

**ST. BERNARD CITY COUNCIL MEETING
SEPTEMBER 6, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, September 06, 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 six members were present: Ms. Hausfeld, Mr. Asbach, Mr. Schildmeyer, Mr. Burkhardt, Mr. Meier and Mr. Zix. Mrs. Brickweg was absent.

Mr. Burkhardt made a motion to dispense with the reading of the minutes. Ms. Hausfeld seconded the motion. Council agreed 6-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Estep – I would just like to mention that our prayers are with the Kahlmeyer family tonight. As you may know by now, Ed Kahlmeyer’s brother John was killed last Sunday when a fleeing motorist hit and killed him as he rode his motorcycle in Springfield Township. I would like to observe a moment of silence in honor of Ed’s brother John and also let the family know how sorry we are for their loss.

Sept. 17 is a citizenship day in commemoration of the signing of the United States Constitution, therefore the City of St. Bernard has declared the week of Sept. 17 through the 23rd to be United States Constitution week in the City of St. Bernard. I encourage you to hold special education programs pertaining to our Constitution and the Bill of Rights to help students realize their good fortune of living in a country that upholds personal freedom. I’ve taken the liberty of enclosing a proclamation that you might consider using to celebrate this week. We sent one to the three schools, St. Clement, Roger Bacon and St. Bernard/Elmwood.

We received a couple calls about the problem that they are having at Baker St. Park partially due to the basketball rims up there. We sent a letter to all the residents on Baker and the surrounding streets to get some input as to what their feelings are so we don’t have a knee jerk reaction and just go up and take the rims down and think that’s the answer to the problem. We got some responses back and we’re looking at those and we’ll get back with those people that live up there and we’ll move forward on that.

AUDITOR, Mr. St. Clair – The August 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 August (3 pay periods)	\$ 578,114.09
Payroll year to date:	3,510,995.30
Other expenditures for the month of August:	\$ 398,090.18
Other expenditures as of August 31 st :	3,809,248.49
Total expenditures through the end of August:	\$ 7,320,243.79

As discussed at the COW, Ordinance No. 32, 2007 needs to be amended by increasing the amounts for phone services and insurance by \$250 and Ordinance No. 33, 2007 needs to be amended by deleting the address 5129 Imwalle Ave.

Also before Council tonight is Ordinance No. 35, 2007. As discussed at the COW and requested by the Service Director, this Ordinance increases appropriations for street repair contracts by \$90,000 and for the Woodside Heights Streets and sewers project by \$84,889.62. After reviewing the appropriations balances in these two funds, the amounts in their cash accounts, this Ordinance also transfers from the General Fund Cash Account to the Street Maintenance Fund Cash Account the amount of \$20,000 and to the Master Plan-Capital Improvement Fund Cash Account the amount of \$85,000. Also in this Ordinance, and as mentioned at the COW, is a request from the Fire Chief to adjust the appropriations in his department by increasing the appropriation for his incidentals line item and decreasing the appropriation for ambulance supplies in the amount of \$2,321.57.

Another Ordinance before Council tonight is Ordinance No. 36, 2007. As discussed at the COW, this Ordinance authorizes the St. Bernard Community Improvement Corporation (CIC) to negotiate and enter into a contract with Al Kanters as executive director of the CIC. This Ordinance also establishes two line items in the Master Plan Fund for CIC expenses, and allows the CIC to develop a budget with the executive director for approval and necessary appropriations by Council.

DIRECTOR OF LAW, Mr. Geiser – As discussed at the last COW, before Council tonight is a Resolution No. 6, allows the Service Director to make an application for 2008 State Capital Improvement Program Funds. Also Ordinance No. 37, redefines the tax board. As was discussed, removing the Law Director and the Auditor from the statutory requirements of being on the board and appointing a board that does not consist of city officials as was recommended by the Tax Commission and the Tax Board and the Southwestern Tax Board.

Before Council tonight is not the Resolution we discussed about the approval of Mayor's Court. With being on vacation and a number of things I've had going on in my office, I was unable to get that completed, I will have that before Council next Council meeting, there is no real concern or rush on that particular ordinance.

A follow up to the discussion we had at the last COW which referenced the sexual offenders who live within the City of St. Bernard who are required to notify and register their location and also if they are within a thousand feet of a school, they have to move. As many of you know, we have filed suit against three individuals specifically in town. Two of those, actually all three of them we won summary judgment on. Two of them did move out of town, the third one who lives on Sullivan Ave. did appeal that decision. He appealed our being granted a summary judgment, which was going to force him to move and the summary judgment was stayed pending the appeal so some of the residents have asked me why they are getting notices about this individual still living on Sullivan Ave., that's the reason, until the Court of Appeals makes a decision, the order that he had to leave within 1000 ft. of a school will remain not in effect until that case is over.

Also, I did contact the Hamilton County Prosecutor's Office and with their division who handles the sexual predator offense and offenders and we

reviewed every particular location within the City of St. Bernard, and what happens is as soon as there's a notification given, that a person moves into a particular area, the Prosecutor's Office will calculate through their computer system that is set up by the Sheriff's office, who is within 1000ft. of a school and what school it is and they'll contact that agency. Right now, we had one person just moved in St. Bernard within 1000ft. of a school, and the Prosecutor's Office did contact us and he wanted to know if we wanted they to proceed and I said yes, so we're going to pursue that particular individual that had just moved in because they are within 1000ft of Roger Bacon High School. Also the issue came up because there are some offenders who live outside the City of St. Bernard that potentially within 1000ft. of a school. Unfortunately we do not have jurisdiction over those individuals. The City of Cincinnati does. I contacted their office and talked to the Prosecuting Attorney who represents the City on that particular issue and he assured me that they are working on it. There is one that lives on Mitchell Ave. right by Roger Bacon Stadium and they are going to, in fact, they are proceeding to get that individual before I had even mentioned it. They are using, which I thought was interesting, the Stadium itself as an area of the school which I never thought of and that might affect some residents of St. Bernard if we were to apply that same standard. Also there were some issues and some discussions, and I know Chief Moeller, I was on the phone with him, had numerous conversations, looking into, there was some request of maybe potentially raising this from 1000ft. to another number of 2000 ft. for example. The City of Reading did just that. They increased their law from 1000 ft. to 2000 ft. They quickly got involved in a law suit and came to the conclusion that they weren't going to win because it would specifically exclude pretty much the whole City and they couldn't do that so they have since then repealed that law taking it back to 1000 ft. They did however institute some of the same changes that the City of Cincinnati instituted, creating WMCA within the ordinance rather than just schools. So they did include a number of other entities where children congregate to further strengthen their laws and they got sued on that also. They are involved in litigation and what he told me after we discussed it for a long time because I used to work with him, he said, you might just sit tight and let all these litigations go by the wayside. Once they are done then you can adjust accordingly. I wanted to follow up on that particular topic.

Also I received a call, and I know Gerry Wiedman's been in contact also, from Meiner's concerning the parking lot. They want to fix the walls. I know I talked to Gerry, there is some concern as to what exactly they want to do, but I want to refer this issue to Mike Schildmeyer's committee because in the process of researching that as many of you know, we have an easement to use the parking lot on behalf of the City. The first question I asked him was, are you going to take away any of the parking spaces. I don't think they are going to but there's some question as to whether the contract that was signed years ago restricting them on what they can and cannot do. I'm looking for that document, and I know Walt and Judy have been looking in their safe for the documents also. I know Gerry's been looking.

The last issue that I wanted to bring up to Council and I want to refer this also and I did speak to Mike Schildmeyer about this and that is that the Post Office would like to rent some parking spaces from the City to expand their operation down there. The only problem we have with that is, currently we are under an agreement with the owner of the shopping center to provide so

many spaces. I wanted to make Council aware of that, that is an issue we're going to have deal with and I did speak with Mr. Schildmeyer and refer that to his committee.

TREASURER, Mr. Kathman – I have the receipts for the month of August.
Receipts for the month of August: \$ 1,623,949.75

Receipts for the year through August 31st: \$ 8,734,017.33

SAFETY DIRECTOR, Mr. Stuchell – I have the Fire Dept. monthly report for August, including fire run activity with 7 fires, 3 false alarms, 5 service calls, 3 hazardous conditions, 5 motor vehicle accidents, 3 emergency medical responses assistances and Emergency medical responses including 65 runs with 46 people transported and 19 not transported. Currently our EMS billing collections month-to-date consist of \$5,952.73 for a total of \$75,016.21 year-to-date.

Currently this month is National Preparedness Month and this is week one of a national weekly response currently referred to as "Ready Schools".

September marks the observance of National Preparedness Month and the Ohio Department of Public Safety (ODPS) is leading a state wide campaign with a diverse group of national, state and local partners to highlight the importance of emergency preparedness and to promote community involvement through events and activities.

ODPS and its partners kicked off National Preparedness Month on Aug. 31 with a press conference at the Ohio Statehouse. During the month, ODPS and its partners will focus on different areas of emergency preparedness.

Week One, Sept. 1-8, focuses on Ready Schools.

"Teachers, students, administrators and staff working in Ohio's schools need to have a coordinated plan for emergencies to ensure the protection of our state's most precious resource – our children," said ODPS Director Henry Guzman. "Children serve as critical links in further raising awareness as they take information home to share with their families, so the classroom discussions about emergency preparedness this week will have a lasting impact upon all Ohio families."

Like individuals and families, schools, daycare providers, workplaces, apartment buildings and neighborhoods should all have site-specific emergency plans. Ask about plans at the places where your family spends the most time, work, school and other places you frequent. If none exist, consider volunteering to help develop a plan. You will be better prepared to safely reunite your family and loved ones during an emergency if you think ahead, and communicate with others in advance.

Educational Facilities and Daycare Providers:

The good news is more schools are preparing for emergencies. In 2006, fewer parents reported that their children's schools did not provide emergency preparedness information to them – a decrease from 55 percent in 2004 to 43 percent in 2006. To help continue the reduction in these numbers, parents or guardians are asked to inquire if their child's schools and daycare providers have emergency response plans.

Ask how they will communicate with families during a crisis.

Ask if they store adequate food, water and other basic supplies.

Find out if they are prepared to "Shelter-in-place," and where they plan to go if they must evacuate.

For more information on developing emergency preparedness plans for schools, visit the U.S. Department of Education web site at <http://www.ed.gov/emergencyplan>. Ohio's preparedness web site www.ready.ohio.gov also has information about Ready Schools as well as resources to help all Ohioans develop a successful game plan to be prepared, including making a plan, putting together an emergency kit and sharing information with others. Look for more information each week as ODPS continues to coordinate National Preparedness Month, focusing on a different segment of preparedness every week this month.

SERVICE DIRECTOR, Mr. Kempe – I apologize for being late tonight. I recommend adoption of Resolutions No. 5 and No. 6 authorizing the Service Director to apply for a recycling program grant and a SCIP grant for street improvements, respectively. I also recommend adoption of Ordinance No. 33 which will authorize the County to place a Special Assessment on various properties to reimburse the City for the cost of bringing those properties in compliance with Chapter 905 of the Codified Ordinances – Trees and Weeds. In Ordinance No. 35, there are two additional appropriations: one is for \$84,889 for the Woodside Heights project – these funds are part of the funds reimbursed to the City from Water Works for their portion of the work on this project; and the second is for \$90,000 for the estimated cost of repairing Vine St.

The repair work on Advance Ave. and Errun Lane is in its second week and is progressing on schedule. The equipment stored on the corner of Sullivan and Delmar Avenues belongs to the contractor for this project. When the work is complete, the contractor will restore and seed the property.

TAX COMMISSIONER, Mrs. Williams – No report.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee recommends the passage of Resolutions 5 and 6 and Ordinance 32, 33, and 35.

SAFETY, Mr. Burkhardt – No report.

SERVICE, Mr. Meier – I have a couple of announcements to make tonight. First, there will be a CIC meeting this Monday, Sept. 10. It will be at 5:00p.m. here in Council Chambers. Secondly, Ordinance No. 36 tonight, this is the Ordinance that will allow the City, through the CIC, to hire an economic developer director and basically what this Ordinance does, it authorized the funds in order to pay this person's salary, the person is Al Kanters. To pay that salary for a period three years and it also puts a line item in there so that we can fund the expenses so that once we get the person hired we'll have the funds to actually put some things into place and to make an impact.

The other thing that I would like to bring up to people tonight is, there is for Seniors, there is a Homestead Exemption that basically what it does, it keeps previously because of income restrictions were not entitled to that exemption. They have until October 1st of this year in order to be able to claim that. If you're already getting a Homestead Exemption, you'll automatically be enrolled in it and going forward, in the year that a person turns 65 as of Jan. 1st of that year you can apply for that exemption. It's an

additional \$25,000 exemption on your property taxes. If in the past you've not been able to get a Homestead Exemption because your income was too high, I'm going to give you a telephone number that you can call for more information. The number is (513) 946-4099. I urge people to take advantage of that.

Lastly I'm going to, on the Service Report, I'm going to change that a little bit. For the month of July we collected \$1,212.96. A little bit more importantly, about two weeks ago, I was going out early in the morning getting ready to go to work and taking the kids to school and my neighbor saw me and came out and a very large tree had fallen and it was in her yard. It was a very large tree and she asked me what she should do. I said, "Give a call down to garage, you can call down to the Service Dept., they're down there, it's not 9:00a.m. yet but they're in there early so give them a call and tell them what happened." I called down to the Police Dept. and told them a tree had fallen, I don't think it is near power lines but asked if somebody would come out and check. When I got home from work that evening, it was about 5:30 or 6:00p.m. I saw her out there, she said that right after I left a Policeman had come up and had checked it out. When I walked over there the only sign you could see of that tree, and it was better than a foot in diameter, was there was some sawdust there and there was a stack of fireplace size logs stacked up. Everything else was gone. There was not a leaf, there not a branch, there nothing there. In contrast to that, every day for the last two weeks I've driven down Dana Ave. near Xavier and there is a tree just about the same size that is blocking that sidewalk and not a leaf has been touched on that in two weeks. Its hanging over the street, the sidewalk is blocked your can't get around it, not a thing has been touched. I thought, what a better example of the difference between of what we have here in our City and the dedication that we have not only from our Service Dept. people, but from our Police Dept. and when you need the Fire Dept. they're there just as fast. Compare that to the exact same incident that happened two miles away in the City of Cincinnati. Whenever anybody questions the people that work here, just think of some of the services that you get its an immediate response and thank you very much to those people that responded.

PUBLIC IMPROVEMENTS, Mr. Asbach – No report.

LAWS, CONTRACTS AND CLAIMS, Ms. Hausfeld – My Committee recommends passing Ordinance No. 37 which is amending our Codified Ordinances, Title 9, Chapter 181. Specifically amending Section 181.13, the Tax Review Board. Just to let the citizens know, the Tax Review Board is currently our Law Director, Auditor and a citizen. But it is the recommendation of the Tax Commissioner to remove any conflicts of interest on this Board, which is elected officials. In order to do this we needed to change our Ordinances so that have three individuals on this Board who have the background in taxes or finances, accounting, banking or law. Our Tax Review Board will still consist of three people with limited terms of service. Before I conclude my report, I want to thank Sheri and Ed for all their hard work with us.

BUSINESS AND INDUSTRY, Mr. Schildmeyer – Publically I wanted to thank Joe Brickler and his Company for making the copies of the disc that we've been giving out of Dr. Romanos' Vine St. information and also we do

have about half of them out right now. We'll be mailing out a section to some of the harder to get type of businesses, which I mean, it's hard for us to hand deliver them because of jobs being involved and getting down here on time to get them out. If there are questions of the businesses that received the disc, please contact Business and Industry's through the City's web site or mail a letter to City Hall, we'll be happy to address any questions and find out the answers to the questions and get right back to them. Also I'd like to be put on the COW agenda to discuss the property questions that come up with Meiner's and with the parking lot next to the Post Office that we own but we have to talk to the owner of the shopping center and I guess Gerry, this will be on your list to do also. I'll be contacting you shortly.

HIGHWAYS AND TRANSPORTATION, Mrs. Brickweg – Absent.

Mr. Burkhardt – The COW report has been submitted to the Clerk.

**Committee of the Whole
Aug. 30, 2007**

1. Council approved the minutes of the August 16th Council meeting, 7-0.
2. Gerry Wiedman told Council that construction should start next week at 618 E. Ross, the permits have been issued. He also said that the rehab of 564 Ross Hill should also begin next week.
3. Ed Geiser discussed House Bill 154, which would do away with local mayor's courts. Council voted 6-0 to put a resolution on the table showing our opposition to the bill.
4. Peggy Brickweg asked Mr. Geiser about the sex offenders ordinance, and if it could be changed from 1000 ft. and could include parks. This matter will be looked into and changes will be discussed after Ed's research.
5. Council discussed the funding of the economic developer and his budget. Council voted 6-0 to put the ordinance on the table.
6. Auditor, Walt St. Clair
 - A. Asked Council to amend Ord. #32. to increase the amount in Line item PS and 2-K-6 by \$250 to reflect \$2750 and Ord. #33 to take 5129 Imwallie Ave. out of the ordinance since it's been paid.
 - B. Asked Council for an adjustment ordinance for \$2321.57 from line item 7-A-3 to 7-A-5, Council voted 6-0 to put the ordinance on the table.
7. Law Director, Ed Geiser
 - A. Discussed the proposed changes to the tax ordinance. The change would be to the appointment of members to the tax review board. Council voted 6-0 to put the ordinance on the table.
8. Safety Director, Jonathan Stuchell
 - A. Talked about speeding and the use of speed bumps to control the speeding. He will continue to research this matter.

B. Told Council that the fire chief said that the 1995 pick-up is in very bad shape. The chief and Joe Kempe will look into the State purchasing to see if a truck is available.

9. Service Director, Joe Kempe

A. Asked for an additional appropriation of \$85,000 for the Woodside Hgts. project, Council voted 6-0 to put the ordinance on the table.

B. Told Council that the Vine St. project should be complete next week and the \$90,000 needed to be added to line item 33-4, Council voted 6-0 to put the ordinance on the table.

C. Informed Council that Water Works place, the new lines under the sidewalk on the north side and he told the contractor to replace both sides not just the north side.

D. Also said that the Errun Ln. project had a problem in the street and will need additional work that could run \$35,000.

E. Talked about resurfacing Mitchell Ave. with the City of Cincinnati and the cost would be around \$250,000, but this wouldn't happen until 2009 or so.

F. Asked Council for an ordinance to go out for SKIP grants for sewer projects, Council voted 6-0 to put the ordinance on the table.

10. Laws, Contracts & Claims, Patty Hausfeld

A. Said that the tax ordinance that Mr. Geiser discussed was what her committee recommended.

11. Business and Industry, Mike Schildmeyer

A. Asked for more disc of Dr. Ramonos report for the businesses.

12. Service, Kevin Meier

A. Talked to the regional Chamber of commerce, and it would cost \$500 to become a member. He would like to discuss it at the next COW.

13. Finance, Greg Zix

A. Thanked Jonathan Stuchell for looking into the speed bumps.

B. Asked about fixing the old KFC building from the accident that happened there a while ago.

Respectfully submitted,
Acting President Pro-Tem
Steve Asbach

COMMUNICATIONS

St. Bernard City Council

I wish to thank our city workers for all their prompt pick up of limbs and tree trimmings to help keep our City clean and neat, also our great police and fire dept. You could not get this service anywhere else. Also thanks to my backyard neighbor for his great expertise. Thanks again to all

Mrs. John Brecht Sr.
220 Jackson Ave.

Motion by Mr. Burkhardt, seconded by Mr. Meier to receive and file and send a copy of the letter to all three depts. Motion passed 6-0.

RESOLUTIONS AND ORDINANCES

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to read this evening's Resolutions and Ordinances by title only. Motion passed 6-0.

Mr. Asbach – Just to make it simple, I would like to make a motion that we do amend Ordinance No. 32 and 33 as requested by the Auditor. Ordinance No. 32 to change both the PS line item and 2-K-6, the \$2750 and Ordinance No. 33 to take out 5129 Imwalle.

Mr. Meier – I'll second that.

Motion passed 6-0.

**THE SECOND READING OF RESOLUTION NO. 5, 2007.
AUTHORIZING THE SERVICE DIRECTOR TO FILE AN
APPLICATION FOR FINANCIAL ASSISTANCE UNDER THE
HAMILTON COUNTY SOLID WASTE MANAGEMENT DISTRICT
PRIORITY GRANT FOR RECYCLING PROGRAMS, AND
DECLARING AN EMERGENCY.**

Motion by Mr. Burkhardt, seconded by Mr. Asbach to suspend with the third reading of Resolution No. 5, 2007. Motion passed 6-0.

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to adopt Resolution No. 5, 2007 as read. Motion passed 6-0.

**RESOLUTON NO. 6, 2007. A RESOLUTION AUTHORIZING THE
SERVICE DIRECTOR TO MAKE APPLICATION FOR FISCAL 2008
STATE CAPITAL IMPROVEMENT PROGRAM FUNDS AND IF
FUNDS ARE AWARDED TO EXECUTE GRANT AGAREEMENTS ON
BEHALF OF THE CITY AND DECLARING AN EMERGENCY.**

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to suspend with the second and third reading of Resolution No. 6, 2007. Motion passed 6-0.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to adopt Resolution No. 6, 2007 as read. Motion passed 6-0.

**ORDINANCE NO. 32, 2007. AUTHORIZING AND DIRECTING THE
AUDITOR TO ADJUST CERTAIN APPROPRIATIONS AND
DECLARING AN EMERGENCY.**

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to suspend with the third reading of Ordinance No. 32, 2007. Motion passed 6-0.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to adopt Ordinance No. 32, 2007 as amended. Motion passed 6-0.

ORDINANCE NO. 33, 2007. AUTHORIZING A SPECIAL ASSESSMENT ON CERTAIN PROPERTY TO REIMBURSE THE CITY FOR THE COST OF BRINGING THE LAND OR REAL PROPERTY INTO COMPLIANCE WITH CHAPTER 905 (TREES AND WEEDS) AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to suspend with the third reading of Ordinance No. 33, 2007. Motion passed 6-0.

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to adopt Ordinance No. 33, 2007 as amended. Motion passed 6-0.

ORDINANCE NO. 34, 2007. APPROVING THE CONSTRUCTION OF A REAR YARD FENCE AT THE CORNER OF EAST ROSS AVENUE AND CHALET DRIVE ON CITY PROPERTY BY THE ADJACENT LAND OWNER, BAXTER BURIAL VAULTS OF 909 EAST ROSS AVENUE, REQUIRING EXECUTION AND RECORDING OF AN INDEMNITY AGREEMENT, AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 34, 2007.

REMARKS

Mr. Miller – On this fence, is there a specific fence they're putting on. They're not going to put up one of these stockade fences, after 5 or 8 years it's going to look terrible. Has somebody identified the type of fence they're going to put up?

Mr. Moeller – Plans have been submitted showing the type of fence that's going to be constructed.

Mr. Walden – I don't know if that completely answers your question or not.

Mr. Miller – The question was, is it going to be a stockade fence.

Mr. Walden – Do we know, Mr. Moeller, is it going to be a stockade fence?

Mr. Moeller – From what I understand, it's going to be a box type fence, one on each side and they have also signed an agreement to maintain that along with the use of that properties. They are going to guarantee maintenance.

Mr. Geiser – Just as a reminder to Council, since you're giving up a property right to a City property you need 2/3 to pass this particular Ordinance.

Motion to suspend passed 6-0.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to adopt Ordinance No. 34, 2007 as read. Motion passed 6-0.

ORDINANCE 35, 2007. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS, TO PROVIDE ADDITIONAL

APPROPRIATIONS AND TO ADJUST CERTAIN APPROPRIATIONS
AND DECLARING AN EMERGENCY.

Motion by Ms. Hausfeld, seconded by Mr. Burkhardt to suspend with the second and third reading of Ordinance No. 35, 2007. Motion passed 6-0.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to adopt Ordinance No. 35, 2007 as read. Motion passed 6-0.

ORDINANCE NO. 36, 2007. AUTHORIZING THE ST. BERNARD COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ENTER INTO A PROPER CONTRACT WITH AL KANTERS AS ITS EXECUTIVE DIRECTOR FOR A THREE YEAR TERM WITH RENEWAL OPTIONS AT THE DISCRETION OF THE CIC AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 36, 2007.

REMARKS

Mr. Asbach – Just a quick question, I guess for Mr. St. Clair. I thought at COW we had discussed a figure, I guess we'll pass another Ordinance once the contract is signed and put that figure into the line item?

Mr. St. Clair – Yes, Mr. Asbach, we had discussed a figure at the COW meeting, but in discussions with the president of the CIC we decided this would give us room to negotiate the contract by not putting any specific numbers in there. So at the request of the president of the CIC I did not put specific numbers in there but it is covered in Section 3 where it says that the necessary funds will be appropriated once the contract is reached.

Mr. Asbach – I knew that we had talked about it and I just wanted to make sure that didn't need to be.

Motion to suspend passed 6-0.

Motion by Ms. Hausfeld, seconded by Mr. Meier to adopt Ordinance No. 36, 2007 as read. Motion passed 6-0.

ORDINANCE NO. 37, 2007. ORDINANCE AMENDING THE ST. BERNARD CODIFIED ORDINANCES – TITLE NINE - CHAPTER 181, THE ST. BERNARD MUNICIPAL INCOME TAX CODE, SPECIFICALLY AMENDING SECTION 181.13, THE TAX BOARD OF REVIEW, REDEFINING THE QUALIFICATIONS OF THE TAX BOARD OF REVIEW MEMBERS; AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 37, 2007.

REMARKS

Mr. Estep – I would just like to add a thanks Sheri again for this and I do have some names given to me already but if there is anybody out there interested in serving on this, it will be for three people, we already have one on there so we're looking for two more perspective candidates just give me a call.

Motion to suspend passed 6-0.

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to adopt Ordinance No. 37, 2007 as read. Motion passed 6-0.

OLD BUSINESS

Mr. Burkhardt – I just have a question for Jonathan, we had talked about a month ago about the manning of the Police and Fire Depts., is that still in the works, are you still looking into that?

Mr. Stuchell - Yes, and I will put that on the schedule or ask to put that on the schedule shortly.

Mr. Asbach – Two quick items, Joe had mentioned about Delmar and Sullivan with the construction going on, Joe the only thing I ask, I've had a couple of people this past weekend, all the gravel that they are using was on the sidewalk, if they could just make sure each night that that is kept off the sidewalk. People that walked by were having a hard time getting past there. I got a couple calls on that.

Secondly, I know Mr. Geiser has told us about House Bill 154 to do away with the Mayor's Court, last Sunday's Enquirer, I'd like to thank Mayor Ellison from Elmwood, had a great article in the newspaper regarding that, saying that some of them are probably misused but for the most part, Mayor's Court help a City maintain local jurisdiction instead of going downtown and getting swept under the rug. I would just like to thank him, it was a great article.

Mr. Schildmeyer – Just a question to Joe on the center turning lanes up at Church and Vine and those areas. Have we heard anything, any comments on that? I have two discussions going with some people who are concerned about when they pull into the turning lane, it is so tight, and they get sideswiped, will that interfere or will there be actions taken on who is responsible for them being over the yellow line of anything like that. Is there any legal information that we need to know on creating those thinner lanes?

Mr. Kempe – I don't recommend crossing the center lanes.

Mr. Schildmeyer – They are thinner and what about mirrors sticking out anything like that and something happens, is there some legalities that we should look into, if they get sideswiped by a truck or something going in the opposite direction, with that lane being so thin and directing that car into that thinner area?

Mr. Kempe – Again, if they stay right of the double yellow line I would think if anybody is crossing, if any part of their vehicle crosses that double

yellow line, they would be at fault. No different than if you're driving up and down the street.

Mr. Schildmeyer – The other question then, if they stay on that side of the yellow line and their car is sticking out over the white line on the other side and they get hit on the right side because their car is sticking out of that lane area?

Mr. Kempe – You might want to ask Ed that. I don't want to give legal advice because I'm not a lawyer.

Ms. Hausfeld – Mike, I actually asked this question last week at COW and I don't remember if I talked to Ed or Chief Moeller because I talked to a couple of the guys afterwards and the answer that I was given is when a Police Dept. makes a ruling as far as an accident goes, if the car is in the turn lane and he is like parked there to turn and there is oncoming traffic either way and the oncoming traffic is the one that hits the parked, well they're not parked but they're stationary to turn, I was told that it was it would be at fault of the moving vehicle. No matter where the car is parked or stationary to turn to the left, either side of the road, whoever hits him, I was told would be at fault and that was the reasoning given.

Mr. Schildmeyer – I could agree with that in any normal size turning lane but with these thinner lanes it seems like you're kind of asking the driver who is going to turn left to go down Church St. to stay within the yellow lines but its going to put him close into the right side lane where that could happen, what if he gets hit by a bus or a truck just scrapes a mirror or something because he's over the white line on the inside lane, it just seems like it's a little too close, a little too tight to make even my car, and my car's not that wide but my car it would stick out a bit on each side when you pull up there.

Mr. Kempe – I'm not sure what you're getting at Mike but those lanes were drawn exactly where they were before we cut the street up. It wasn't a problem in the past, I don't understand what the problem now is.

Mr. Burkhardt – I have to disagree, I don't think those turning lanes were ever that small, those turning lanes are way to small, I mean my truck sticks out almost a foot, there's no way those could have been the same dimensions.

Mr. Kempe – We kept those two sides lanes at 19 ft. because of the semis and buses that drive up and down those streets. You go any smaller than that and you're going to have the same problem you got up on Ross Ave. It's either not have the turn lanes and have a turn left from a free traffic lane or have it the way it's set up now otherwise you're going to have, I mean I see buses and tractor trailers going up and down that street constantly and if you go anything less that distance, you're going to have accidents with parked cars.

Mr. Schildmeyer – I'll pass the information on.

NEW BUSINESS

Mr. Hausfeld – I'm sorry I should have said something a couple of minutes ago. I guess Ed, could you check into that as far as the legality of who would be a fault because that is one of the reasons I mentioned it last week is the turn lanes being so narrow. I truly believe that if there is an accident and it's the City's fault for having the lanes so narrow, I'm not a lawyer but I would think that we as a City would be at fault or liable somewhere in there. If you could check into that, I'd appreciate it.

Mr. Geiser – I'll look into that Ms. Hausfeld, the first place I always starting whenever a question like this comes up is to check with our insurance company because if we get sued they are going to be the ones that pay for it so they are going to have an interest in making sure it's done right. I know Joe usually contacts the insurance company, have him contact them and I'll continue to look into it.

Mr. Asbach – I would like to be put on the COW agenda, I was talking to Mr. Geiser a couple of weeks ago and with the upcoming election, I know either two years ago or four years ago we had Judges and anybody and their mother it seemed like putting signs, I believe it was on City Hall or City property, so I don't know if we have to pass a Resolution or Ordinance or what we need to do but I'd like discuss that at COW so that hopefully that doesn't happen again this year.

Mr. Meier – I would like to be put on the agenda at the next COW to discuss the City of St. Bernard joining the Cincinnati USA Regional Chamber of Commerce. It's an organization that promotes cities in the entire tri-state. If I remember correctly the cost of that is \$500 annually and it's networking opportunities, companies that are moving to the area when they request information would receive information on the City. There's educational opportunities at lunches and seminars that they provide and I think it's something, especially now when we're looking to revitalize the City, we should take advantage of. If we could get that on the COW I would appreciate it.

AUDIENCE WISHING TO ADDRESS COUNCIL

Norm Miller, 219 Washington Ave. – Council wouldn't be complete without me would it? I had a conversation today with Fredricks on this Bertus St. Park. He gave me numbers that are incomplete, one of the most incomplete was that he failed to recognize any kind of an irrigation system, if you understand what we're looking at today out there it would probably be the most important part of it. I do have another meeting next Wednesday with another group of people looking at the Bertus Street Park. The other thing and I want to talk to the CIC and the people and we had a couple of meetings, closed meetings, one was with the CIC, one was with the COW and now that we got, his name is Al, on board with the passing of this Ordinance tonight, on these closed meetings, a couple of things struck my mind. Today really struck my mind because he had in his verbal resume I call it, four topics here that he would like to work with going in. Number one was the thing down at Mitchell & Vine where we would identify St. Bernard and at this meeting with these people today, when they come they say, 'well where is St. Bernard', so it struck me this guy says that nobody knows where St. Bernard, we have to identify it and there's a good example

of it. Here's a guy that lives in the tri-state and he don't even know where St. Bernard is at. He didn't even know where Vine St. was at for that matter. That was one thing, the other thing, and it's got a lot of people upset in the lower Wards down there was the proposal that we work on housing in the Canal Bed. We fought long and hard maybe five or six years ago to make this a green space and like everything else, it never happened and now we're talking one of the topics of the agenda is putting housing down there. His comment was that if we put housing down there it will get high end the people down there \$130, \$150,000 homes and I disagree with that I think you got the cart before the horse and I would like to make a comment on why I think this. We got three areas that I think is very pliable for what he's talking about. We've got from Park Place to Vine St., we've got from Bertus St. to the St. Clement School, we've got from Bertus St. to Church St. If we do this park, if we ever do this park and you got these same people that he's talking about and want to reside in St. Bernard, professional people, high end, there's something there now for them. The other thing that strikes my mind is the area from Church St. to the Police Station. I happen to own a building there, you can have it tomorrow if you want it. I could envision the same high end people there if we build some kind of a condo there, maybe European style, maybe window boxes out front, something attractive, landscaping in the front. The biggest part on the back of these could be decks. After 1:00 in the afternoon there shaded, but along with the type of people we're talking about we've got this swimming pool down there to accommodate this type of person, we've got a track, a lot of young people like to walk, they can walk. There's no reason why in the winter time if we get this type of development that we couldn't go back to years ago when we first built the pavilion, we had an ice skating situation down there in the winter time. There's no reason the City can't take and put coils under there and if we got professional people this would be something that would invite them to this type of living, even in the winter time with the sled riding in that park. It would be interesting to say the least. You don't have to be a young person to sled ride, I sled ride yet with my great grandson, it would be an attraction, something for people to do. The other thing that would really be nice if you got this type of development in either situation why could we in the lot across from Church St. invite a Graters to participate, invite a Star Bucks to put a building in there, even on the first level of Church and Vine with type of client, Star Bucks, boy they're top dollar around. It would invite people to come in and buy in this area so I think that when Al gets on board we got a lot that we can feed him, not just hey what do you got in line but I think if we talk to him and feed him some thoughts, he said his door is always open, well I'd like to have a key to that door so we can open it all the time and talk to this guy. So I think the CIC has to open up and get in conversation with us and kind of guide him in the kind of direction that we would like him to go rather than wait and see what happens.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to excuse the absent member. Motion passed 6-0.

Mr. Burkhardt – The next COW meeting will be Thursday, Sept. 13th at 7:30 p.m.

Motion by Mr. Zix, seconded by Mr. Asbach to adjourn. Motion passed 6-0.