

**ST. BERNARD CITY COUNCIL MEETING
JANUARY 4, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, January 4, 2007 in Council Chambers.

President of Council, Mr. Curtis Walden – The meeting was opened with a prayer followed by the Pledge of Allegiance.

Roll call showed that all members were present: Ms. Hausfeld, Mr. Asbach, Mr. Schildmeyer, Mr. Burkhardt, Mrs. Brickweg, Mr. Meier, and Mr. Zix.

Mr. Burkhardt made a motion to dispense with the reading of the minutes. Ms. Hausfeld seconded the motion. Council agreed 7-0.

Mr. Walden – Before we go further, we have a special guest tonight and I'd like to ask him to come forward. Hamilton County Commissioner, Pat DeWine.

Mr. Pat DeWine – Good evening, thanks for letting me speak for a couple of minutes. I just, frankly, wanted to stop by and didn't have anything scheduled tonight, I've been trying to get out to some of our local jurisdictions as much as I can in the County and wanted to come out and let you know that we, as the Hamilton County Government, look forward and want to work with you and certainly invite you, with your issues that we can address together, to please contact our office and we'll try to do what we can to be helpful. On the Commission it's kind of an interesting time. We have a new Commission starting on Tuesday. Commissioner Pepper was sworn in, so I find myself in the minority and that's a little different. I'm optimistic, I think that we'll all be able to work together and I think that we have some good challenges and also opportunities in front of us as far as our priorities. I look at those as; public safety, #1, to getting our fiscal house in order, trying to control the growth of spending and taxes #2, and third trying to reform County Government so we have the most efficient County Government in the country. That's really what I see us focusing on over the next year. Thanks for having me, if there's anything specific that anyone wants to ask me I'd be happy to answer, but if not appreciate the opportunity to be here.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Estep – Good luck, Mr. DeWine. We have similar goals here, safety and balancing the budget.

Tonight, I want to report on the legal opinion Ed Geiser has obtained from Janet Campbell, Senior Associate of Cohen, Todd, Kite, & Stanford, LLC, Attorneys at Large, regarding the sale and development of park property owned by the City. I want to thank Ed for responding in a timely manner and I also want to thank Council for directing Ed to research this very important issue.

A copy of the legal opinion has been placed in each Council member and administrative official's mailbox. Ohio Revised Code 755.41 basically provides that land within a municipality which has been "dedicated" as a park or has been used as a park cannot be offered for sale or development

unless the land remains unused by the public or is vacated for a period of 21 years. However, because the City of St. Bernard is a home rule municipality, the City is not required to adhere to the Ohio Revised Code provisions limiting the sale of park lands. The City will be required to establish that the park area is no longer needed for any public purpose. Also, the owners of property which adjoins the park have the right to challenge the sale or development of the park. It will be necessary to hold public meetings and to do everything possible to reach an agreement with those property owners. Finally, once the decision to sell or develop the park land is determined, the City will have to determine that such development is for a public purpose that would be advantageous to the citizens of St. Bernard.

This is a very general overview of the legal opinion Ed provided, therefore, Mr. Burkhardt please add this topic to the next COW meeting agenda for discussion. At the COW meeting, I would appreciate having each Council member offer their opinion on the Bertus Park development issue providing suggestions and concerns. This will help us determine Council's position on this matter and help to develop our best approach with citizens bordering this parcel.

On a little bit different topic regarding summer help, applications are available at the front desk of City Hall for part time summer employment. As in the past we will have openings for packers, grass cutters, pavilion workers and life guards. Generally, we fill summer positions very easily, however a young person can improve their odds of being hired by taking the American Red Cross Lifeguard Training. To fill a slot as a lifeguard, certification is required and therefore, it takes us longer to fill these summer jobs. The next Lifeguard Training class begins in February. Please call the American Red Cross at 792-4000 for information on getting certified as a lifeguard.

AUDITOR, Mr. St. Clair – The December Auditor's reports are prepared for tonight's meeting. The receipts report and the report showing year-to-date revenue and expenses by fund are derived from the auditor's report and they are given to Council and the Administration.

Payroll for the month of December:	\$ 377,066.14
Payroll for the year	4,916,134.01
Other expenditures for the month of December:	\$ 815,695.64
Other expenditures as of December 31 st :	5,362,426.15
Total expenditures through the end of December:	\$10,278,560.16

Before Council tonight is Ordinance No. 1, 2007. This ordinance sets the wages for those part-time employees hired after 1/1/05. It's the same as Ordinance No. 10, 2006 and just sets the same pay scale for 2007.

I would like to talk a little bit this evening about the annual budget process that the City goes through. The budget is the City's operating plan, it's an estimate of proposed expenditures and of the means to finance those expenditures. The budget process starts in the spring with the various department heads estimating their expenses for the coming year and meeting with members of the Administration and Council's Finance Committee.

Those estimated expenses are then balanced with the estimated revenues for the coming year. The estimated revenues come from many sources:

Property taxes, earnings taxes, the State of Ohio Revenue Sharing, revenue from Hamilton County, other taxes, grants, fines, licenses, permits, charges for services and other miscellaneous receipts – all the items shown on the

receipts report given to Council and the Administration each month, listed as receipts.

In July and with Council's approval, we file with the County Auditor's office, four years of revenue and expenses for the General Fund and a certificate of estimated resources for the coming year for our other funds. These estimated resources for our other funds include cash transfers from the General Fund to those funds that are not self sufficient, that is they do not bring in enough cash receipts to cover their appropriations. Such cash transfers show up as additional appropriation or expenditures from the General Fund, and they are not made until the cash transfer is needed. These cash transfers are additional appropriations in the General Fund that appear in ordinances throughout the year. So these transfers are budgeted, and they are made when needed. Cash would not be put into these funds at the beginning of the year, because the cash could only be used for the purposes of the Fund, and it would tie up cash that could be invested, not to mention that receipts are zero at the beginning of the year and such cash transfers would have to be from the cash reserves in the General Fund.

Back to the budget process. The four years of revenues and expenses for the General Fund that are reported to the County in July are the two most recent completed years for which actual figures are known and then estimates are used for the remainder of the current year and for the upcoming budgeted year. Using historical figures helps with some of the revenue and expense estimations, but estimating revenue is still probably the most difficult exercise in the budget process.

In the fall, the estimated revenues are reviewed, and the department heads are contacted about any possible changes to their expected expenditures. If expenditures are estimated to exceed revenues the Administration can recommend cuts or ask Council to spend from the City's reserves. Council is the final authority on what can be expended, and that is the source of the annual appropriation ordinance and what sets up the Auditor' report on expenditures.

DIRECTOR OF LAW, Mr. Geiser – I just want to thank Mr. St. Clair for that report. It is very informative.

TREASURER, Mr. Kathman – I do have the receipts figures for the month of December and for the year 2006.

Receipts for the month of December:	\$ 1,786,101.14
Receipts for the year through December 31 st :	\$ 13,237,724.95

SAFETY DIRECTOR, Mr. Stuchell – The St. Bernard Fire Dept. activity report for December, 2006 consisted of 24 fire runs; 78 emergency medical responses; 30 inspections.

I am pleased to announce that two candidates from our eligibility list for the St. Bernard Police Dept. have accepted the offer to serve as patrol officers and will come on board by the end of the month. I look forward to introducing these two fine individuals and a formal swearing in will be conducted at a Council meeting on February 1st.

SERVICE DIRECTOR, Mr. Kempe – On Wednesday, January 3, 2007, Gerry Wiedman and I met with John Goedde of JMA Consultants and representatives from Nemann Construction, Cincinnati Water Works, and Duke Energy in a pre-construction meeting for the Woodside Heights

Subdivision Improvement Project, which include the following streets: Woodside Heights, Minmor Dr., Redwood Terrace and Dartmouth Dr. One of the main items on the agenda was the tentative schedule of the work to be performed for this project. Work is scheduled to begin next week replacing the water main lines, which will continue until the end of February. The next phase will be the storm sewer work which should be completed by the end of March or early April. Once the underground work is complete, the curbs, drive aprons and sidewalks will be dug out and replaced, which should be completed by the middle of May. The final phase will include the excavation and resurfacing of the streets followed by the topsoil and seeding restoration of the area between the sidewalks and curbs. The tentative completion date is June 29, 2007. All residents of the subdivision have been notified with a letter detailing the tentative schedule of work for this project. I will also be setting up a separate Call Command listing of the residents of the Woodside Heights Subdivision in order to communicate any information necessary to those residents only.

This afternoon, Gerry and I, together with John Goedde and Jennifer Vater of JMA Consultants, met with William Brayshaw, Hamilton County Engineer and Ted Hubbard, Deputy County Engineer. Mr. Brayshaw informed us that St. Bernard has received the SCIP grant for program year 2007 for the Spring Grove Avenue Improvements Project in the amount of \$375,000.00. The total estimated cost of the project is \$750,000.00 and will include the milling of the existing pavement, full depth pavement repairs, remove and replace existing curbs, catch basins and storm laterals, and the repavement of Spring Grove Ave. This project will be scheduled for completion in 2008.

TAX COMMISSINER, Mrs. Williams – No report.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee will meet with the committee that was formed by Council to work their proposal for the litigation with Jon Hust. We will meet next Thursday on January 11th at 6:30 in closed Executive Session. As Walt said earlier, Ordinance No. 1 is up on the table, it's similar to Ordinance No. 10 last year. I have Ordinance No. 10 if anybody would like to look at that but it just changes the year in the heading.

SAFETY, Mr. Burkhardt – No report.

SERVICE, Mr. Meier – The Service Dept. report for December; 11 trucks placed at residences, 8 dumpsters, 116 special pickups, 220 tons of garbage taken to the landfill. The recycling report; 26 tons of recycling material, 9 tons of cardboard, 456 lbs. of scrap aluminum, 27000 aluminum cans, 6900 lbs of scrape metal and 10 lbs. of stainless steel. In addition the Service Dept picked up 30 appliances and the City received \$903.40 for recycling in Nov. of 2006.

PUBLIC IMPROVEMENTS, Mr. Asbsach – No report.

LAWS, CONTRACTS & CLAIMS, Ms. Hausfeld – The only report that I have is that my committee was scheduled to meet downstairs next Wednesday to discuss 'residency'. Due to City Hall electric being turned

off, that meeting has been changed to the main level of the Municipal Bldg. at 7:00p.m. on January 10th.

BUSINESS & INDUSTRY, Mr. Schildmeyer – I have no report but I do want to thank Joe for getting the Woodside Heights Subdivision improvement project, I guess notified to the people up there and getting the letter out. That will help a lot and I hope that you'll continue to keep them posted on different things that would be happening so they can easily move their cars around when needed and things like that so I appreciate that.

HIGHWAYS & TRANSPORTATION, Mrs. Brickweg – I want to thank the Safety Director, Jonathan Stuchell and Police Chief, Moeller for helping out a resident on Ross Ave. that needed to have a “no parking” area in front of her house so a school bus could pick up and drop off her child that has a disability.

I also would like to inform Council and the Administration that I sent in my information to the OKI and the First Suburbs stating I will continue to be St. Bernard's representative in 2007. I am also happy to announce that I was chosen to be a representative on Hamilton County's Intermodel Coordinating Committee.

There was no COW meeting held after the last Council Meeting 12/21/06.

COMMUNICATIONS – None.

ORDINANCES AND RESOLUTIONS

Motion by Mr. Burkhardt, seconded by Mr. Asbach to read this evenings Ordinance by title only.

REMARKS

Mrs. Brickweg – I'm wondering, I look on here and I see Pool Staff, Craft Assistant and Swim Lessons Assistant at \$5.41 which is below minimum wage which the State voted on to change and I'm wondering if we need to change this Ordinance.

Mr. St. Clair – If I may respond. Thank you for that Peggy, we need to incorporate that and amend the Ordinance to cover that. We did it with the other Ordinance earlier, just an oversight we forgot to put it in there.

Mr. Walden – Do we have a motion to amend the Ordinance?

Mr. Burkhardt – Do you know what that is Walt?

Mr. St. Clair – We just put in, I think, on the other Ordinance, Whereas required by minimum wage laws of the State of Ohio. Put it in after the section 1.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to amend Ordinance No. 1, 2007.

REMARKS

Mr. Estep – If we did put it like that would that affect the steps then, because I see on pool staff, like Peggy said, and I have to agree with her, starting out if it's \$6.85, that's higher than the third year employee down there.

Mr. St. Clair – This was done without going through the Finance Committee so perhaps maybe we should take a look at it in the Finance Committee and revise some of those figures. Maybe just table the Ordinance for tonight.

Mr. Walden – Do we have a motion to table Ordinance No. 1 2007?

Mr. Geiser – Just a point of order, sometimes it's better to actually postpone it to the next meeting, that way your don't have to vote to bring it back off the table. Tabling it can really kill it. Unless you bring it back off the table so sometimes a motion to recommend postponing this Ordinance to the next meeting would be the same and probably what you want to do.

Motion by Mrs. Brickweg, seconded by Mr. Asbach to postpone Ordinance No. 1, 2007 to the next meeting.

REMARKS

Mr. Zix – The Finance Committee will take this into Committee and bring it back.

Motion to postpone Ordinance No. 1, 2007 passed 7-0.

OLD BUSINESS

Mr. Asbach – I would just like to remind everyone, I don't know if it's on the Mr. Burkhardt's COW agenda, but at the last Council meeting I believe we discussed bringing names to Council to serve on the CMA Committee. I just would like to remind everybody of that for next week's COW.

Mr. Burkhardt – Yes it is on the COW agenda. Since we didn't have the last COW, the things I have on here are to discuss; the Ross Park survey proposal by the Safety Director, property tax abatement council appointments, department heads to come to one meeting per month and the longevity pay ordinances. That's what is on the agenda and now the Bertus St. Park will also be on there.

Mrs. Brickweg – At the last Council meeting I read a report regarding the City's practices of "extra" longevity pay to certain employees which ranges from \$1500.00 to \$7500.00 in extra pay and it starts at just two years of service and they reach the cap at 10 years. The current regular longevity pay scale of most City employees does not start until five years of service and it starts at \$350.00 and ends at \$1000.00 when an employee has worked for over 25 years. I also discussed the current practice of the Auditor, Service Director, Code Assistance Officer and Tax Commissioner making the same salary as each other. If any one of those employees salaries changes they all change. Walt indicated that these salaries are now tied to the Ordinance which ties salaries to Hamilton County. It still keeps them making about the same salary, since they were making the same amount when this Ordinance

was started. I still believe this is wrong and I feel an abuse the tax payer's money. How can anyone justify a new employee coming in making the same salary as a 20 plus year employee.

Mr. Zix asked me what changes I proposed to make this current system better. I would like to take some time now to give Mr. Zix and the Finance Committee a more detailed explanation. The extra longevity and City Hall salaries has been in the Finance Committee for a few years and hopefully they will be able to use some of these ideas to make some changes.

Regarding the extra longevity pay, I propose that all extra longevity pay be ended for new employees starting in January of 2008. Since this is an election year and these positions could change this would allow anyone interested in running for a position or interested in an appointed position to know what their benefits would be. With the current Fire and Police Chief and the Code Enforcement Officer, I suggest that their salaries include the "extra" longevity they are receiving now and just give them a salary. Since the idea of their longevity was to make sure their salaries were above the employees in their departments, I suggest for the future that these positions make a certain percentage above the highest paid person in their department. I realize that would not pertain to Gerry, but it could pertain to a future Code Enforcement Officer.

As for the salaries and "extra" longevity of the Auditor and the Service Director, if Walt and Joe hold these positions in 2008, then I suggest that the Finance Committee look at their salaries and make any appropriate changes to make their salaries comparable to other municipalities and end the extra longevity. If new people hold these positions then I suggest that they start at the new entry level for these positions. I suggest that the Finance Committee create salary steps for these positions and other City Hall positions and stop linking the salaries with Hamilton County. Since the regular longevity pay starts at five years, I feel they should be included with that. I also think it would be a good idea to have step increases for all elected and appointed positions. I stated before it makes no sense for a new employee to come in making the same salary as someone who has worked that job for many years.

I realize that it would not be fair to make some of these changes to current employees that were promised a salary so I suggest that we make these changes with any new employees, similar to what we did with the part time summer jobs last year. I realize this is not an easy task, but I feel it is one that is way overdue. I think it would also be wise for the Finance Committee to look into how raises would be based on merit and job performance and not just given because everyone else is getting a raise. I would be more than happy to assist the Finance Committee if they need help. If anyone has any further questions or would like a copy of last meeting report feel free to contact me.

NEW BUSINESS

Mr. Meier – Mr. Estep I briefly glanced through the document that you gave me and I know you wanted people to come back with their opinions at COW next week but since this is televised for everybody I'd like to make sure that my position is known and everybody knows it.

One of the key things it looks on here is that lands or to acquire lands or to sell lands is something if something is not being used. Bertus St. Park is used on a daily basis by the children that attend St. Clement School. One of

the other things it has on here is that it has to be the approval of the adjacent land holders and again St. Clement is an adjacent land holder. I think that the schools in the City are paramount importance to the vitality of this City. To have a grade school or a primary school without a place for the kids to play for recess I can't imagine why we would want to do that. I want to go on record now saying I will be opposed to the selling of that because it is a piece of property, it is being used, it is being used on a daily basis. I think that if we were to try to sell it, again the last comment on here is, I think it was said that they could not predict whether if there was litigation, based on whether or not we win litigation. I think if we try selling this particular piece of property that is being used that we would have that. I came to this position on Council, my first involvement with public service in the City of St. Bernard was back six years ago when we were talking about moving the old canal bed to be used for public housing. That's how I got involved in this, I'm very much against the taking of park lands or green space especially for housing like this. I think our first priority is to take care of the housing that we have before we go to any new housing. So I wanted to make sure that my position was very clear, was understood and that everybody, not only here, but also the residents that are seeing this or reading in the minutes, understand what my position is.

Mr. Estep – I respect that Mr. Meier. That's one reason we'll have to have some public meetings, get some input from all the land owners up there. I'd like to meet with St. Clement because we won't just be taking a playground from them without providing another area. There's Vine St. Park which is just about as close and I'd like to sit with the people from St. Clement and the other adjacent landholders and see and get some input from everybody.

Mrs. Brickweg – I'd like to comment also. I do need to study it more but my gut from just the very beginning is I have a hard time and I said this in the past, sometimes we use ORC, sometimes we use Home Rule. We seem to pick and choose whatever we want that benefits just us and that bothers me. Either we're going to follow a set of rules or we're not going to follow a set of rules but I do like the idea of a public meeting and asking the citizens, but my gut tells me that I'm not in favor of this just because it looks like we tried to find a loophole to get what some people want and like Kevin said and Ed has said many times, one persons opinion doesn't hold a whole lot, there could be litigation and I would really hate this and I would assume there could be a lot of litigation with this and I hate to see our City enter into another law suit but I will read it better but just my gut doesn't tell me I'm in favor or it.

Mr. Estep – Thank you for your opinion, the last thing I want is to cost the City any money in litigation. I'd like to keep the record that this Administration has for the past three years with very, very minimal amount, if any. I'm very proud of that. If we don't move forward with that project I will be looking for some input on what we can do with that park. It's used for about an hour in the morning or whatever time it is but after that is when we've had all the problems. It's too expensive to open and we're trying to move from these satellite pools because we have a \$2.1 million complex right down there and that seems to be working pretty well. There other problems has been ongoing for years, it's the basketball courts. It's a magnet for outsiders. The discussions that we've had with some of the

people that live up there after hours and some of the things that we have to deal with up there as far as safety for the citizens. I know Wigs has a back yard right over the fence and I know he doesn't like what he sees and hears up there so if we don't go through with the project of three to four homes whatever it may be, I hope we work something out to clean that up up there and make this a little bit safer than what it is now.

Mr. Schildmeyer – I appreciate the comments of Kevin, Peggy and John and I feel too that we should take a good look at that park area up there. I personally would like to see an improved park for the kids and for younger kids even. If the basketball polls and baskets are a problem up there, we'll find another way of handling it. If we can make it a better green space and maybe improve the housing market around there meaning that some of the houses need to be addressed and improved upon in which we already have started a process, I think we can improve the area in two ways, one, improving the housing market and two, improving the park area to attract maybe younger families to the houses that we have in the future up there. I think we do need to take a good look at this and address all the issues and all the angles before we make any decisions about any kind of replacing parks with housing areas.

Ms. Hausfeld – I also agree with these guys but my concern is, I believe we should send out a survey or send out something, especially to those residents that it's going to mostly affect up around that area. Find out what their true feelings are. Some of them might like the park situation but they want it upgraded like Mike suggested. Some of them most probably would like it gone altogether and as a Council member I would like to know what the residents up there feel so maybe to send out some sort of a survey or set up the open meeting now or public meeting now and before we move any further just to see what the public really does say about that particular park.

Mrs. Brickweg – That's kind of what I was going to say is, now that we're on TV maybe we can announce that since we will be discussing this at the COW, if residents up in that area or any resident has an opinion maybe it would be nice if they could come to the COW and we can start small and go from there and get some feed back and if they can't make the meeting, call their Council members or the Administration and let us know how they feel. Just as a start, we could start with next week's meeting.

Mr. Estep – That was part of the procedure I was hoping we'd discuss it here because if Council is against it there's no sense in going to the next step, but it's a good idea to have the citizens here, but just remember as long as it's a public park, whoever visits that park, we cannot deny them no matter who it is and we know who it is.

Mr. Meier – I was talking with some people earlier today and I'd like to be placed next week on COW if we could go into Executive Session to discuss the acquisition and renovation of property.

AUDIENCE WISHING TO ADDRESS COUNCIL

Joe Lengerich, 62 E. Ross – I was watching last weeks Council on TV and the longevity issue came up and it's been a pet peeve of mine for a while

too. Back a couple of years ago we were laying people off and I thought these extra bonuses were ridiculous when we were letting people go, cutting salaries, cutting overtime and all kinds of other stuff. The longevity ordinance originally, I was here that night in '97 whenever it was, it was for the Chiefs. It was because one of the particular Chiefs didn't think he should be paid less than a patrolman. I can guarantee you when he was a patrolman and Mr. Rusche was the Chief he was probably making more money than Mr. Rusche because they make overtime, it's just part of the job, if they're going to court or whatever, it just happens. What I said that night and I'm pretty sure I got up, you knew what you were taking when you took the job. If you didn't want to take what you considered a pay cut, on base salary the Chief makes more than his men but his men make more in overtime, that's just the way it works. I was against then and I'm against it now. There was a statement made, I don't remember who it was that all longevity should be cut out. Well I think that's ridiculous. First it's bargained in our contract so it's going to be there for three more years regardless, secondly, I'm sure most of you get Christmas bonuses, or bonuses at the end of the year from your jobs, maybe not all, but most. We, as Civil Service employees, aren't allowed to have bonuses, it's illegal, so we call it longevity. To me it's a reward for years worked and it's very reasonable at \$350.00, \$525.00, I'm not going to go over it, Peggy explained it and you've all heard it and got it. The "extra" longevity that was given was originally established like I said for the two Chiefs and then it was added on for all the other people. I don't know if it was just because it was their buddy or it just sounded good or somebody said they're getting it, I'm the head of a dept., I should get it. It was ridiculous when it happened. What I think should happen is exactly what Peggy said, instead of punishing the people that came into these jobs knowing that they would be getting it, continue to give it until '08. In '08, you know it's going to end, if new elected officials come in they're not going to get it and they know they're not going to get it and it shouldn't be a step in pay because I agree, it's ridiculous, Gerry's worked here 25 plus years or whatever it's been and his replacement is going to come in making that same money. That's not fiscally responsible. I hear Mr. Zix and a bunch of people constantly taking about tightening the strings and being correct about this budget. That's ridiculous, I didn't come in making Mr. Fossaluzza's salary. I came in making \$11.00 an hour, I didn't come in making \$27.00 and I did my steps. That's the way it should be, it is an abuse of tax payer's money to start people at top salary. And if you don't want to do it because you have friends, you had the courage to lay people off and cut wages, have the courage to end this abuse because it is abuse.

The next thing I'd like to say is, last week Bobby made a statement about extra police and service being hired. I'm glad to see that the two officers that had to resign or whatever they did are getting replaced but there's been no new service dept. employees. Mr. Shamblin retired in Feb. six months we waited on Mr. Wilson to replace him and that is what happened. Nobody was added new, a man that retired was replaced so there's been no new hires in the Service Dept. I was going to say something about the police list but we're hiring two policemen, that's great I'm glad to hear that. As far as law suits, John, you brought up the law suits, I think it's a waste of money. Let's sit down, I mean I read this blog and I'm not on it because if I'm going to get on I'm going to put my name on it and tell you who I am but I can come here and speak. Let's settle it, let's sit down with, I know all the details, and

I'm sure you all know and I'm not going to get into it, but there was people that were being paid and deserve it, let's settle with them. You want to end the program, let's end it, that's fine but let's settle with these people and give them their money, let's not drag this out on a two year appeal. It's ridiculous and as far as Helton's thing, it's been appealed three times, he's won all three times. It's going to cost you his attorney's fees, it's going to cost the attorney, your attorneys, let's just end it. He was laid off illegally by Civil Service rules, good, bad, or ugly, the man wanted his lost wages, he's won his case, he should be paid, we're wasting money. I got one other question, it just came to my attention this week, we're selling our flusher. It's a 1998 flusher, it's 250 miles from what I understand, it was purchased for \$115,000.00, I think we're going get \$30,000.00 for it and I'd like to know or hear from Joe why we're getting rid of it, I think it's a useful piece of equipment that we need. It doesn't get used, but that's not because we don't want to use it, when there's mud in the streets, what are we going to do to get rid of the mud, wait for it to rain? In the summer when we get a drought of two months in the sewer gas starts stinking, you can send that thing down the street and flush the sewers. It's a useful piece of equipment if used. We don't use it, I'll grant you but it's not because we don't want to, we're just told not to use it. You realize it's being sold, but I think it's ridiculous myself and just one personal thing I wish, John, or tell the Chief to get rid of that ridiculous mural on the fire dept. window. I think it was ridiculous when it went up and Christmas is over and I think it should come down.

Mr. Kempe – I would like to respond to Joe's statement on the flusher. We haven't brought that to Council yet, we haven't made the suggestion to sell it yet. Dave and I are looking into it. we have a flusher that's ten years old like Joe said, it didn't cost \$115,000.00, it cost \$62,000.00 and it has less than 3,000 miles on it. I think it's a worthwhile thing to look at to see if somebody is interested in it. We have one firm offer on the table as a trade in on another piece of equipment and we have two other people that are checking on it. We haven't brought anything to Council yet on that because we're not finished doing our research on it yet. That's a piece of equipment that's sitting down the garage, you know to have a \$62,000.00 piece of equipment down there that we run 300 miles a year on it just doesn't make a whole lot of sense to me to have a piece of equipment like that. If it's Council's decision not to sell it then, so be it, that's fine. I don't have a problem with that but I feel like it needs to be brought to Council and we're just not finished with our research yet.

Joe Lengerich, 62 E. Ross – I just want to make a comment to Joe real quick. I don't want to step on any toes or anything, I came back off vacation and seen all the stuff that was going on the other day, I think it's a valuable piece of equipment, it's not utilized, you're right, it's bought and paid for, it's costing us what, insurance. It don't cost us gas because it don't get used. I just think it's a mistake to get rid of this.

Mr. Kempe – I respect that opinion but you said it cost \$115,000.00 and I just wanted to clarify some things and why it wasn't brought to Council. No, it wasn't brought to Council, they don't know anything about it. I just wanted to clarify some points here because I think there was a lot of misleading statements there and that's all that was for.

Joe Lengerich, 62 E. Ross – I got some bad information. I apologize, it wasn't a slam, today I was just kind of baffled that, I personally think it's a valuable piece of equipment that was all.

Mrs. Brickweg – I would just like to ask Joe one question, I know you don't want to discuss it now, but I'm just curious, what other piece of equipment are you looking at. I didn't know they needed more.

Mr. Kempe – When we went back to the person that this piece of equipment was bought from, the company, they weren't particular interested in buying this piece of equipment outright. They said they would make an offer to us if we would consider trading in something on something and the loader we have down there is, I don't know how old it is off hand, about 17 years old, in that neighborhood, and it's not that that piece of equipment is broke down and we have to do something immediately or anything like that, but the guy said he would trading in the flusher if we would purchase a new loader down there. That's just one of the options we're looking into.

Norm Miller, 219 Washington Ave. – It kind of astonishes me when listening here tonight how we waste people's time. This business came up about this park and for goodness sake the Mayor has had the Solicitor for months looking into this, the legality and all of that sort of thing. You just wasted so much time. You people are sitting up there and you're against it so why in the world, months ago when he started this, didn't you say something instead of wasting all of his time and the Mayor's time and everybody's else. You know you're against it, why not say it instead of him wasting his time seeing if it can even be done. Now we know it might be done and you say it can't be done, we don't want it. There's three of you made direct comments, you ain't going to do anything with it. I don't know why we're obligated as a City to furnish a playground for St. Clement that uses it for recess only. Maybe that's an hour in the morning and an hour in the afternoon for all the classes and we could have some kind of an income from that. We've got property and parking lots and we're sitting on the library down there. We're talking about we need income and you're sitting up here saying we need more parks, more parks. We need parks like a hole in the head, we got parks allover this place and they don't bring in a dime to run this City. My point is, why do you sit up there and let people find out well we can do this, we can do that, now they find out we can do it and now you say well we didn't want to do it in the first place. For God's sake, you're against it, so when something comes up say you're against it so we don't waste all this time doing absolutely nothing. The Mayor is right, why have all these meetings, if the Council who has to vote on it is against it to begin with. It's a waste of time of the public even. You just don't make any damn sense with me anymore.

Mr. Schildmeyer – I appreciate your comments Norm. In talking to people around that park already I think I made comments that I think the park can be improved upon mainly because I was talking to the people around that area. I thought with this being brought forth in the last three or more months everybody had a pretty good idea in what direction we were going in and looking at. Talking to the people, some things were updated and brought up

to sight to me so I kind of changed my mind. I'd rather not develop housing up there, I'd rather develop a better park.

Mr. Meier – I would like to make a couple of comments. One, to Joe, what you are saying, just on one part on the longevity, you're exactly right. The longevity should be an incentive or reward for people for years of service but for somebody whose job is depending on being elected or appointed I think the longevity doesn't serve its purpose. You're exactly right.

Norm, to your point, talking about the parks, when we had the discussion about whether or not we want to appropriate the money or spend the money to have this research done, I think the vote that night was 6-1 to do it and I spoke then that I don't think we should do it, It has to do with the quality of life. I think it's a place for those children to play, good schools and I think that you may not be able to tie an exact dollar benefit to the value of having that park there but I think there is a benefit to that and I think it makes a better City. Even though I couldn't tell you exactly how many dollars it cost to have there or how many dollars we're giving up by not having something in there. I can tell you that having those makes us a better place to live. I'll back that up.

Mr. Estep – I'm not against parks, I think parks are vital to the future for all the kids. The geographic location is a problem for that park. We've had nothing but problems up there for years.

Mr. Burkhardt – My idea all along for Bertus St. has been to build housing up there but also to incorporate a tot lot park. That's what part of the park is used, it's the tot lot area. To incorporate that tot lot, even if it means taking a house or two on Park Pl to make that happen, that is my idea for up there would be to build the housing along with the tot lot park because that is what is used up there.

Mr. Estep – That's the best thing I've heard all night, Bill. I think by the time you hit 15,16,17 years old you can make it down the pavilion and play basketball and swim. To provide a tot lot for the kids up there who are supervised by an adult, the problem comes when there's no supervision and the kids are growing up younger every summer and they're getting up there at 11 and 10 and 12 years old with nobody watching them and we have a lot of problems up there. If we could do some combination of a tot lot with supervision by adults, and I think the reason for the meetings is to present some ideas like this to the land holders adjacent to that and that might sound a lot better than just saying we're going to bulldoze the basketball court and put a home up there. I think you have to take time, but before we set up these meetings we're going to need some cohesion here in this room from our Council people. If we're going to do it, we need to stick together and do this and move forward. Like Mr. Miller said, lets have one meeting and waste two months and go back and forth. We're not going to please everybody with every decision made in this building. We have to make decisions which better the future of our community.

Mrs. Brickweg – Mr. Miller, maybe your were confused at what I said. I said I have a problem with taking laws and twisting them and making them work for anybody's advantage. Sometimes we follow ORC, sometimes we follow home rule. It seems like we just take it and make it work however we

want and I have really hard time with that. I have no problem with Ed looking into this. The funny thing is, is when we very first started looking into it, the opinion was, no you cannot build there and now we found a way where they can. I think it needs to be investigated a little bit more so I don't think it was a waste of money for him to look into it because if never looked into it the answer would have been no right from the get go. I've never changed my mind, I'm just saying that I got a problem with the way this City operates and twists things so it works no matter how we want it to work and that's why we get sued some much. I want to look at it in more detail, I'm not going to back down with what I'm saying at all. I want to hear from the citizens, trust me I'm going to investigate home rules verses ORC and how we make this work or else I'm not going to vote for it, I'm sorry.

Doug Roll, 155 Church St. – First of all I'm happy to hear that we're talking about development in town no matter where it is. Bertus St. Park, I just want to talk about that a little bit, even though I believe that we need new housing in this town, if you're going to take Bertus St. Park, take all of Park Pl. all the way down to Gerry Weidman's house and a couple behind him and make a whole block out of houses. It has to be blocks, it can't just be three here and three that and all that. Before we even get talking about Bertus St. Park, if there's a problem up there and there has been a problem for years with what it attracts, there's a lot of people that go over by Mr. Zix's fence there and the reason they go over there is because that's where the park benches are and that's where the swing sets and stuff are. Dig the park up, get rid of that pool, get rid of all those fences, take the swing sets and move them to the center of the park because that's where everybody will congregate then and it will take it away from the citizens up there on Angels Way. To me right now that's the best thing to do with that particular park. It needs to be dug up, it's an eye sore, move the swing sets away from Angels Way to get the people away from that fence line and be done with it for now because that is not the major problem in this town. Vine St. is our major problem in this town. Do with Park Pl. whatever you want to, it's great that you're talking about development, but let's get rolling on Vine St. because if Vine St. doesn't get fixed and it doesn't start looking like it's a decent viable business community, the rest of it isn't going to matter as far as I'm concerned.

Norm Miller, 219 Washington Ave. – You know Peggy, you mention all of this and that and I don't understand half of what you're saying, my point is, we just spent \$250 to \$300,000.00 for a piece of property and why did we do this? Because of what was there and this is the same reason we're talking about Bertus St. Park because of what was there. It isn't any different. Up there you had kids there that are up there playing and another crowd comes in that we don't particularly think much of and a kid get the hell beat out of him. It's the same thing you just spent \$300,000.00 on but you don't want to talk about a park because of what's up there. You wouldn't dare let your kids go up there by themselves. There ain't no way in the world if you got any sense that you'd let your kids go up there without your personal supervision because they might come back with a few nicks and bruises on them. We can spend a bunch of money to get rid of one place but we can't even talk about it because of what's up at the other place.

Mrs. Brickweg – Mr. Miller, I guess you don't understand because yes, there is a difference. The \$250,000.00 business and lot that we bought was privately owned. What I'm talking about is trying to decipher the rules and the laws of a park. That's what Ed was looking into. There is a big difference in somebody going and buying a private lot and the City taking over a park and putting in development. That's what I was trying to say between the ORC and home rule. There is a difference and that's what I said we really need to look into. When we bought Boehm's Deli there was no possibility, I don't think the houses adjacent to that could sue us. There is a possibility that that could happen if the adjacent homeowners or whoever do not want to lose a park. There is a bit of a difference. All I'm saying is we really need to look at everything and figure out the right thing to do.

Mr. Zix – I think this is a good start, I think this is right where we need to be. We've been talking about this, we did some research, there's no solid decisions made yet tonight. A lot of work was done already, we have a lot of work to look to, a lot of people to talk to in that neighborhood, a lot of people to come down with other ideas and I think that's it's a perfect start to get going on it. Maybe we might do it, I personally hope we do but that's just my personal, that's not my political vote. If the people in the fourth ward don't want it I won't vote for it. I personally would like to see it. That park is a good park, there's a lot of good kids that are in that park. There's a balance on both sides, it's a great start, I thank Eddie, I thank John for getting things moving on it.

Doug Roll, 115 Church St. – I have a question on Woodside Hghts., the plumbing that you're getting ready to do up there this year, next year I guess. As I drive up there in my cruiser those streets are pretty tight and I was just wondering since we're getting ready to dig those streets up if it was feasible or possible to take some of the grass area between the sidewalk to the curb and reducing the size of that and make the street a little bit bigger. If you go up to Minmore it's really, really tough to make that left hand turn even in a police cruiser. If we ever have a fire situation where a truck has to get up there it might be impossible. Just an idea.

Mr. Kempe – Doug we are looking into that possibility, since the bid came in a little bit under what we did budget for it I'm having John Goedde, our engineer, check into see if those streets can be widened. Possibly a foot on each side, he's currently working on that right now.

Doug Roll, 115 Church St. – I just have one more thing. Are we doing anything with the NuMaid property at all? Is there anything on the table?

Mr. Meier – Doug, there has been, we've had a couple of companies that have made some inquiries and I brought somebody to the developer. I think we've got some issues there. I think the CIC needs to get together and decide how we're going to handle that. Looking back I don't think what we got is what I expected we were going to get when we started this three years ago. I think maybe we need to go back and look at that. If you kind of remember in Field of Dreams they said, if you build it they will come. I think that with this developer it's kind of like if you will come we will build it. We're kind of backwards on that. It's just my own opinion and I don't

know, I haven't discussed this with anybody else on the CIC but I think we did it a little bit backwards. I think we need somebody that will put the building in place because the small type of companies that we're looking for that we need, they don't necessarily have the financial commitment to be able to build an entire building by themselves and some of them don't have the, you know when they're making their decisions they don't have the long term plans but I think for what we want in there we need the place ready for them to move into. That's something that personally I'd like to take back to the CIC and get talking about that again because it's just not happening the way it needs to happen.

Doug Roll, 115 Church St. – OK, just again on the NuMaid property. Have we ruled out given it, cutting the land up and giving it to people with local ties that are now starting to move out of town like Thompson Heating and the plumbing co., Niesen Plumbing. I think they are all leaving and I also believe there was a nursery that wanted to go in down there. Is that out of the question, are we trying to get high end people to take over down there or exactly what are we trying to do?

Mr. Meier – Doug, in those types of things in places like Thompson or a plumber where they have their company on site and they actually do their work in other parts of the City, the work that is done, say for instance, if they're doing a job in Norwood, the money from that job is Norwood's. The tax would go to Norwood. If they were in Delhi, the tax would go to Delhi, if they were in Cincinnati, the tax would go to Cincinnati. If that type of company were to be on that site, we would not necessarily receive any financial benefit from them. What we would get would be the income taxes from the people whose jobs were actually performed on site, which may only be one or two people. The same with the landscaping company, they need a large amount of area for trucks and equipment and things, and again, their work is not done on site. If they're doing a landscaping job in Indian Hill, then Indian Hill again would get the tax benefit from that job. Even though they may want to be there, the City would not necessarily receive the benefits that we're looking for.

Doug Roll, 115 Church St. – OK, but one dollar is better than what we have now.

Mr. Estep – Earlier, Joe Lengerich, and I'm not trying to start an argument Joe, he made the statement that Helton had a law suit against the City and won that. As I looked over my shoulder there is a Civil Service person up in the audience and I'd like to ask him if he can answer that question if that's true or false. Forrest, can you answer that? Is that law suit, did he already win that law suit? Just a yes or no, has he won that law suit? Thanks for that simple "no".

Mr. St. Clair – If I could talk a little bit about longevity, since I'm one of the recipients thereof, when I first started as the Auditor for the City, I had no idea that I would be getting longevity pay. When I came in I realized my starting salary was the same as the Service Director. I was in my first year, he was in his ninth year. I said, man, how can that be, I'm just starting, no experience in the job, he's got eight years of experience, why are we making the same amount of money? The Service Director said to me, well, I get

dept. head longevity. I said, well OK, I come from the Federal Government and my years of service there and we had grade levels and within each grade level we had ten steps. I was pretty familiar with steps, the step concept for different levels of position classifications. My first thought was, well this longevity is like a step increase. Whether it's called longevity or whether it's called step increase, it almost serves the same purpose. You get a certain amount of money for each year in your service, in the Federal Government it was each year you got a step increase if your performance was acceptable. That's kind of the concept I had of what longevity was, whether you call it longevity, whether you call it a step increase that's just the terminology thing rather than longevity, you talk about seniority or longevity it think that is kind of a crazy term but that's what my concept of it was just kind of a step increase anyway, so that's just my thoughts on it.

Mrs. Brickweg – Correct me if I'm wrong, I understand the steps but a position also gets a raise each year also. Where I work each year I get a raise so that would be my step or my increase in pay. Not only do certain employees get the extra longevity they are also getting a raise each year and I'm sorry but I find it a total waste of tax payer's money that somebody comes in and nothing against you, but you came in making the same money that somebody that for nine years was making. What's going to happen when this salary gets to \$100,000.00? Is somebody going to walk in getting \$100,000.00? I mean, it's just plain wrong. It's nothing against the people that are in the positions now and like I said, you took that job based on you were going to get that so I do not have a problem continuing that pay for those people that are in those positions but as an elected official, we have the power right now to make a change to this horrible practice. You can word it anyway you want but when I researched it, it looked pretty simple to me. You had one party in power, in the Administration and in Council and they voted to start giving everybody these raises. It was padding somebody's pay check and that might not be a nice way to say it, but when you look at the amounts of money and shortness of years, that's what it looks like and it needs to end. I'm sorry, it's ludicrous that somebody after two years gets a \$1500.00 bonus or longevity and you have an employee that has worked twenty five years or more and they're getting \$1000.00. It's so unbalanced and so unfair, that's why I think the extra longevity needs to end.

Mr. St. Clair – The party of the Administration and Council was not the party I was in so I can't follow your logic there.

Mrs. Brickweg – When the Auditor's position and the Service Director's position were added to that ordinance, that's what I'm talking about. I'm not talking about you in particular, Walt. I'm talking about when those provisions were added in, you had the power of Council by the same party as the party that had the Administration so basically if they voted whatever the vote was, for example 5-2, it was a win, win situation because I would love to have an explanation on why that happened otherwise. Was that person doing that most wonderful of a job that they should automatically be added into that and get that big of extra benefit. It just, there's no explanation for it and like John likes to say, let the past be the past, fine, let's move on and do the right thing now and make our system run the way it should be run.

Mrs. Williams – Just one thing to consider, this is more about the base salaries. I know when I took the position, I'm not sure what you plan on doing about the salaries come 2008, but if these are going to stay appointed positions, they are only four year term positions and I know one of the major when I took this job was that if this is potentially only a four year position and the compensation needs to be such that if it's only going to be four years, you're not going to quit a job for something that's not going to be or you're not going to be well compensated. If you drop those salaries down too far, you're not going to get very well qualified people to take those positions. It's just something that you need to take into consideration.

Mrs. Brickweg – Sheri, that's a really good point and maybe at the same time we're discussing this, maybe it's time we look into a City Manager type of government because when you have that type of government the Service Director would actually run the Service Dept. the City Manager would, if we get the type of City Manager position that is ruled by Council, Council hires and fires the City Manager, it's not a political position or it should not be and the Tax Commissioner position would not be appointed, it would be a full time job just like the Service Director would be a full time job, then you get rid of the appointed jobs and you run the City like a business and if the person doesn't do a good enough job then they get fired. If they do a good job, they get a raise but it's based on the City Manager and not somebody that was put into a position that was appointed just something to consider that would take care of that problem also.

Mr. Estep – Those are all good points and I think Sheri brings up a good point, if we're going to try to attract quality people and I think you agree with that Peggy. The City Manager, I was one of the people when I ran for Mayor that said that maybe that's something we need to look at. I was all for it. The little bit of research that I've done, I'm hesitant. I'd hate to bring an outsider in here with a two year contract if that person's goal was to put three million dollars away for us and he would go about doing that by cutting all the dept. He would maybe look at fire, police, and service and say here is where I'm going to save you three million dollars. I'd hate to have this hatchet person come in here. You know how I feel about Joe, I think Joe, right now we have sort of a kwazi City Manager. He's doing all the duties performed by City Managers in other places. He's got to not only run the Service Dept. he negotiates the contract for the City against them. That's an awkward position for him. He's negotiated all the contracts for the fire and police. He helps with the budget. He streamlined and has been an iatrical part of working with the Finance Committee for the budgets for all the depts.. I'm not trying to get Joe a raise here but I think we have a pretty good thing going and I'm not going to argue and fight over that I just wanted you to know where I stand.

Mrs. Brickweg – Just so I can explain it better John, the type of City Manager type of government that I'm talking about, the City Manager would answer to Council. If the City Manager came in and said we're going to fire the entire police dept. Council would vote yes or no on that decision. That person could not just make that decision on their own. It would not be a person that has free rein and that's the main type that a lot of municipalities have. That way they can still have a City Manager and they still do have somewhat control over them. Other jobs that other City Managers do is they

get grants, they go out and they get business, they do projects and they do other things and that's why I'm not saying get rid of the Service Director but it would be an added bonus to also have that because there's many more things we could be doing than we're doing right now if we had that position and that form of government, a City Manager could not come in and do what you're saying unless Council agreed that they wanted to do all that.

Mr. Estep - Then I could see your point then Peggy, what you could do is come up with a job description for a City Manager verses a Service Director so they don't cross wires and who answers to whom and what the chain of command and what that protocol would be, therefore there would be some fewer screw ups and I question having that type of government because if they have to answer to City Council, what would be the point. There would be some duties that I think that are sort of outside of Joe's realm right now. If we consolidate some of these things and come up with job descriptions I'd be willing to look at them in the near future.

Mr. Zix – We have talked and I'm glad we got some input on some of the benefit packages, that whole benefit package is in committee and we'll come out with a recommendation in the near future but I'm glad that pretty much was brought up, I hope really shouldn't be talked about while it's in committee. I appreciate everybody's input.

Doug Roll, 115 Church St. – The City Manager, it's been a question with this community for a long time at least for the last three or four years. I was against it also and maybe still am against it. To get to the City Manager form of government we have to vote to open the Charter and it's going to take probably years to get that done. This is an election year, I think Joe does a good job, he cannot be the Service Director and a City Manager, they are two different functions. The City Manager plans for the future of the community, the Service Director takes care of the daily operations of the community. This is an election year, if you can't go to City Manager, make the Mayor's position full time, he's the City Manager and you can do that before this election coming up. It seems like the easiest way to get this done without having to open the Charter.

Mrs. Brickweg – I would just like to comment on what Doug said. First of all, thank you Doug for all the great ideas and thinking outside of a box. It's nice to get some outside ideas but I really think that's something, grant it, it looks like the COW is pretty filled up for next time but that is something maybe the following one that we really do need to talk about. Now is the time to do it and I would like to put it on for the next COW that we actually look at that and before that meeting I'll try to get something together for John, I'll bring it to that meeting to share different responsibilities of what different managers do.

Joe Lengerich 62 E. Ross Ave – I don't want to banter with you about a job, I got a comment. I'm not here to rah rah for Helton, I know he won his case, he's appealed and I don't blame you, you should appeal one, he won the second appeal, he appealed it again, waste of money in my opinion, the second appeal went to the third judge, the third judge sent it back to the second judge who had already ruled in his favor, I mean I think it's ridiculous and a waste money. Enough said.

My next point, NuMaid, we still own it, we can with it what we want, we got to do something with definitely the Service Dept. and maybe the Fire Dept. Why don't we look into how much money we're going to receive from the State for these properties, build a joint Police, Fire and Service Dept. like Amberly Village and a few of these other towns, down there, give our current Police Dept. to the Library, I'm sure they could make that a real nice library and put some kind of viable business when the Library has been promising to build for the last five years. That's all I got.

Mr. Burkhardt – The next COW will be Thursday, Jan. 11, at 7:30p.m.

Motion by Mr. Zix, seconded by Ms. Hausfeld to adjourn. Motion passed 7-0.