

The September 26, 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 (absent) Debbie McCarthy  
Tracy Hueber (arrived 8:20 pm) Ken Pulskamp

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

### **Fire Chief Driggers:**

#### **Proposed Fire Service Agreement:**

- **Paramedic Staffing:** I'm here to clarify some language on that particular language. The language in the initial contract draft read, "the district will endeavor to see that at least one such personnel is a certified paramedic, but cannot guarantee that a certified paramedic will be on duty at all times." There has been some concern raised by Mr. Kobasuk. Solicitor Miller and our attorney Mr. Abes from Dinsmore and Shohl discussed this issue at length to try and bring some clarity to it. Other wording has been developed that I am here to share with members of Council so we can get this issue resolved before the effective date, January 1, 2007. In various emails between Mr. Kobasuk and Solicitor Miller, Mr. Kobasuk had asked Solicitor Miller to try and get different language that would indicate reasonable or all reasonable effort or best effort, in that particular paragraph of the agreement. Solicitor Miller conveyed to me by phone that the term best effort was probably not something that anybody was going to agree on. Mr. Abes has come up with language that he feels is in the middle of between best efforts and will endeavor. Mr. Abes has drafted, "the district will use reasonable efforts under the circumstances to see that at least one said personnel is a certified paramedic, but cannot guarantee that a certified paramedic will be on duty at all times." Such language is in keeping with the spirit of the agreement. That is what our attorney has relayed to Solicitor Miller. Our Fire Board met the other evening and they have agreed with Mr. Abes revamping of that particular phrase and are prepared to have that inserted into the fire protection agreement for Newtown to sign. We have a minimum of three people at that station on duty 24/7. We have always from day one, 2/1/2003, have always met that requirement. That was a requirement we agreed upon when Newtown joined the district. Many times we have more than one certified paramedic on duty, but we've never had less than one paramedic on duty during a 24 hour period.

**Mr. Kobasuk:** Let me say at the outset that nobody is questioning your commitment or the fire district's commitment to the safety of the citizens of Newtown. The issue is simply making sure the agreement is as strong for the Village as we can get. The agreement is going to control and it's not going to be what is said in this room. You came here and I appreciate you saying that in the minutes of August 8<sup>th</sup>, 2006, "no time has there ever not been at least one paramedic scheduled across the street at the Newtown station." You also say, "at no point and time do we ever have less than one and at many times we have two." It's in the context of that that we wanted the agreement because the language we originally saw and you correctly cited, "the district will endeavor to see that at least one of such personnel is a certified paramedic, but cannot guarantee that a certified paramedic will be on duty at all times." It is my concern that we make that language more reflective of your comment and what we all understand. I think the language you have proposed is a step in the right direction. One question that was never answered for me is I sent Doug Miller an email asking if we could get the word "all" inserted? In other words, it would read now under the new language, "the district will use "all" reasonable efforts under the circumstances to see that at least one of such personnel is a certified paramedic, but cannot guarantee that a certified paramedic will be on duty at all times." My simple concern chief is that you have reasonable efforts and I just wanted you to use "all" reasonable efforts under the circumstances. Doug Miller never responded to that email. I don't know if that word was ever taken back to you.

**Chief Driggers:** I don't recall that particular change in phrase being one of the items that Mr. Abes and I discussed. I know Mr. Miller and I discussed the best effort term, as did Mr. Abes and I. The conversation then went between Mr. Abes and Mr. Miller to work out. I would be more than happy, even though it is going to delay this, and raise the ante for us into this issue, as we discussed privately about the cost of this endeavor. Is the word "all" so important that it's going to cost us another \$250 and that's what we pay per hour for everything Mr. Abes does. If you look at the spirit of the agreement, we have always held up to the terms and conditions in regards to providing protection for the citizens and we will always. But, everything we do in delaying and revamping and rewording for one word that may or may not have any legal connotation. I will be more than glad to discuss this with Mr. Abes to see if he has any reservation about inserting the word "all." I'm just merely saying all it does is jack the cost up, in my opinion, unnecessarily but in your opinion, it may be essential.

**Mr. Kobasuk:** Chief, I did try to resolve this before tonight. I sent Doug Miller an email, a subsequent email, last week asking him to look into this and I was hoping to get a response. When I did not get one, I called Mr. Abes today and unable to reach him so I left a message. It's not like I'm not trying to move this ahead. To me there is a difference between reasonable efforts and "all" reasonable efforts. I'm just trying to protect the citizens and I know you are too. We each have a job to do here chief.

**Chief Driggers:** I appreciate the position you as elected officials are in and I hope you appreciate the position that I am in, in regards to managing the fire district.

**Mr. Kobasuk:** We do. I will say that Newtown voted for the tax levy so you would have your levy and you have a lot more money to protect the people.

**Chief Driggers:** We want to do the right thing by the people and by Council.

**Mr. Kobasuk:** I think with the absence of Doug and Tracy, would it make sense to go back and talk to your people one more time and come back. Maybe my colleagues have additional comments; I don't want to speak for everybody.

**Chief Driggers:** Would it be helpful, after I speak with Mr. Abes and we get a copy of this agreement out to all of you so you have a chance to read it? So when it does come in front of Council for ratification, which needs to happen sometime in the near future, you will all have had a chance to peruse it completely.

**Mr. Kobasuk:** That is our obligation, to peruse it before we vote. Last time, we all did not have the agreement and some people tried to head off a vote, but somebody wanted to proceed with the vote and that is why it failed. Because we weren't prepared to act on it, it wasn't on the agenda.

**Chief Driggers:** That is why I'm offering that service so that everyone here has a chance to look this document over. Obviously, we had to change the agreement because of the financial structure and the change of it within the three communities. Since this language is specific to Newtown because it doesn't affect the other two communities; after I meet with Mr. Abes and get his opinion, if it's different than what the board has voted on then we have to go back to the fire district board. Then make sure all members of Council, elected and appointed have this document for review.

**Mr. Kobasuk:** John, do you have any thoughts on this? You've been on Council a long time. I'm not trying to just wordsmith here, but I think there's a difference between reasonable efforts and "all" reasonable efforts.

**Mayor Hammon:** That's a true statement. The reason I voted no last week was to give you additional time to work out the verbiage. It doesn't sound like Solicitor Miller was available, attorneys or whatever else. I talked to Doug (Miller) today and he was having a hard time getting a hold of a lot of different lawyers. He can bring it back in two weeks; it's still before the end of the year. Mark, we all should be happy with it. If you're unhappy, I think we need to work it out. We're that close, I think we should let them go ahead and work the verbiage and bring it back to the table.

**Chief Driggers:** Speaking with other fire chiefs who have fire districts that involve multiple communities, this contract is rather unique. The other ones do not have any type of verbiage that discusses minimum staffing and those sorts of things. We do have a collective bargaining agreement with the fire district in the union that also has staffing obligations in the collective bargaining agreement we have to meet as well and one of them has to do with paramedics. So we do have kind of a double-sided issue here that we have to abide by a collective bargaining agreement and we also have to abide by language in the contract or the agreement with the Village of Newtown. Thank you very much.

**Resident Earl McCane:** 7118 Monongahela Drive. I was down here two years about a water problem on the backend of my property. The problem is it has a pipe that is a foot-wide for the drainage. I guess you might have put it on the back burner and forgot about it. It has gotten a lot worse over the last few years. It doesn't take much of a rain to get over the top because that pipe stops up. I'm getting too old to try and keep it open. I talked to Charlie this morning and he said they're going to take a walk along the property and see what they can do about it. I sure do appreciate it.

**Mayor Hammon:** Up until recently, that was not our property. It was private and an issue we couldn't resolve. That was all private property up through that area.

**Mr. McCane:** I'm talking about the drain pipe that they put across the road, it's on my property.

**Mayor Hammon:** That is not the Village of Newtown's property either. If you go back and look at the subdivision plat, the drainage system was never accepted by the Village. It's my belief the property owners own the drainage system in River Hills. Up through the hillside and all back through there was Mike Zicka's. It was not the Village property and we could not go in on private property and do work. The Village owns the hillside now, but two years ago it was privately owned. That has been given to the Village and the Village has accepted that property. Now we do have the right to go and work on it now.

**Mr. Pulskamp:** Charlie and I are going to take a look at it.

**Mr. McCane:** Okay, thank you.

**Resident Becky Fairley:** 6931 Edith Street.

1. **Creek Flooding:** I think this is probably regarding what you are talking about Mr. McCane. The Mayor and I have talked a little bit about it and I know Charlie and the Street Committee are supposed to obtaining bids for the job. I have pictures for Council to see, of the junk and debris that has washed up and frankly, we are tired of it. It has taken down the fence and has rotted out my neighbor's shed.

**Mr. Cosby:** I was up there last night walking around. Isn't part of this problem that the person behind you has built up his property, a damn that has now diverted the water into a different direction?

**Mrs. Fairley:** Yes, what he has done has made a mess. It is an eyesore, but you can't blame the man for trying to protect his property.

**Mr. Cosby:** What he has done has also affected his next door neighbors down stream from him on Ragland Road, because of the berm he has placed and has diverted the water.

**Mrs. Fairley:** Right. He did it to try and protect his property because it flooded his house. I think he came down here and talked to Council and the Mayor one time. I as a resident appreciate anything and everything you guys can do. If we were to sell our house right now with the mess that is there, nobody would look at it.

**Mr. Cosby:** I will say that the maintenance crew did go up there right away and clear off the grates and there is some piping prior to the grates that also catch debris.

**Mrs. Fairley:** Right. Yes, they took about a truck load away. My neighbor had set out at least that much for Rumble; which I was surprised they took away. Maintenance has tried in the past to check it when it rains.

2. **Fire Service Agreement:** The chief is gone and I just wanted to thank him, I appreciate our fire service. I want to thank Mark, our elected official, for looking out for the citizens of Newtown.
3. **CARE Award:** I told Charlie today that I would make everyone aware of the award Newtown was awarded. In 2001, Hamilton County Waste Management District started the curbside recycling program. This was the first year for this program and Newtown was awarded the CARE award in 2001. Today, Charlie was notified that Newtown won the CARE award for 2006. This program has grown tremendously in the last two years here in Newtown, due to the hard work of our maintenance department. We have residents calling Townhall frequently requesting more recycling bins and our maintenance department, Charlie, Tony, Robert and Andy are always on top of getting these bins to the residents right away. I had a resident call the other day and couldn't believe how quick they dropped off his recycling bin. Newtown will be awarded \$1,000 towards recycled plastic products. The awards luncheon is November 15<sup>th</sup> and five people can attend, let Charlie know if you are interested.

**Resident Tammy Thornberry:** 6612 West Plum Street. I am here to represent the twenty-eight houses in the Crull subdivision against the no parking signs. At the last meeting, one of our councilmembers made a reference about our committee member, Heather Patton, having good ideas and being level-headed. The lack of consideration for the committee work, combined with other treatments at the last meeting, caused Heather to leave angry. My husband, Brian Thornberry was so upset at the last meeting, it caused him further health problems and he could not make it here tonight. He will be back soon. As shown on the petition, we the vast majority do not understand why our views go unanswered. We feel Council has let us down by not representing us. This is not my husband against Council; it is against our subdivision, against unneeded and unwanted signs. In our opinion, the law was put into effect to enforce those of us out of town who cannot afford driveways. This has caused an unneeded problem in our subdivision. After the last meeting, a second person had a fake parking violation sticker put on their car. This is impersonating an officer and trespassing and damaging. This is the second person from our street that has been victimized, all because Council refuses to represent people of our subdivision who elected them. There are neighbors in our subdivision fighting over boundaries and never before were there any problems like this before the signs went up. I just ask again for Council to do something to resolve this. It has almost been a year since the signs have gone up.

**Mr. Kobasuk:** Tammy, there was a proposal to perhaps put lines on the streets. The residents would have to park outside the lines. Do you have a position on that?

**Mrs. Thornberry:** I think lines on the road are just as hideous as the signs are.

**Mayor Hammon:** You have to remember how this all came about. People were parking in the street. I've seen it down there at least twenty-five times. I've talked to the police department and this is where the lines came in. Define where you can drive and define where you can park. If you have a parking pad there already, you can legally park there. You cannot legally put a parking pad in front of your house now. Those who have a parking pad can keep them.

**Mrs. Thornberry:** I still think the residents in that area should be asked about the lines and see what they think.

**Mayor Hammon:** That's right. That's why I haven't acted on it or pushed it any farther. I have not had an opportunity to get the group together and meet with them.

**Mrs. Thornberry:** What was the committee for if nobody was going to go by what they said? Was it just to shut everyone up or what?

**Mayor Hammon:** I don't think so. David, do you have a comment?

**Mr. Krings:** I think the committee report represented the consensus of the committee. We didn't take a formal vote on it so I can't tell you how many in favor and how many not. By the end of the process, I think people were generally accepting of the recommendations that were made.

**Mayor Hammon:** I would say I know I've come down four to three. The three people that don't support it have expressed that opinion at the table.

**Mr. Kobasuk:** I thought we did vote. Frankly, that's how we got the consensus. We sort of took a vote and that was the majority rule.

**Mrs. Thornberry:** What's the difference between consensus and a vote?

**Mr. Pulskamp:** Consensus is pretty much everybody agreeing to it. A majority is just the majority of people agreeing to it and that's where the difference is.

**Resident Wendell Owens:** 6608 West Plum Street. I've been parking on West Street. My fence was brought in on West Street for parking. You guys redid the alleys for us and instead of cutting down trees, you went around trees. You're on my property eighteen inches in the alley. You can clearly see it from the center mark that you had the survey done. But, you're way over on my property. I would like to have this stuff removed because it was grass before that I used to mow. Two months ago they put a sign down there on my property on West Street. It's grass I used to mow. I can't figure out why they put them in a year ago and then this summer put one on the corner of my house.

**Mayor Hammon:** Help me with where you live.

**Mr. Owens:** The corner of West and West Plum.

**Mayor Hammon:** I can't address the alley; I can go down and look at it. What's the question about the signs we put up?

**Mr. Owens:** There was no sign there before and you had already put signs in and then you come down. It was when Tracy put in an email saying our kids weren't playing with her kids because all of this allegation that has been going on. You can't blame the kids. Then, the next day I come home from work and there is a sign put up, "Children Playing, No Parking in Between Signs."

**Mayor Hammon:** There was one sign that moved down there because it blocked the ability to turn.

**Mr. Pulskamp:** I believe it was the Forest Hills School District.

**Mr. Owens:** There was no sign there in the beginning.

**Mayor Hammon:** I'll have to talk to Charlie about it. When can I meet you down there and look at it?

**Mr. Owens:** Usually, I'm home after 5:00 p.m.

**Mayor Hammon:** Write your phone number down for me and I'll come down and look at it.

**Mr. Owens:** Talking about safety issues, the signs are a big safety issue. A lot are leaning; they're not in the ground right. I'm scared one of the kids is going to ride their bikes into them and get hit by a sign. I'd like for you to look into that too.

**Resident Heather Patton:** 3524 Leonard Street. Would you clarify? You could put lines on the road and then we could park outside the lines, but then did you say that is only if you have a parking pad and if you do not have a parking pad you are not allowed to make one?

**Mayor Hammon:** That is correct.

**Mrs. Patton:** So what is putting the lines going to solve, because most people don't have a parking pad?

**Mayor Hammon:** It solves it because people have a parking pad. Lines would clearly define the roadway.

**Mrs. Patton:** What is the definition of parking pad?

**Mayor Hammon:** A place that has been used for parking, whether it's gravel, blacktop or cement. Those people have been grandfathered in.

**Mr. Cosby:** What is the law now that says they can't put one down?

**Mayor Hammon:** I think it's a zoning law.

**Mrs. Patton:** I don't really understand why you're trying to give people an option and say we'll make the lines and then you can park outside, but yet no you can't if this, this, and this.

**Mayor Hammon:** If you had a parking pad presently you would still be able to use it.

**Mrs. Patton:** Stop down and see if I have a parking pad.

**Mayor Hammon:** The way it is right now, the law says and I have been encouraged by our Solicitor to enforce it quickly. The law says, "No parking anywhere." By painting the lines would allow people to park off the street, outside the white lines. We would change the wording on the signs.

**Mrs. Patton:** I'm just curious why sometimes, I know there are rules and laws, but sometimes you can kind of change the rules and laws because you're the guys that made them to begin with.

**Mayor Hammon:** When it comes to zoning laws, they do change, but not frequently. I think in twenty-one years, we're on our third set of laws.

**Mr. Kobasuk:** I just want to say something for the record. I want to apologize; I'm speaking for myself now, nobody else. I want to apologize to the residents for how they're being treated on the parking issue. I think the law is over broad and I am aghast at how the Village is treating its residents in that neighborhood. I've expressed my opinion, we voted on it and did the resolution to take down the signs and repeal the ordinance and did not pass. The most wisdom I have heard, in this room, has typically come from the podium and these people rather than around this Council table. I think if the majority of residents of Newtown knew what was happening in that area, they would not be very pleased taking away the parking from these people. It is an injustice in my view and the law is over broad, but we did not have the votes to take it down. Personally, I apologize for how you're being treated.

**Mrs. McCarthy:** I do too.

Mrs. Thornberry and Mrs. Patton thanked Mr. Kobasuk.

**Mayor Hammon:** I will say this Mark, that's a very ill approach because you didn't hear the other people present their side. If had went back and read the minutes.

**Mr. Kobasuk:** I don't appreciate John you telling me I have not investigated this issue. I've walked; I've talked to most of those people. I've been down there; I've sat through these meetings. I respect your opinion, but I have mine. I think the law is over broad and it should not be on the books. That is my opinion and I've investigated it and you can have a different opinion sir and I appreciate that. We all have different opinions around this table, but I want to put mine on the record. I am amazed at how many people read these minutes and talk about it. They may not come, but people do read the minutes. I am trying to be more careful in stating my views on the record, so people know what is going on.

**Mayor Hammon:** Mark, we've heard come for over a year complaining about the parking situation down there. That is why Council took action.

**Mr. Kobasuk:** I think the action Council took is over broad and it puts an undue burden on the residents. When they have a function, where do they park? The idea of lines, I live in my neighborhood and I do not want lines down. I thought the committee came to a reasonable consensus and approach to ban parking thirty feet from all the intersections, in all directions and that would allow the emergency vehicles to come through. When I talked to the residents who live down there for decades; they did not indicate there were problems with buses getting through on a routine basis. I think these people have been sent a message and they are acting differently now and we're treating them like children; by putting up excessive signs and we outlawed the parking. I would not want to be treated like that. I think it is a travesty to treat fellow residents like that. You have a different opinion, but that is mine and I'm putting it on the record, as I think I'm obligated to do as a representative. Somebody has to speak for these people.

**Mayor Hammon:** I can appreciate that, but you did not hear the other side when the law was passed.

**Resident Darwin Brooks:** 6620 Crull Street. Mark, the zoning issue dealing with parking, have you read that? Our zoning books specifically dealing with parking, parking in the front yard, designated parking. Have you read that?

**Mr. Kobasuk:** I'm aware of the ordinances.

**Mr. Brooks:** Curt, you sat through in hashing this out. Is this the third zoning book we have incurred? The last one, Nancy Devore worked through that one. Parking issues were brought through that, so to alter that and it was suggested that we change that. Do I understand that you may entertain the idea that you can park in the front yard now?

**Mr. Cosby:** I don't think we've updated the zoning code since I was in office previously.

**Mr. Brooks:** No, you haven't.

**Mr. Cosby:** I don't recall anything in that code with parking that prohibited people from parking in the front yard. There are driveways in the front yard throughout this Village. People park in front of their houses throughout the Village. It is not unique to the Crull subdivision and it is not unique to any other subdivision within the Village of Newtown.

**Mr. Brooks:** We'll table this conversation and let Mike Cornette resolve it.

Heather, you have a driveway. You asked John if you had a pad, you have a driveway.

**Mrs. Patton:** Yes, but if I want my mother, father and my sister over to my house; where do they park?

**Mr. Brooks:** I would do the same thing. They would park in my driveway.

**Mrs. Thornberry:** What if you don't have a driveway?

**Mr. Brooks:** You have a driveway in the back.

**Mr. Kobasuk:** Darwin, I appreciate what you're doing in that subdivision. You're developing the homes and you have a lovely house with a nice driveway in the backyard. I just feel for these other folks who have limited parking. I just wish we could find some way to get along. We have bigger issues in Newtown and I wish we could focus on other things. I feel strongly about this, I'm sorry and I appreciate everything you're doing in that area. My heart goes out to the other folks who don't have your income ability and don't have driveways. I just feel we have to somehow find a way to have some parking. I haven't found the answer. I've tried and I guess I failed Darwin, but I've done my best.

**Resident Donna Brooks:** 6620 Crull Street. Someone had said that people against parking on the streets were not here, well we are here and we've been here. We haven't said much lately because it continues to create a problem that we hoped was going to be resolved without us continuing to beat the subject to death. Some of the parking down there is on city right-of-way. Yes, it's in front of their homes, but it is in fact on city right-of-way and you have to drive around them to get to where you're going. To me, that would be the bottom line and would part of what would be the decision making process.

**Mr. Kobasuk:** Ma'am, all parking is on city right-of-ways. I see them park on both sides of my street in Ivy Hills and sometimes I have trouble navigating through there. But I don't want a bunch of signs. I don't want a bunch of lines. We're happy, we're getting along just fine and I think these folks were getting along reasonably well there; until we had some junk vehicles and we have corrected that. When I go through there, it looks really neat now. I just wish we could take down the signs, repeal the law and let the people live, as they should and get along. We failed in that vote and I've done all I can.

**Mr. Pulskamp:** Mark, the difference you brought up is you live on a twenty-six foot wide street and they live on a fourteen or fifteen wide street. There is no comparison between Ivy Hills and the Crull Street subdivision.

**Mr. Kobasuk:** No, the comparison is I don't want somebody coming up there and telling me how to park where we don't have problems. I'm trying to treat them like I would want to be treated. I don't want a heavy-handed Village government stacking signs along the street, excessively and telling me that I cannot park when I have a function. I try to treat everybody the same Ken, that's my problem here. I know the streets are wider in Ivy Hills, but I'll tell you, I've seen cars parked on both sides and it can be kind of narrow getting through there. We're fine, we're happy. If it's not broke, don't fix it. We fixed a problem, but we created a problem.

**Mrs. McCarthy:** Yes we did.

**Mr. Owens:** What about our petition? Where is it? That petition wasn't for sidewalks.

**Mrs. Thornberry:** Brian has a copy.

**Mayor Hammon:** It was given to the clerk for the records.

**Mr. Owens:** That is the majority of the houses; we've lost a couple because they moved out. Ken, you are a longtime friend of my wife's family.

**Mr. Pulskamp:** I know.

**Mr. Owens:** Well, how would you like it if we came up there and told you where you could park?

**Mr. Pulskamp:** They did.

**Mr. Owens:** You've got one-sided parking don't you?

**Mr. Pulskamp:** Yes.

**Mrs. Thornberry:** My question is if you're going to put lines on our streets, if that is what you're proposing; are you going to do it throughout the whole Village of Newtown?

**Mayor Hammon:** Maybe.

**Mrs. Thornberry:** It's a yes or no question. It should be "yes" if you're going to do it to us, you should have to do it to everyone else.

**Mr. Kobasuk:** I guarantee you I will actively oppose putting lines throughout the Village and I'm sure my neighbors would agree that it is not broke and we don't want it fixed.

**Mr. Cosby:** I'm not going to mirror what Mark has already said. I do as well apologize and I do also plan to come back down to the neighborhood to continue to work on this issue and try to find a resolution that everybody down there can live with.

**Mayor Hammon:** Catherine Fitzgerald is here for Council to pass the contract with HCDC. I am waiting for Tracy so we can pass it.

**Mr. Kobasuk:** John, why are we doing all of this by emergency? I can understand some things have to be done by emergency, but we knew this contract was up for renewal. I just think we ought to have three readings on it.

**Mayor Hammon:** I'm not sure when we got it; it's been there a while. We've been kind of sporadic in our meetings. The current contract expires the 30<sup>th</sup> of this month. It's time sensitive. If we want to keep them on, we need to pass it by emergency. Any other questions about the contract?

**Mr. Kobasuk:** Why don't we talk about it? Frankly John, I picked it up from my box today and maybe I'd like to just hear about it. I don't remember what the cost is and what are they doing for us. How much response are we getting from the CRA? We passed the CRA and I haven't heard much about it since then and I'm wondering if there is a need for the HCDC.

**Mayor Hammon:** There is no increase in cost from last year, except for the CRA. You should have the contract in front of you.

**Mr. Cosby:** What has HCDC done for the Village since we went into contract with you last year? We did create the zone putting in the tax abatements. Were you actively trying to draw business into Newtown and what is the status of that effort?

**Catherine Fitzgerald, Hamilton County Development Company:** This new contract was to begin September 1<sup>st</sup>; the last contract ended the end of August. In terms of the contract we had, which I believe has expired; the primary emphasis was on creation of the two CRA's that the Village opted to create. I'm still working with Doug Miller with the administrative aspects of the CRA; in terms of the guidelines, application, kind of blanket agreement for the commercial CRA's which would have to come before Council for approval, unlike the housing. There are a number of administrative steps that need to be taken, in relation to the CRA. We have received a number of inquiries about the CRA. You probably saw the article, with the Mayor, in the Enquirer. We answered some questions as well. We did do a site atlas of available sites in Newtown. We met with a number of prospects and folks wanting to do various projects within the Village. We provided some GIS maps and also did a number of business retention meetings. We do have a number of existing Enterprise Zone Agreements with some of the larger employers in Newtown. In terms of the new contract, there is some administrative work that needs to be completed. I have given the Mayor and Doug Miller drafts of applications, proposed guidelines just to treat applicants fairly in terms of commercial applications, which vary by agreement.

**Mr. Cosby:** Once those agreements have been worked out or the administrative portion of that agreement is worked out, then are you not removed from that at that point? Doesn't that just become a function of the Village?

**Mrs. Fitzgerald:** Actually no. We would do the administrative, as long as we have a contract with Newtown, we would do the administrative functions. There is an annual report that is required to the State of Ohio, because it is a State of Ohio program. Once agreements are replaced, their compliance is checked annually and reported to the state. Similar to the Enterprise Zone program.

**Mr. Cosby:** Other than your statement of a lot of business expansion is from within, we have no one concrete at this point that has been brought in from outside that has taken advantage or that you have enticed in through advertisement?

**Mrs. Fitzgerald:** No, we haven't.

**Mr. Kobasuk:** Catherine, why is it taking so long to get the administrative things done? I think we need to set up a board, correct? We haven't appointed a board, correct?

**Mrs. Fitzgerald:** Yes.

**Mr. Kobasuk:** So, it's not really a completed CRA, we're not doing what we need to do to implement.

**Mayor Hammon:** Remember, the Mayor appoints two and Council appoints two. Planning Commission appointed theirs last night.

**Mr. Pulskamp:** John has asked us for the last two meetings.

**Mr. Kobasuk:** We've got to get the board in place. I guess we don't have any choice, but to keep using them to get this done.

**Mrs. Fitzgerald:** I will say in terms of promoting the CRA, what we encourage is promoting it along with the Home Improving Program (HIP), which now commercial entities are also allowed to take advantage of, it's a below interest rate loan, coupled with the CRA can be very enticing for residents, as well as commercial prospects.

**Mr. Cosby:** Have we gotten any of that information out to the actual residents within the Village, through the newsletter or posted on the website?

**Mayor Hammon:** That would be for us to answer, not hers. Mike Cornette is the administrator for the Village.

**Mr. Cosby:** We need to get that information to the residents. If we put it in place and nobody takes advantage of it then it is a lost cause.

**Mr. Kobasuk:** Catherine, we pay you this money, \$1,836 no matter what you do, correct, and it's a flat fee. Are we using your services sufficiently or do you have a lot of down time because we're not having you do the administrative things?

**Mrs. Fitzgerald:** I would say yes. Generally speaking, we probably less than these contracts are worth quite frankly. That's my opinion.

**Mr. Kobasuk:** I just want to make sure you're getting the information to act and you're not just sitting waiting for us.

**Mrs. Fitzgerald:** I'm glad to meet on a regular basis. I'm happy to track some of the things and touch base with the Mayor, in terms of what Council needs to do to get everything rolling, in terms of the housing committee and just the administrative aspects as well.

**Mayor Hammon:** There have been times Catherine has called about an opportunity, businesses looking for something where couldn't meet their needs like someone looking for land.

**Mr. Kobasuk:** I just want to make sure we're using your services because we're paying that fixed cost. I know I'm not talking to her, I hope you are. Are we going to vote on this tonight John?

**Mayor Hammon:** I think he has an ordinance here.

**Mr. Kobasuk:** We kind of started down this road, we've utilized them and I think we need to finish the project because we're not quite there yet. I'm ready to vote in favor of it tonight.

**Mr. Cosby:** You can have the first reading tonight and then dispense with second and third next meeting, which is only two weeks away.

**Mayor Hammon:** That is fine with me.

**Mr. Kobasuk:** We have a resolution right here authorizing a contract with the HCDC and I'll just make a motion to have a first reading of that tonight.

**Mr. Kobasuk made a motion to have a first reading for Resolution AUTHORIZING A CONTRACT WITH THE HAMILTON COUNTY DEVELOPMENT COMPANY. Mr. Cosby seconded the motion.**

**Mr. Cosby:** We need to consider nominating two people on the board. It cannot be council members.

**Mr. Pulskamp:** It does not have to be a resident. It can be a business owner or business person.

**Mrs. Fitzgerald:** I believe it can be a business owner; I would have to verify that.

**Mr. Kobasuk:** I just would hope that we would try to move it ahead because we passed it and we just need to get off the dot, I'm not being critical of anybody, I'm just saying all of us together need to focus on this.

**Mrs. Fitzgerald:** So, would you like for me to come back in two weeks?

**Mr. Cosby:** I don't think it is necessary.

**Mayor Hammon:** This is the ANCOR connector. Martin Marietta has given it to the Village and the Planning Commission heard from Hamilton County engineers, Ted Hubbard, about it last night and the Planning Commission has agreed to accept. It doesn't mean they agreed to any of the roadways or any of that right now; it's just that they agreed to accept the land, on behalf of the Village.

**Mr. Cosby:** What land?

**Mayor Hammon:** The roadway, the easement here on the property for the roadway.

**Mr. Cosby:** You mean we would accept it as a Village?

**Mayor Hammon:** We did, Planning did. Planning Commission accepted it; it's now our easement on the property of the built road. Rob Butler can talk to you all you want. I've been discussing this with Mr. Miller for two weeks.

**Mr. Cosby:** What would give the Planning Commission the power to accept something on our behalf?

**Mayor Hammon:** That's the way it is, that's the law. You can argue with it, but the Planning Commission accepted it last night. You have to accept the road, the Village; Council has to accept the roadway.

**Mr. Cosby:** What is your feeling that this benefits the Village of Newtown?

**Mayor Hammon:** The benefit of the Village of Newtown, it takes the truck traffic off of Round Bottom Road on SR 32 and will push it on out SR 32. Coming through Newtown proper, the truck traffic will be greatly reduced off of Round Bottom Road.

**Mr. Cosby:** It would be reduced if they are going east; if they are going west, I don't see where it will reduce anything.

**Mayor Hammon:** Well, that's true. Very few trucks come to the west that I've seen; ten percent or something like that. Basically SR 32 will have a turn lane to each direction and traffic signals tied into the interconnect system.

**Mr. Kobasuk:** John, did you say you have a legal opinion from Doug Miller on this?

**Mayor Hammon:** Yes.

**Mr. Kobasuk:** Could I have a copy of that?

**Mayor Hammon:** Uh well, once Rob (Solicitor Butler) comes out here, but I can tell you the law, 711.09 Planning commission or legislative approval of plat; petition for recording; village subdivision regulation; limitation on this section.

**Mr. Kobasuk:** That's all you have or is that the legal opinion? Well, you act like you're reading that.

**Mayor Hammon:** So.....

**Mr. Cosby:** What do you think the chances are if they put a turn signal in there that we can further reduce the speed limit up to that point?

**Mr. Pulskamp:** Very good at that point; then we could probably go 35 mph all the way to the corporation line. I think this is going to be a great benefit for us because the amount of Pavestone trucks, B-Way trucks, Senco trucks and all the truck traffic from Broadwell Road; let alone the Evans trucks that come through the Village will all be diverted across that up SR 32 to 275.

**Mr. Cosby:** The Evans trucks would probably be at the top of the list.

**Mr. Pulskamp:** Pavestone will probably beat the Evans trucks.

**Mayor Hammon:** Mr. Evans hasn't been very positive about it; at one of the meetings he offered an alternative to it. He wasn't enthused about this path, but since then I've talked to him and he does believe this is workable.

**Mr. Cosby:** I don't have an opinion on it one way or the other, but I think if we're going to accept it that we definitely ought to be including a speed study to get other benefits out of it.

**Mr. Pulskamp:** To clarify what John said, we've accepted the land that Martin Marietta has given the Village; which is the easement and the land that is in that section of the Village of Newtown and nothing about building the road. Correct John?

**Mayor Hammon:** That's correct.

**Mr. Pulskamp:** John, correct me if I'm wrong; they actually did not deed this land over to the Village. What they did is they platted the land first with an easement on it for a roadway. The Planning Commission can accept any plat piece of property. That's their rule that they can do and that's what they did.

**Fiscal Officer Everett:**

1. Fire Hydrants: There was miscommunication at the last meeting that there were two fire hydrants to be replaced and the motion was for only one. The other one is at SR 32 and Round Bottom and still needs to be fixed. I think I had on the agenda two fire hydrants and I needed an amount not to exceed \$10,000 and only \$4,000 was done for Scioto. We need another one done. The one on Scioto did not have insurance and John told him he had to pay restitution \$3,000 plus dollars.
2. Police Cruisers: The Finance Committee met and we talked about the police vehicles. I'm speaking on my behalf only. In regards to the police cruisers, I just want to state for the record a few comments. We already had in the budget this year to replace a police vehicle. That vehicle we had on the budget to replace was in an accident and it was totaled. That should have been replaced this year. There is another police vehicle, car #4 that is already budgeted to be replaced in 2007. My opinion is we would be very lucky if car #4 makes it to January to be replaced, because they can't keep it out of the shop. In my opinion, it has gone past a finance issue and the amount of money we're dumping into repairing it, to a safety issue. Do you really want your police officers in a vehicle they can't keep out of the shop? For finance reasons, that car was going to be replaced in 2007. By the time 2008 rolls around, Car #2 is beginning to act the same way car #4 has been this year; which they're going to be lucky if they can keep that out of the shop next year. I want the residents to hear this, like Mark said, the residents are reading our minutes and I know we just tried to pass a General Operating Levy; it failed and how will it appear to the residents when all of a sudden we have three brand new cars out on the street. I think that will be a little bit of an issue for us, that's the reason why I'm making my statements so we'll have them in the minutes and the residents will read that and see the need for the three vehicles. It is up to Council as to what vehicle and what price to go with and when to replace the cars.

**Mr. Pulskamp:** Keri, between 2006 and 2007, what was budgeted for those two years, for the lease vehicles, was it like \$30,000 a year?

**Fiscal Officer Everett:** Next year, \$54,000 was budgeted, but that is between the two departments, police and service. I don't have the dollar amount for this year with me. A police vehicle was budgeted, \$10,000 to pay for four MDC's and the additional three light bars.

**Pulskamp:** I thought we always put like \$30,000 a year in there.

**Ms. Hueber:** It doesn't matter, we have enough.

**Fiscal Officer Everett:** We did it this year and we did it for next year and in my opinion, we'll be doing it for 2008 as well.

**Mayor Hammon:** Part of this is a dump truck for Charlie. She's trying to spread out over years to accumulate funds for it too.

**Ms. Hueber:** They are going to get on a program and work with Keri, so that we can start setting aside money from here on out, so we can get all of them replaced in a timely manner.

**Fiscal Officer Everett:** As far as the paperwork, I sent Doug Miller all of the paperwork that Fifth Third has given me. We compared three different financing options. Fifth Third came in the lowest. Fifth Third wanted this resolution passed because they want to see the acceptance from the governing body. When it comes time for John and me to sign the actual contract with them, I will have Doug approve it first.

**Mr. Kobasuk:** John, how do you feel about this? Are you okay with this resolution?

**Mayor Hammon:** Three cars are needed. I think when you go beyond those three cars is where the issue is and that's when the finance comes, because when you say you put away \$25,000 for the next three years you're committing that next three years of payment for the three cars you get here now. The rest of the fleet is aging along too, but you have to either increase it drastically or you have to live with the additional cars you have out there.

**Mr. Kobasuk:** Sounds like everybody is favor of this, right?

**Mayor Hammon:** Dollar wise over the three years, it would not impact us one way or the other.

**Mr. Kobasuk:** Are we going to make a motion to approve this resolution?

**Ms. Hueber:** When it gets to my turn.

**Councilmember Tracy Hueber:**

**Ms. Hueber made a motion to adopt A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A MASTER LEASE-PURCHASE AGREEMENT BY AND BETWEEN FIFTH THIRD BANK AND THE VILLAGE OF NEWTOWN ("VILLAGE") FOR THE FINANCING OF THREE (3) 2007 DODGE CHARGER POLICE VEHICLES, TO EXECUTE VARIOUS DOCUMENTS RELATED TO SUCH MASTER LEASE-PURCHASE AGREEMENT, AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH MASTER LEASE-PURCHASE AGREEMENT. Mr. Kobasuk seconded the motion.**

**Discussion:**

**Assistant to the Mayor, David Krings:** In other Village I work with, we just financed an ambulance through Fifth Third. On the traditional financing things, they were the best over there as well. Newtown is a part of the Center for Local Government and I would suggest you check on their rates.

**Ms. Hueber:** If you want to look into that and we'll go ahead and read this and will rescind it if they can save us a lot of money.

**Motion and second rescinded.**

**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 11-2006 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A MASTER LEASE-PURCHASE AGREEMENT BY AND BETWEEN FIFTH THIRD BANK OR WITH THE CENTER FOR LOCAL GOVERNMENT IF THEIR RATES ARE CHEAPER AND THE VILLAGE OF NEWTOWN ("VILLAGE") FOR THE FINANCING OF THREE (3) 2007 DODGE CHARGER POLICE VEHICLES, TO EXECUTE VARIOUS DOCUMENTS RELATED TO SUCH MASTER LEASE-PURCHASE AGREEMENT, AND MAKING CERTAIN DESIGNATIONS REGARDING SUCH MASTER LEASE-PURCHASE AGREEMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. All Aye. Motion Carried. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.**

**Ms. Hueber made a motion, not to exceed \$6,000, to replace the Round Bottom and SR 32. Mr. Pulskamp seconded the motion. All Aye. Motion Carried.**

**Councilmember Ken Pulskamp:**

**Mr. Pulskamp made a motion, not to exceed \$3,000, for DJL Material and Supply, Inc., to complete crack sealing in the Village of Ivy Hills, proper and Ivy Hills. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Mr. Pulskamp made a motion to accept Checklist dated 09/26/2006, with addition of R. A. Miller, in the amount of \$245,345.60; contingent upon receiving official documents. R.A. Miller is the General Contractor for the Church Street Phase II Project. Mr. Cosby seconded the motion. All Aye. Motion Carried.**

**Councilmember Mark Kobasuk:**

1. Ivy Hills Lane Water Problem: What ever happened to the problem that the gentleman presented to Council at the 9/12/06 meeting? We were going to look into whether that street was a public street or a private drive. Did you ever get an answer for him?

**Mayor Hammon:** Bruce thinks it looks like it is public; however, on the documents it is handwritten in. It was not officially put in, I haven't seen it. Another resident from that street came in wanting to put a pool in and his document clearly showed it is a private street. We have conflicting stories, so no I do not have an official answer at this time. We're going to go back and research the courthouse.

**Mr. Kobasuk:** Have you been working with him, I mean keeping him informed?

**Mayor Hammon:** That just came this afternoon. I did talk to Tom Van Dorselaer and told him it looked like a public street and now I need to call him back and tell him we're still working on it. It really comes down to digging out the ordinances to see if we accepted it.

**Mr. Kobasuk made a motion to have a Second Reading on AN ORDINANCE REQUIRING THE REMOVAL OF DOG EXCREMENT. Mr. Cosby seconded the motion.**

**Councilmember Curt Cosby:**

**Mr. Cosby made a motion, not to exceed \$1,600 to replace door at Moundview Apartment Building. Ms. Hueber seconded the motion. All Aye. Motion Carried.**

**Councilmember Debbie McCarthy:**

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

**Mrs. McCarthy made a motion to adopt ORDINANCE 25-2006 AN ORDINANCE AMENDING THE SALARY ORDINANCE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY.**

**Council meeting adjourned at 9:10 p.m.**