

**ST. BERNARD CITY COUNCIL MEETING
APRIL 5, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, April 5, 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, Mr. Zix.

Mr. Walden – Before we begin with the regular order of business, I understand the Mayor has someone he would like to introduce to Council.

Mr. Estep – At this time I would like to ask Ms. Dorothea Jones to step forward. I ask Ms. Dorothea Jones to come down. She owns JT's Boutique on Ross Ave. A couple of months back the Cincinnati Enquirer did an article, they called her, she helped with a survey and an article on promoting good health in the community. It's not only to promote her business but to promote good health within our community and the outlying areas. We took the article and we had it placed in plastic borders so she could hang it on her wall at JT's Boutique and I asked her to come down just to acknowledge this nice gesture in front of Council and she was kind enough to do that. I have a certificate from the City, it's a salute to the women, any woman promoting good health as well as a present from the City to Ms. Jones. Ms. Jones, thanks a lot and we appreciate you promoting this within our community as much as anything as making it more than your business.

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

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Estep – Two things this evening, one, the Easter Egg Hunt will be this Saturday, April 7th at 2:00p.m. at Vine St. Park. The bunny will be coming around between 11:00a.m and 1:00p.m. to give out candy and remind everybody of that day. On a second topic, I had the pleasure of visiting the Senior Citizens this week and delivering a couple of baskets to them for the Easter Holiday. It's amazing how many people appreciate that Call Command. As much as we talked about it last week, Senior Citizens and even a former employee of the City, the Service Dept. said, even though he has worked there for thirty years, he said I still slip sometimes on Good Friday and thanks to the Call Command message, I got my garbage out and hopefully it helps our City look a lot better throughout the Holiday.

AUDITOR, Mr. St. Clair – The March 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 Auditors report and they are given to Council and the Administration.

Payroll for the Month of March: (3 pay periods)	\$ 540,301.58
Payroll year to Date:	1,355,720.37

Other expenditures for the month of March:	\$ 489,748.97
Other expenditures as of March 31 st :	934,565.67
 Total expenditures through the end of March:	 \$ 2,290,286.04

Just for informational purposes, March expenditures exceeded receipts by \$280,247.24.

Also if anyone is tracking expenditures, this is the end of the first Quarter. If you multiply the year-to-date expenditure of each line item in the Auditor's report by 3, you can compare it to the balance remaining in the line item to see if you are over or under budget.

DIRECTOR OF LAW, Mr. Geiser – Before Council tonight is one new Ordinance No. 16, 2007 and it authorizes the City to enter into a contract with Housing Partner's for the sale and development of 618 E. Ross Ave. Secondly, I brought this up at COW, the law suit involving a Marlene Ashley, the estate of Kempe May Ballard. I indicated at COW that there was a good chance that case would be dismissed and we did receive a notice this week that the Plaintiff has voluntarily signed a waiver, signed a notice of dismissal and a the good news is that the case is dismissed with cost borne by the plaintiff and it's with prejudice, which means they cannot file this law suit again. On another issue of law suits, I received a notice this week that on one of the individuals who we forced to move out of the City, or in the process, the judge ruled in our favor involving sexual offenders. He has filed a notice of appeal. He has found some organization to help fund it, I don't know what it is, but I just got a notice this week that they did appeal it. Lastly, based on the COW last week, I went back and I began researching again the legal opinion the we got regarding the Bertus St. property and spent a lot of time this week researching it again regarding issues of public use, although I do not have anything for you this evening I would rather do it at COW and I will hopefully have some more information then and lastly I don't know how long I will be able to last at this meeting because of my assistant Law Director here may not allow me to stay much longer so if you have any questions please let me know now before I leave.

TREASURER, Mr. Kathman – I have the receipts for the month of March:

Receipts for March, 2007	\$ 749,803.31
Receipts for the year through March 31 st :	2,577,144.03

I did hear some good news last night, the Avondale Post Office is closing and those employees will be coming to St. Bernard's Post Office. I don't know what that will be as far as revenue, I know they usually figure 25% in the Post Office, 75% out of the Post Office. There will probably be a couple of employees that are in the Post Office full time, all day long, so it should help us a little bit.

SAFETY DIRECTOR, Mr. Stuchell – (read by Mr. Estep) The St. Bernard Fire Dept. Monthly Report for March; 24 Fire Runs, 69 Emergency Medical Responses, 10 Inspections. The St. Bernard Fire Dept. will be participating in the Annual C.A.E.R. drill with C.A.E.R. members of the local industrial manufacturers on May 2, 2007 at the Cognis facility.

The St. Bernard Police Dept. just finished the installation of 4 new Dell Computers that were provided to the City at no cost from the Ohio Association of Chief's of Police through a technology grant from the State

for a Law Enforcement Sharing Network. These computers are also equipped with a new records management system called LEOT (Law Enforcement Officers Toolkit) and they also include a 3 year maintenance contract at no charge. Again, I would like to thank Lt. Bill Ungruhe for securing this grant for our police department.

The St. Bernard Civil Service Commission has given notice for a competitive examination to establish an eligibility list for the St. Bernard Police Dept. and to replace the current list expiring June 13, 2007. The examination date is April 21, 2007 at 10:00a.m. and will be held in the Municipal Building in the upper level. Applications are available at City Hall, 110 Washington Ave. and will be accepted until April 15th.

On another note for the COW, we discussed the Bertus St. Park project. We are working on a date to have one more public meeting to get input and to possibly find a compromise to make everybody happy up there.

SERVICE DIRECTOR, Mr. Kempe – The Hamilton County Environmental Services has again this year initiated its Household Hazardous Waste Collection Program. Hamilton County residents can bring household hazardous waste such as paint, chemicals, motor oil, batteries, propane tanks, etc. to Environmental Enterprises, Inc. located at 4650 Spring Grove Ave. across from Winton Rd. This drop off center will be open until October 27, 2007. The days and hours of operation are Tuesdays from 2:00p.m. – 6:00p.m.; Thursdays from 9:00a.m. – 1:00p.m.; Saturdays from 9:00a.m. to 1:00p.m. You must be a Hamilton County resident and bring proof of residency. An informational card is located on the bulletin board at City Hall. For more information about this program, please visit their website at www.hamiltoncountycycles.org or call 936-7700.

TAX COMMISSIONER, Mrs. Williams – No report.

Mr. Walden – Before we move to Committee reports, does anyone have any questions for Mr. Geiser? If not, thank you.

REPROTS OF STANDING COMITTEES

FINANCE, Mr. Zix – The Finance Committee would like to recommend passage of Ordinance No. 16, 2007.

SAFETY, Mr. Burkhardt – Last week at the COW meeting we discussed recommendations by the Fire Chief, the Safety Committee will be working with the Administration and will set up a date to meet after the next COW Meeting.

SERVICE, Mr. Meier – I would just like to go over a couple of things that we discussed at the COW last week. I had a lot of people that are regulars at all the meetings and you heard this already last week, but for the people that are watching this at home, a very important development with the CIC is that we met a couple of weeks ago and as you know we have not had a lot of success with the development of the Nu-Maid site. We're doing a little bit of changing of direction, up until now, the developer has taken the lead in marketing that property and we are going to change that. Since we have not had the success that we had hoped to have had, the marketing company will now take the lead in the promotion of that site. Some of the feedback that

we got is that businesses in Cincinnati tend to prefer to own their property rather than lease the property and that is a major hurdle that we've had in development of the property. So rather than continuing the way we've been going, on recommendation, we're going to go ahead and make that change. One of the things that was brought up to us is that we're going to do a little bit of creative thinking on how to get somebody in there. One of the ideas was, up in the City of Loveland, the City bought a hundred acre industrial site and for a company that would bring an adequate tax base or the type of company that you would like to have in the City, they would actually give the land to that company, the benefit to the company is that they immediately have equity, so if you are going to a bank or somebody for financing, you don't have to have 100% financing any more because now you own the land, and the land is your equity and that, so it makes it very, very attractive for businesses that like to own their own land so it's a great incentive for that. To date the companies that have shown the most interest have been trucking and logistics companies. We did have some questions as to why the CIC isn't bring everything back. It's generally the opinion of the people in the CIC, is that the City does not want thirty or forty truck trailers parked on that lot, or thirty or forty eighteen wheelers going up and down Vine St., so that is the reason those have not been brought back. If we do have a good lead or a legitimate company or something that we think is a good idea that will be brought back to Council so that everybody is made aware of it and has the opportunity for their input. The one thing that the broker asked is that we very, very much appreciate any leads on businesses, if anybody has any leads on businesses, please direct them to Gerry Weidman, he is the point person for those, and by directing them to him or running everything through Gerry then we know exactly what's going on and we don't have multiple people calling on any businesses. Those are the key things that we are doing, we're changing from the developer to the marketing company, which is Everest, we're looking at some creative ways of allowing companies to have some equity in the property, we're continuing to look for companies that have a large tax base, remember that taxes are paid based on where the work is done, so we want companies that will be doing the work here within the City so that St. Bernard gets the benefit of the taxes and again to date the types of companies that are most interested are companies that would take a lot of space and would have trucks up and down Vine St. and again, if you have any leads, please refer them to Gerry.

PUBLIC IMPROVEMENTS, Mr. Asbach – The Committee recommends passage of Ordinance No. 16, 2007 this evening. Also the CRA committee will meet next Tuesday, April 10th at 6:30P.M. in the downstairs conference room.

LAWS, CONTRACTS AND CLAIMS, Ms. Hausfeld – After last weeks COW meeting, my committee now has a few more topics to start working on. One is to create a policy for all of us on Council to follow as far as to let the citizens know when and where our meetings are going to be held. Two, with the recommendation from the Police Chief, we are going to start working on coming up with an Ordinance to make some recommendations as far as kids playing in the streets with portable basketball hoops and things of that nature. There's been some problems arising and we just want to make sure that we have something in place to help the Police Dept. to address some of those concerns. Three, along with the Building and Zoning

Dept., I've already got the portable garage structures in my committee that we are on, they've also ordered, did not order me, sorry, asked me to start looking into satellite dishes, wood-burning furnaces and boilers and specifications for new curb cuts.

BUSINESS AND INDUSTRY, Mr. Schldmeyer – I do have an announcement of a new business that is opening up here in St. Bernard. It's a business that is called "Get The Picture Photography" and they are pleased to announce their GRAND OPENING of their new studio located at 4514 Greenlee Ave. They'll have an Open House on April 17 and 18th from 3:30 to 8:00p.m., please join them in their kick off of the new studio. This message is from Trisha Hackney, who I believe is the photographer and the owner of the studio, so if you can visit her, stop in, it's a photographic studio and we need one in St. Bernard, we haven't had one for quite a while.

HIGHWAYS AND TRANSPORTATION, Ms. Brickweg – I would like to thank everyone that attended the I-75 highway expansion meeting last Thursday. I also want to thank everyone who wrote comments encouraging them not to take away parts of Ross Park. Because of these comments, it helped to ensure that Ross Park will stay as it is. At this time I want to encourage the City leaders to approach the business that we will be losing and help ensure they relocate in St. Bernard. We also need to start discussing where we will put the new Service Dept. building since we will be losing that. Let's be proactive and not reactive since we have a few years heads up on this project. Let's start working on it now.

Mr. Burkhardt – The Committee of the Whole has been submitted to the Clerk.

**Committee of the Whole
March 29, 2007**

1. Council approved the minutes of the March 15th Council Meeting, 7-0.
2. After a short discussion, Council agreed to give at least 24 hour notice for all committee meetings and to add this to Council's rules.
3. After Fire Chief Steve Scherpenberg explained his recommendations for the Fire Dept., it was put into the Safety committee for further discussion.
4. Mayor John Estep
 - A. The Mayor announced that the City's Easter Egg Hunt would be on April 7th at Vine St. Park.
5. Auditor, Walter St. Clair
 - A. Walt announced that he would be working on a new ord. for the fees charged by Med-a-Count for ambulance runs.
6. Director of Law, Edward Geiser
 - A. Ed announced that we would be cleared of a lawsuit in which a person was killed during a police chase, which passed through S. Bernard.

7. Safety Director, Jonathan Stuchell
 - A. Jonathan reported that there was a hold up on the ordering of the Quint truck for the fire department.
 - B. Jonathan asked that the laws, Contracts, & Claims committee would look into the use of portable basketball rims in the streets.

8. Service Director, Joe Kempe
 - A. Joe Announced that the ground study at Bertus St. Park showed that ground is clean. The next step would be another public meting.
 - B. Joe announced that the Home Hazard Waste Station was now open in the building on Spring Grove Ave. across the street form Frisches.

9. Tax Commissioner, Sheri Williams, absent.

10. Planning Commissioner, Gerry Weidman
 - A. Gerry asked for an ord. to sell 618 W. Ross Ave. to the Cincinnati housing Partners, Council voted 7-0 to put the ord. on the table for next Thursday's Council meeting.

11. Laws, Contracts, & Claims, Patty Hausfeld
 - A. Patty informed Council that her committee would also be looking into outdoor wood burning fire pits, satellite dishes, and potable garages.

12. Public improvements, Steve Asbach, no report.

13. Business & Industry, Mike Schildmeyer, no report.

14. Safety, BiLL Burkhardt, no report.

15. Highways and Transportation, Peggy Brickweg.
 - A. Peggy brought Council up to date on the I-75 meeting and the clean-up St. Bernard Day. Peggy also asked Joe to take a look at the basketball courts in the park at Chalet.

16. Service, Kevin Meier
 - A. Kevin informed Council that the CIC is looking in a new direction for the Nu-Maid property. The marketing group will be taking over the sale or lease of the property.

17. Finance, Greg Zix
 - A. Greg talked about the I-75 meeting and the effects on Clay St.

18. Council met in Executive Session to discuss the pending litigation at 6:30 before the COW meeting.

Respectfully submitted,

Bill Burkhardt
 President of Council Pro Tem

COMMUNICATIONS

Dear Mayor Estep

I write to commend the St. Bernard sanitation and recycling workers for their exemplary service.

As the truism goes, children are our future. Essential to a child's optimal upbringing are good role models. The best kind of role models are seen frequently engaging in model behavior. Certainly our children here in St. Bernard can see good role models in their parents, grand parents, and other family members. Our children can also see such good role models in our schools here in St. Bernard.

On the day of the ice storm in February, I realized another source of good, very good role models, for our children, our sanitation and recycling workers. I watched these workers go about their jobs as if the ice and snow did not exist. As ever they moved efficiently and whenever a fellow St. Bernardian spoke in greeting these workers replied politely and often with a smile on their faces.

On the day after the storm, I needed to remove several large limbs from my pine tree. I called the City garage, explaining that I would like to place the several large limbs on the curb. The response, as usual, was polite, personable and professional. Soon the large pile of limbs was carted off by the sanitations and recycling workers. This extra bit of work was done quickly and in spite of the heavy work schedule made even more difficult by the ice and several inches of snow.

Our children here in St. Bernard should be aware of another excellent source of role models, our sanitation and recycling workers. Day in and day out, in good weather and in bad, these fellow citizens take of our need with efficiency and personalization. Hats off to our sanitization and recycling workers.

Sincerely,

Frank Davis
167 Meadow Ave.
St. Bernard, Ohio 45217

Motion by Mr. Burkhardt, seconded by Mrs. Brickweg to receive and file the communication and to send a copy to the Service Dept. Motion passed 7-0.

RESOLUTIONS AND ORDINANCES

Motion by Mr. Burkhardt, seconded by Mr. Asbach to read this evenings Ord. by title only. Motion passed 7-0.

ORIDINANCE No. 16, 2007, AUTHORIZING THE MAYOR AND/OR THE SERVICE DIRECTORTO ENTER INTO A CONTRACT WITH CINCINNATI HOSING PARTNERS, INC. FOR THE SALE AND REDEVELOPMENT OF 618 EAST ROSS AVENUE IN THE CITY OF ST. BERNARD AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Meier to suspend with the second and third reading of Ord. No. 16, 2007.

REMARKS

Mr. Burkhardt – I would just like to take this time to thank Gerry Weidman for getting this done. It's been a long time coming. Thank you.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to adopt Ord. No. 16, 2007 as read. Motion passed 7-0.

OLD BUSINESS

Mrs. Brickweg – I am sorry to report that I recently found out that I will be out of town on April 28th and therefore will not be able to be in charge of the “Clean Up St. Bernard Day”. There are two options that we have, either to have the Clean Up in St. Bernard on another day or have another person be in charge of it. If we choose a different day I will be more than happy to run it. If no one wants to volunteer tonight could we please put this on the COW agenda to discuss what we should do.

Mr. Zix – I have some extra project sheets on the I-75 expansion project if anybody would like to have one and I also have some of the drawings here if anybody would like to see them.

NEW BUSINESS

None.

AUDIENCE WISHING TO ADDRESS COUNCIL

Mr. St. Clair – Yesterday I received a proposal from the representative of the Service Dept. retirees on the C9 lawsuit, I will pass that proposal to the Council members here this evening and we can look at it at the next COW if we need to go into Executive Session we can do it then.

Ron Miller, Bertus St. – I want to touch on the law suit just a little bit, just for the Service Dept. We'll use a little algebra or I can fill in the numbers if Council wants if you rather I didn't, I won't. The actual amount owed not including 2007 for reimbursement is X. The C amount using \$300.00 per person per year comes to Y. We asked for W plus attorney fees, which we have no control over. $X + Y$ comes to W. Subtract that figure from our offer W and you will arrive at \$7,189.18. Now take that figure and divide it by the number of retirees from the Service Dept., 41, and you will arrive at a figure of \$175.35. That is the average amount of money that will be awarded to these retirees for having their contract breeched for four years. That's the average, some get more, some get less. As I stated, we have no control over the fees of the attorney. Council did, and Council still has some control over these fees. If you would have negotiated this with us four years ago, the fees would have been a considerable amount lower or could have been zero had you just communicated with the Service Dept. across the table here in this building. By letting this continue and not accepting our offer, you're all giving the City to more attorney fees or your lawyer as well as our lawyer due to the fact that in the law suit the City is responsible for all attorney fees. That is why the attorney fees should not be part of the

equation when you're figuring your offer to the service dept. The only people that are getting a substantial amount of money are the lawyers and their firms. I suspect they will agree to let this go on forever and just keep taking our tax payers money as long as you agree to let them. You have within your power to end this for one dept. so why don't you stop it here, save the taxpayers in the City some money. I think it will send a favorable message to the Court that will be to the City's advantage when it comes time to negotiate with the other two depts. So just so the citizens in this town know, the lawyers' fees for the retirees are just under six figures now. I suspect that you had gotten another letter from me so you'll know, that's just one third of that. The highest amount being paid to a Service Dept. retiree and his spouse is \$7,588.15. About \$7,300.00 of that is actually owed to him. And there are several more who will receive only \$1,200.00. There have been a lot of conversations around the City that the retirees are trying to get rich off the City. Rest assured it isn't the Service Dept. If that kind of money makes a person rich then we should all have three cars, a boat, and a place at the lake. But those pleasures are reserved for a select few. And the monies that the Service Dept. retirees are trying to recapture are medical expenses that they have paid out of their retirement package that the City promised to pay by virtue of a contract.

Mr. St. Clair – Walt, those numbers, I think everybody got emailed those numbers, the letter from Mr. Miller if he didn't want to give it to everybody, I did receive it.

Mrs. Brickweg – Mr. Miller emailed it to me yesterday and asked me to please send it to everybody so I emailed to everybody yesterday while I was at work.

Mr. Zix – Thank you Mr. Miller for the input, but as you know, we can't speak on this, we appreciate the input, we're working on this, trying to work something out.

Mr. Estep – I know Walt mentioned going into Executive Session and talk about this at the next COW, we have Ms. Wickersham coming at 6:30 so I guess we would probably want to schedule that for the end. And again, thanks Ronnie. Good luck with that.

Ms. Hausfeld – I actually should have announced this under my committee, my committee is going to be having a meeting, not next Thursday but the following Thursday, the 19th, April 19th, downstairs at 6:30 to discuss some of the topics that are in my committee.

And behalf of Council, sorry Curtis I going to do this, I promised your mother I would, I just wanted to wish Curtis a Happy Birthday, today is his birthday.

Mr. Walden – On behalf of myself, thank you Patty.

Mr. Burkhardt - The next COW will be Thursday, April 12th at 7:30p.m.

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