00 for resident. They're going to administrate some of it for us.

**Mr. Evans:** Could we get the names of those interested by the next meeting?

**Mayor Hammon:** I'll talk to Mike and he could probably tell you who looks like a potential. Until we get the board, Mark is right; we can't take any additional actions.

**Mr. Evans:** Are there any questions on the checklist, dated 9/12/2006?

**Mrs. McCarthy:** Ken, did we change the window cleaning to once a month?

**Mr. Pulskamp:** Yes. Two months ago. As soon as you brought it up we changed.

**Mr. Evans:** There is one here I haven't seen much before. The \$300.00 for public defender in Mayor's Court?

**Solicitor Miller:** That's something you have to add, seventy-five dollars a case in real cheap.

**Mr. Evans made a motion to accept the checklists dated 8/22/2006 and 9/12/2006. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.**

**Mr. Evans:** I have spent a lot of time with Gary Meisner for the gateway landscape project. I'll be happy to spend time with you all so you can see what we came up with. I have left two messages for Bill Motto just to keep in touch. We have the names of people on the Foundation. I need to get with Doug Miller so we can accept the money from Meridian and take it to the foundation. They're not allowed just to give money to something that is not a charitable organization.

**Mr. Cosby:** I'd like to see a copy of that Doug.

**Mrs. McCarthy:** When will this start?

**Solicitor Miller:** I think I had all of the organizational documents put together. It needs to be signed and filed with the Secretary of State. That will be done this or next week; whenever you give it back to me. As far as the IRS approval, that could take three to twelve months.

**Mr. Evans:** If had the thing in the process of getting started and to get this money; could we at least start on something?

**Solicitor Miller:** Well, the Village can't extend any money without certifying that the funds are available. I don't know how you're planning on doing this.

**Mr. Pulskamp:** The Foundation is going to do it.

**Solicitor Miller:** If the contractors are willing to contract with the Foundation to put it in on a basis that they don't have any money and no approval from the IRS; I'm assuming you're not going to get the money in until the Foundation has a letter from the IRS stating they qualify as a 501C3 organization; even if we file the documents to establish a non-profit corporation with the Secretary of State of Ohio. That could be done very quickly; with the IRS, there is a lengthy form that has to be filed that would probably take a couple of weeks. You have to come up with a proposed budget for five years to file with that for the Foundation.

**Mr. Evans:** We could do something as long as the contractors knew they might not get paid.

**Solicitor Miller:** As long as the Village isn't on the hook. That's a totally separate corporation they are dealing with and as long as they know it is not for the Village and the Village isn't going to pay it; then they'll take it on their good faith they are going to get paid.

**Mr. Cosby:** Would we be construed as being on the hook in any, since we actually own the property?

**Solicitor Miller:** I don't see that. They won't have a contract with the Village. The Village is merely allowing things to be installed on there. I would suggest we have a confident contract with the Foundation, not the Village. There may be even a disclaimer in there that says the Village of Newtown has nothing to do with this and will not pay whatever. Just to be on the safe side. The Village has to give the Foundation the go ahead to do it.

**Mr. Pulskamp:** Thank you Doug (Evans), you put a lot of time into meetings for this project.

**Mr. Kobasuk:** We didn't pay for that (proposed plan from Gary Meisner), that was donated time, correct.

**Mr. Evans:** Well, Gary Meisner has kind of donated a lot of his time. He has kind of held off on it a little bit because he knows there is no money there right now anyhow. He got some things out of me.

**Mr. Kobasuk:** So you're paying for some of it.

**Mr. Evans:** Well that's all right.

#### **Councilmember Mark Kobasuk:**

**Mr. Kobasuk made a motion to pass AN ORDINANCE RESCINDING ORDINANCE #21-2005, PROVIDING FOR LIMITED NO PARKING AREAS IN THE CRULL SUBDIVISION.**

**(This is the Ordinance rescinding the Ordinance passed back in June of 2005, which banned parking on the various streets in the Crull subdivision.)**

**Mr. Cosby seconded the motion.**

## **Discussion:**

**Mr. Kobasuk:** This ordinance passed on June 28<sup>th</sup>, 2005 banning parking on various streets in the Crull subdivision. In my opinion, the ordinance is overbroad. I don't think anybody has really defended it; we've just tried to think ways to find a compromise. I have worked hard to try to find a compromise, but at this time, I cannot find one. The ordinance banning parking on both sides of the streets strikes me as excessive and a great disadvantage to the residents. I don't see it being done anywhere else. If it was done in Ivy Hills, I'm sure Doug (Evans) and I would be outraged at it and lawyers would be hired and things would be done. The signs I think are excessive. Much controversy has been surrounding this as been witnessed tonight. I would urge Council just out of basic decency to rescind this. It is overbroad and no matter what happens down the road we are going to have to rescind this overbroad ordinance. We've talking about painting lines and talked about other solutions and maybe that will come, but at a minimum I ask you to take this ordinance down and show these people that we hear them. The petition I looked at had a majority of names. The majority of residents are opposed to this law in that subdivision. I've walked the streets, as did many of you. I know the Mayor has been down there. I know Curt has been down there. They don't want the law. I think it is a bad law and a committee was formed by the Mayor. The Mayor should not take much heat for this because he did not pass the ordinance, Council did. He does not vote on the ordinance. On my very first night here on Council, I voted for this Ordinance and I have regretted that vote ever since. It was an uninformed vote. I ask you now to join me and take the ordinance down and show these people we hear them. We did have a committee Doug, and I sat there through every meeting along with you. My recollection was we had a consensus amongst the committee, I think it was a majority among the committee that at a minimum, we would have a phased-in approach and we would say there would be no parking 30 feet from the intersections in the Crull subdivision. We all agreed 30 feet, in all directions, which is beyond state law. I think we ought to follow that committee's recommendation, it was a consensus. People like Heather Patton got up and walked out. We're not doing ourselves any favors and we're putting the Mayor in a bad spot. He didn't even vote for the ordinance and he's taking the flack on this and I think as a Council we ought to stand up and take it down. I promised everyone here that I will work with you to find a decent compromise. I am not trying to be irrational. I just think we're not treating these people well. Again, I cannot imagine this being done in Ivy Hills, for God's sake. I can't imagine us passing a law saying we can't park on those streets Doug, but we've done it to those folks. It is not right. I respect Darwin Brooks who comes to every meeting. I wish he would run for Council. I respect his view about cleaning up the neighborhood. But you have a majority of people who don't want it. My view of Council is I sit here and I have to represent those people. I'm moving to pass that ordinance. I hope one of you across the table would join us and let us diffuse the issue, take the heat off of Council and off of the Mayor. It's just being rational. We have too much friction over this issue. It's dividing the town! Doug, I ask you to join us, out of common decency. Show these people you're listening to them. Thank you.

**Mr. Pulskamp:** We've been told by the fire and police depart that this is a safety issue down there. We have been told by the Forrest Hills School District that drives busses down there. I will not sit at this table and compromise one resident's safety. This ordinance may be very broad, but right now it's protecting the residents down there with the safety issues. Yes, I agree with you Mark, it needs to be changed. It's a very broad ordinance. By rescinding it and by not having something into effect is wrong. What is offered is not correct. It is not enough of a safety issue. To address the safety issues that are down there; the wording in the second paragraph, "that Council finds the conditions warranting Ordinance 21-2005 have changed and that the parking on these streets can now safely be permitted, except near intersections." I don't think that one of us sitting at this Council table can honestly say they agree with that wording. What has changed down there that now we can safety let them park there? The reason this ordinance was put into effect was because it was a safety issue because they were parking on both sides of the street. The fire trucks could not get down there. The police department even had problems getting through there at times. Residents have problems getting through there at times. Those conditions have not changed. Conditions have changed because this ordinance has gone into effect. The no parking signs have went up and there are certain residents that are obeying the laws. They have moved their cars. They have put driveways in where they can put driveways in. We have paved the alleys to make an access to their properties. We've offered help and have had different groups that have offered. If we as Council repeal this ordinance, the safety of those people is now on our shoulders.

**Mr. Kobasuk:** The safety issues are red-herrings made up by people that oppose them. This practice has been going on for decades. I've spoken to police offers and they don't see the big issue down there. Driggers said, perhaps at the intersections that trucks could not get around. We took that into account and we banned parking on both sides of the intersection so fire trucks could get through. This was an issue because Mr. Thornberry was parking too many vehicles. These safety issues are now drummed up and you're creating a bad record for the Village. I sat on that committee and I don't recall a safety concern. This has been going on for decades. You can make the same issue in Ivy Hills. Should we park on both sides of the street? I'm not going to run around and be the parking police of the councilmen.

**Mr. Pulskamp:** I agree with you. There's not been a safety issue up there yet. When you sat on the committee that the Mayor appointed, was there a police officer that came and said there was a safety issue?

**Mr. Kobasuk:** No, I don't remember that.

**Mr. Pulskamp:** According to the minutes from that meeting, Officer Rose Frederick was there representing the Village of Newtown and it was in the minutes. There are safety issues and not fabricated stories.

**Mr. Kobasuk:** I don't remember her saying that. I don't recall a concrete safety issue.

**Mayor Hammon:** She cited the example when the EMT's could not get down Crull Street and had to park on Leonard and run down the street and run back for stuff. That's the first time I heard of it.

**Ms. Hueber:** It's been brought to our attention legally that Leo Honnebrink even has all the statistics of that. We could do parking on one side of the street and then those streets are legal. I am going to do it because I'll be the first one to come to this Council and sue this Village if my child is hit from running in between it. Like it says in here, "now can be safely permitted." We got our legal description from Doug and he said we are now notified that those are not.

**Mr. Kobasuk:** Do you have an opinion on this Doug? What's your legal opinion? What is she talking about? What opinion did you give?

**Solicitor Miller:** I'm trying to remember how the question was asked. It was something to the effect that if the Village is aware of the dangerous situation that their responsible for, in terms of it's in the street. Is there liability on part of the Village? I think yes. There was a situation that came up in Warren County where they had removed or somebody hit the guardrail rail and took it out and they didn't replace the guardrail and somebody went through it and went into a lake and died. The county got hit for millions and millions of dollars.

**Mr. Kobasuk:** What's the dangerous situation you were talking about?

**Solicitor Miller:** The question put to me was, "do we know Leo Honnebrink is an expert," I do not know. It was almost put to me in attorney language as a hypothetical question. The answer to the hypothetical question is yes. If you're aware of the dangers, like you know the pot hole is there and a car hits it and is damaged, the Village is responsible. Whether there is a dangerous condition down there, I'm not an expert. The question was put if you're aware of a dangerous condition, is there liability and I think yes there is.

**Mr. Koabsuk:** That's a general hypothetical. You don't have specific knowledge of any dangerous conditions down there.

**Mayor Hammon:** I was concerned that we know the fire trucks can't make the turn. I wanted to make sure that the 30' was across the Village, not just down there. It's just as bad in River Hills parking around the intersections.

**Mr. Cosby:** I have spoke to the residents on more than one occasion. They haven't changed their mind, despite what some have said. I've also spoke to the fire department and there has never been an incident where they could not get to a house. They didn't even convey to me that there was an incident about turning on the intersection; although, I can certainly see that point. Like Mark said, that's been rectified with the no parking within 30 feet in any direction. I've also spoke to a couple police officers. I think if you get an expert in one way, you get an expert in the other. These police officers have had no opinion one way or the other so right there doesn't constitute a problem. If there was truly a problem I would think they would out with an opinion.

**Solicitor Miller:** In a prior meeting, John proposed to define driving lanes and allow them park outside the driving lanes. Is that acceptable to this side?

**Mr. Kobasuk:** I need to talk to the residents and see if they want lines. I don't want lines in my neighborhood. I don't want lines in River Hills.

**Solicitor Miller:** That came up two meetings ago, which was two months ago and we're no further along on it now.

**Mr. Evans:** I'd like for everyone to meet at Moore's Funeral Home where everybody can walk there. Just do it one evening and try to get this thing resolved. I know where you're coming from Mark. I am kind of with you but I want to do the safety thing.

**Mayor Hammon:** Mark, I do appreciate you not putting the heat on, but I'm trying to sit somewhere to get in the middle. I think there is a middle ground. I've seen other communities paint the driving lanes where there were congested areas. I think that's an alternative, define it. We've been arguing about parking vs. no parking; in reality, it's being able to drive on the road vs. parking. That was really the issue. If you go back and read the minutes, this all came about people saying they couldn't drive through because people on the streets and parking here. Barry Phillips was sitting on Council and he was one of them pushing because he was very concerned the way people were parking and kids driving in and out of the vehicles.

**Mr. Kobasuk:** If you're going to do the striping, why don't we take down the ordinance now? Why leave it fester?

**Mayor Hammon:** It festered for everybody else that came to Council two years ago. You're putting blinders on yourself by not going back and ready the minutes. You don't understand what drove this.

**Mr. Kobasuk:** I'm not putting any blinders on myself. I understand the animosity being directed at Council over this.

**Solicitor Miller:** You haven't been enforcing the ordinance, but you said we know there is a safety problem down there. You need to get off the dime and do something because if you've acknowledged a problem and saying we're not going to enforce it. That could cause you a problem also, in terms of recognizing a safety problem and not doing anything about it.

**Roll Call: (Mr. Kobasuk made a motion to pass AN ORDINANCE RESCINDING ORDINANCE #21-2005, PROVIDING FOR LIMITED NO PARKING AREAS IN THE CRULL SUBDIVISION. Ms. Hueber-No, Mr. Puskamp-No, Mr. Evans-No, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion failed for lack of majority.**

**Mr. Koabsuk made a motion to have the First Reading of AN ORDINANCE REQUIRING THE REMOVAL OF DOG EXCREMENT.** We've talked about this in previous Council meetings and this law makes it a misdemeanor to not clean up after your dog. We took out language about having a control device to remove the feces. I thought we as Council basically thought this is a minimum what we would want. I think Doug has rewritten it, I think it's a good ordinance and it is going to replace the other one. **Mr. Cosby seconded the motion.**

**Councilmember Curt Cosby:**

1. Executive Session on purchase of property.
2. Moundview Park: we have a few issues that need resolution.
  - a) One is paving we're going to try and coincide with the paving of Church Street South. Bruce gave me some figures from 2005, I think Council must have already seen those.
  - b) There are holes in the porches, potential liability there if we don't we those fixed. We'll work on that.
  - c) I also walked around the other day with Silas King to check out the door to the front of the building that goes upstairs to the apartment. The door they had put in is a metal door and it does not do justice to the character of that building. In talking with Silas to replace that door, to get one that fits we'll have to have a custom door. We're looking at putting a solid wood door with nice hardware to match the architecture of the building. He figured with taking the old door out, installing the new one, buying the door and all the materials, around \$1,200 give or take. I'd like to propose a motion to go up to \$1,500 in case the expenses are greater than thought.

**Mayor Hammon:** Check with Mike to make sure it is ADA compliant.

**Mr. Brooks:** Crull St. I have interest in Moundview, please don't do anything to Moundview unless Mike Cornette comes back with recommendation. Whoever does repair there will follow his print to the letter.

**Mr. Cosby:** I will speak with Mike Cornette and if we have his blessing, I'd like to go ahead and get approval on the replacement of the door.

**Mayor Hammon:** Why a solid wood door?

**Mr. Cosby:** I just think a solid wood door leans more to the architecture of the building.

**Mayor Hammon:** I guess my concern is the maintenance and how it will stand up.

**Mr. Brooks:** If you think Mike comes back with his expertise and let him make recommendation.

**Mr. Pulskamp:** Curt, I agree we need to have things done up there. You and I talked and we need to replace that door, \$1,200 to \$1,500 sounds dirt cheap. Something is wrong there. I just put a \$900 door in my front door and it's a simple door.

**Mr. Cosby:** I didn't just dream up a price. We looked at the doors and did some homework on this. I'll run it by Mike and find out about the ADA compliant and if he says it will work, I'd like it passed this evening based on Mike Cornette's recommendation.

**Mr. Evans:** Curt, see what Mike wants and coordinate with Darwin, take a picture of it and then I'm for it. See what I'm saying. I might even have a couple of good wood doors that I'd be happy to donate.

**Mr. Cosby:** I can bring it back to the next meeting I am giving warning that the porches up there absolutely need to be redone.

- Moundview Lease: We need to pass the lease for these people. Their lease has been up since July. I wouldn't mind a two-year lease if we did a clause in there that next July we have the ability to review it.

**Mr. Pulskamp:** Their old rent was what?

**Mrs. McCarthy:** \$375.00

**Ms. Hueber:** Raise it to \$400.00 and give them a two-year lease.

**Solicitor Miller:** If you review it you're really not giving them a two-year lease.

**Mr. Pulskamp:** Remember the utilities, with free heat.

**Mr. Cosby:** Well, you're forgetting why they're there the first place. They've done a much better job picking up since we informed them they need to do it throughout the weekend as well. I'll tell them \$400.00 a month and a two-year lease.

**Mr. Cosby made a motion to enter into a contract with Tom and Samantha Bonar for a two-year lease for Moundview apartment. Monthly rent will be \$400.00 per month. Mrs. McCarthy seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Mr. Kobasuk (absent) Motion Carried.**

**Councilmember Debbie McCarthy:**

**Mrs. McCarthy made a motion to accept Council minutes for September 14, 2004, September 28, 2004 and September 29, 2004.**

**Mrs. McCarthy made a motion to approve Council minutes for June 13, 2006, June 27, 2006, July 11, 2006 and August 8, 2006. Mr. Cosby seconded the motion. All Aye. Motion Carried.**

**Ms. Hueber made a motion to enter into Executive Session to discuss litigation and property purchase. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.**

**Mayor Hammon:** Reconvened Council meeting. Action to be taken as a result of Executive Session.

Mr. Pulskamp made a motion for Village of Newtown to hire Manley Burke and Fisher, LPA as a Counsel for the zoning code modifications. Mr. Evans seconded the motion. All Aye. Motion Carried.

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

Mr. Cosby made a motion to adopt ORDINANCE 24-2006 AN ORDINANCE PROVIDING FOR AND AUTHORIZING WEED CUTTING, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY for property located at 6823 Center Street. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-(absent), Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

Mr. Pulskamp made a motion to adjourn Council meeting. Ms. Hueber seconded the motion.