

**ST. BERNARD CITY COUNCIL MEETING  
OCTOBER 18, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, October 18, 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. Mr. Asbach seconded the motion. Council agreed 7-0.

Mr. Curtis Walden – Before we move to “reports of City Officials” I would like to take a moment to have a moment of silence for two long time St Bernardians who gave service to the City and who have passed away this week. Former Mayor Charles (Red) Young and former fireman Paul Haarmann, if we could observe a moment of silence please. Thank you.

**REPORTS OF CITY OFFICIALS**

MAYOR, Mr. Estep – Thank you for mentioning about Mayor Red Young. He was our Mayor from 1968 thru 1975. He played an instrumental role in development of St. Bernard Square and building City Hall. He was highly thought of in the community and he will be missed.

I was approached by a couple of builders, home remodeling builders this week and they’re excited and they’re happy for us, the work we’re doing, Cincinnati Housing Partners. They would just like to let that group know, the committee know that they are in town and that they’ve lived here and worked here and they would appreciate if they could be included the next time, possibly at that table.

Moving on to Hamilton County Health District will be giving flu shots on November 14, 2007, in the old Dial-A-Ride office between 10:00am and 2:00pm. The cost is \$15.00; however, if you cannot afford the fee, you will not be turned away. If you are on Medicare – B you will be given the vaccine free of charge.

**HCHD IS IN THE PROCESS OF SETTING UP HOME FLU SHOT VISITS SO IF YOU ARE HOUSE BOUND PLEASE LEAVE YOUR NAME, ADDRESS, AND PHONE NUMBER AT 242-7770 (EXT. 25) and Laura Schmitt will have your name added to the list. You will be contacted shortly to set a time for a flu shot to be given to you in your home.**

On a much brighter note, the community Halloween party is Wednesday, October 31. Children should gather at the pavilion for our annual costume contest at 5:30pm. One of our local businesses, which will be Walgreens, will be on hand to take pictures – so come a little early if you want to have photos of the children taken. A free 4x6 will be printed for everyone photographed. Costume judging will be at 5:45pm. We’ll have prizes for the costume winners and candy for all children. St. Bernard’s Trick or Treat will be from 6 to 8pm that evening and houses receiving children are asked to turn on their porch light at dusk. Also, we ask that at 8:00pm that we go on with our evening.

I have received some positive news concerning my recent health scare. I only mention it because I feel so fortunate to have friends and neighbors that show so much compassion and concern for my well being.

AUDITOR, Mr. St. Clair – The reports for the City’s investments and bank accounts have been distributed to Council and members of the Administration.

Before Council tonight are Resolution No. 8, 2007 and Ordinance Nos. 42, 43, 44, 2007. This Resolution was not brought to the COW last week, but it is needed to pass at this Council meeting. This annual Resolution accepts the property tax rates and amounts determined by the Hamilton County Budget Commission and authorizes the necessary tax levies and certifies them to the County Auditor. The property tax rate for the City’s General Fund is 10.68 mills which should generate gross levy proceeds of about \$1.9 million for the City. The rate for the Police and Fire Pension funds is .30 mills each which should yield about \$55,000 for each fund. All of tonight’s Ordinances were discussed at the COW or the Special Council meeting last Tuesday.

Ordinance No. 42 authorizes the Service Director to advertise for bids and to sell used city vehicles no longer needed for public purposes.

Ordinance 43, 2007 reestablishes line item 01-62A Retiree Benefit, and makes an additional appropriation to that line item of \$450,000. This Ordinance also makes an additional appropriation to the C-9 Trust Fund line item of \$200,000. To cover the appropriation in the C-9 line item, \$170,000 will be transferred from the General Fund Cash Account to the C-9 Trust Fund Cash Account. These amounts will settle the Retirees’ Class Action Lawsuit against the City. This Ordinance also adjusts appropriation in two line items by \$3500-increase to Building Maintenance Police Department and decrease to Building Maintenance Swimming Pool.

DIRECTOR OF LAW, Mr. Geiser – (Read by Mr. St. Clair). I am sorry that I am unable to be at this evening’s Council Meeting due to a previous engagement that I am attending with my wife.

Before Council this evening is Ordinance No. 44, 2007 which authorizes and approves the Consent Decree for the settlement for the C-9 Trust lawsuit. The final Consent Decree is attached to the Ordinance. This document details the implementation of the approved settlement. This Ordinance authorizes our attorney, John Hust, to sign and execute the document on behalf of the City of St. Bernard. In addition, each member of Council has received a copy of the Order and Opinion entered into the record by Judge Spegal on October 17, 2007. This is the final order approving the settlement. I would like to thank all the members of Council for their attendance at the Special Council Meeting this past Tuesday, to meet and review the final Consent Decree.

TREASURER, Mr. Kathman – No report.

SAFETY DIRECTOR, Mr. Stuchell – I have some good news to report. As you may remember, I had reported to Council that we were applying for a grant to perform a traffic study on Ross Ave. I was informed this week that the City of St. Bernard has been awarded a \$20,000.00 reimbursement grant from the Ohio Dept. of Public Safety and the Governor’s Highway Safety Office to conduct a comprehensive traffic and safety study of the Ross Ave.

corridor. The grant proposal, prepared by TEC Engineering, a traffic engineering firm based in Cincinnati, calls for a comprehensive crash analysis of the fifty three recorded traffic incidents that have occurred along the Ross Ave. corridor within a three year period from 2004 to 2006. Eleven percent of these crashes resulted in injury to motorists. The study will comply with Ohio Dept. of Transportation and traffic engineering manual guidelines and will identify the causes of traffic accidents along the corridor, followed by a short mid and long term engineering counter measures to effectively reduce crashes. Each recommended engineering improvement will be accompanied by a cost estimate for implementation. I have been listed as the City project director for this grant and will receive an official award notification from the Ohio Dept. of Public Safety and the Governors Highway Safety Office within the next two to three weeks. Upon the official notification of the grant award, the City may enter into a contract with TEC engineering to conduct the study which is anticipated to take up to four months to complete. Also, tomorrow, I am actually meeting with the project coordinator from TEC engineering and one of the engineers to also see what we might qualify for in 2008 for potential improvements in St. Bernard.

Also, with Halloween approaching we have some safety tips for both kids and adults.

- We ask that motorists be especially alert with the trick or treaters
- We ask that the trick or treaters walk on sidewalks and not in the street
- We ask that they please look both ways before crossing streets and check for both cars and trucks on the local roadways
- We ask they only cross at street corners, do not hide or cross the street between parked cars
- Wear light colored or reflective type clothing so that you are more visible
- Plan your route and share it with your family and if possible have an adult go with you if you are under the age of 12
- Carry a flashlight to light your way
- Keep away from open fires and candles, costumes can be extremely flammable.
- We ask that you visit homes that have a porch light on and accept your treats at the door and never go into a stranger's house
- Use face paint rather than masks or things that will cover your eyes
- Be cautious of animals and strangers and have a grown up inspect your treats before eating and don't eat candy if the packages are already opened.
- Small hard pieces of candy are choking hazards for young children

I would like to be put on the agenda for the next COW meeting to discuss the transfer of funds for overtime and also the purchase of equipment for the Fire Dept.

SERVICE DIRECTOR, Mr. Kempe – The year end report for the Municipal Swimming Pool is as follows: For the year, total attendance was 16,317 – total receipts were \$34,046. Number of passes sold was 475 – down slightly from 2006 by 2.5%. Pass owner's attendance was 15,135 – up from 2006 by 7.3%. Resident daily paid attendance was 766 – down 6.5% from 2006. Non-resident daily paid attendance was 416 – down 3% from 2006.

I recommend adoption of Ordinance No. 42 authorizing the sale of used vehicles no longer in use or needed by the City.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Zix – The Finance Committee recommends passage of Resolution No. 8, and Ordinance No. 42, 2007.

SAFETY, Mr. Burkhardt – The Safety Committee met with the Union representatives of the Fire Dept. this evening concerning overtime. The Safety Director has assured the representatives the money is there for the overtime and will work with the Chief to ensure they have the funds to last to the end of the year.

SERVICE, Mr. Meier – As I've been going through the City, recently I've noticed that the plants on City property are brown. As you know this has been the worst drought year since 1988 and that shrubbery and those plants that are brown now, they're dead. I think that we need to start planning for replacement of that. In the Fall, they can still be replaced now and I know a lot of the nurseries have some pretty significant discounts. I think we should take a look into doing that, I know some of the ones especially in front of the shopping center are in really bad shape and look pretty poorly. Since they are so visible to people going up and down Vine St., if there is a way we could get those replaced before the end of the year I think it will look better now and anything that you plant in the Fall will come back much stronger and will be much nicer starting in the Spring time.

PUBLIC IMPROVEMENTS, Mr. Asbach – No report.

LAWS, CONTRACTS AND CLAIMS, Ms. Hausfeld – No report.

BUSINESS AND INDUSTRY, Mr. Schildmeyer – I want to thank Walt Moeller for the information from the Planning and Development office. The City will soon see remodeling starting on the WesBanco Building up on Vine St. The remodeling is for the whole building and it will start towards the end of this month. We look to seeing some action on Vine St. take place.

HIGHWAYS AND TRANSPORTATION, Mrs. Brickweg – I want to first off thank the Safety Director for working to obtain the grant for the study Ross Ave. I look forward hearing their recommendations for what we can do.

I also would like to thank the Police Dept. that continue to write tickets on Ross Avenue and ask them to keep this up and write more if possible. I received a call this week from a resident on Ross telling me a car hit a pole on Ross and knocked down wires. Jonathan did inform me before the meeting that this was not due to a speeding car. This resident also asked me to ask the Safety Director if we can better monitor Ross Avenue between 7:00 AM and 9:00 AM and 3:00 PM to 6:00 PM. He said he has lived on Ross over 30 years and this is when most of the speeding occurs.

I also had people call me about drivers running red lights in our City and hope we can write more tickets to make this stop. I do know that on an average of one out of three cars that are coming down Ross Ave. do not stop

at yellow and red lights at Chalet and Ross. We need to stop this before someone pulling out of the subdivision on a green light is t-boned. I also want to ask the Safety Director to look into better enforcement of our noise ordinance. I have received complaints from residents on Greenlee Ave. that cars with extremely loud stereos drive by and can be heard at all hours of the day and night and they asked if we can better enforce this to get these people to turn them down.

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

**Committee of the Whole**  
**October 11, 2007**

1. Council approved the minutes of the October 4<sup>th</sup> Council Meeting, 7-0.
2. Mayor John Estep, no report.
3. Auditor, Walter St. Clair
  - A. Council voted 7-0 to put an ord. on the table to allow the Service Director to sell off excess property.
  - B. Council voted 7-0 to put an ord. on the table to adjust certain appropriations and additional appropriations and transfers for retirement benefits and the C-9 Trust Fund.
4. Director of Law, Edward Geiser
  - A. Council voted 7-0 to put an ord. on the table to approve the Consent Decree for the C-9 lawsuit.
5. Safety Director, Jonathan Stuchell, absent.
6. Service Director, Joe Kempe
  - A. Joe informed Council that Upper Ross Park infield needs to be replaced and after some discussion Joe will get prices on replacing the field and putting it back as it is.
7. Tax Commissioner, Sheri Williams, no report.
8. Laws, Contracts, & Claims, Patty Hausfeld, no report.
9. Public Improvements, Steve Asbach, no report.
10. Business & Industry, Mike Schildmeyer, no report.
11. Safety, Bill Burkhardt, no report.
12. Highways & Transportation, Peggy Brickweg
  - A. Peggy asked the Safety Director to look into loud car stereos on Greenlee Ave.
13. Service, Kevin Meier
  - A. Kevin asked Council and the Administration to continue to look into a place for the Service Garage.

14. Finance, Greg Zix, no report.

Respectfully submitted  
Bill Burkhardt  
President of Council, Pro-Tem

**COMMUNICATIONS – None**

**RESOLUTIONS AND ORDINANCES**

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to read tonight's resolutions and ordinances by title only. Motion passed 7-0.

**RESOLUTION NO. 8, 2007 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Motion by Mr. Burkhardt, seconded by Mrs. Brickweg to suspend with the second and third reading of Resolution No. 8, 2007. Motion passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to adopt Resolutions No. 8, 2007 as read. Motion passed 7-0.

**ORDINANCE NO. 42, 2007, AUTHORIZING THE SERVICE DIRECTOR TO PROPERLY ADVERTISE AND SELL CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES FOR THE BEST OFFER RECEIVED AT OR ABOVE THE MINIMUM BID REQUIRED, AND DECLARING AN EMERGENCY.**

Motion by Mr. Burkhardt, seconded by Mr. Asbach to suspend with the second and third readings of Ordinance No. 42, 2007.

**REMARKS**

Ms. Hausfeld – Just to let the public know, we have a list of things that are going up for auction and I'm going to do my best to read them so the public knows what they are.

The first one is a car – 1964 Buick Wildcat V-8 engine with 103,889 miles on it.

The next one is a truck – 1995 Chevrolet S-10 roughly 155,000 miles on it.

The next one is a truck – 2001 International Packer roughly with 50,500 miles on it.

The next one is a bus – 1998 Chevrolet 14 passenger, roughly with 121,000 miles on it.

The next one is a bus – 2000 Corbit, 14 passenger, roughly with 77,500 miles on it.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Mrs. Brickweg to adopt Ordinance No. 42, 2007 as read. Motion passed 7-0.

ORDINANCE NO. 43, 2007, AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS, TO REESTABLISH A LINE ITEM, TO PROVIDE ADDITIONAL APPROPRIATIONS AND TO ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to suspend with the second and third readings of Ordinance No. 43, 2007. Motion passed 7-0.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to adopt Ordinance No. 43, 2007 as read. Motion passed 7-0.

ORDINANCE NO. 44, 2007, APPROVING THE ‘CONSENT DECREE AND FINAL JUDGMENT’ FOR CASE NO. 1:04CV249 PENDING IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION, AND AUTHORIZING ATTORNEY JOHN W. HUST, ESQ., COUNSEL FOR THE CITY OF ST. BERNARD, TO SIGN AND EXECUTE THE “CONSENT DECREE AND FINAL JUDGMENT” ON BEHALF OF THE CITY OF ST. BERNARD; AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Meier to suspend with the second and third readings of Ordinance No. 44, 2007. Motion passed 7-0.

## **REMARKS**

Mrs. Brickweg – Tonight Council is voting on this ordinance that will finally bring closure to a long drawn out legal battle between the City of St. Bernard and the retired employees of the City over healthcare benefits. For over four years I was instructed not to speak on this lawsuit, but with this vote tonight it will be over and I want to express my thoughts on the lawsuit. One of many rumors that has been circulating the last few years is that because I am married to an active Fire fighter I would personally benefit from this lawsuit. That is not true. This lawsuit was about the retirees, not active employees. It was about premium healthcare payments for pre 1992 retirees and their spouses and the C-9 plan benefits.

I also want to say that I believe this lawsuit never should have happened. I do not believe the City received good outside legal advice to stop the benefits in the first place. When judge Spiegel ruled for six of seven judgments for the retirees, it just convinced me more. I also believe that some current and past Council and Administration members were not thinking of the City and the retirees’ best interest when they stopped paying for these benefits. I believe they decided to just stop the benefits because they wanted them stopped and they found an attorney to tell them it “could be” illegal to pay for retirees benefits.

This lawsuit has made many people suffer the last few years. Many of the retirees live on a fixed income and when they had to pay for benefits that they never had to in the past it was very hard financially on them. This lawsuit also cost the City financially. The City has to pay almost \$140,000 for the retirees’ attorney and even though the City has an insurance policy to pay for the City’s attorney, we have no idea what our new premiums will be. I am very glad that we are voting on the Consent Decree Final Judgment but I hope we all can learn from the past few years and start acting ethically and

professionally and stop spending tax payers' money on "no win" lawsuits and hurting our own citizens.

Mr. Estep – And I agree, I'm glad this is over. The other thing that I'm happy about that we've balanced three budgets in a row, so we have some money to pay for this.

Mrs. Brickweg – I'm sorry, can I say one more thing? We might have, I'm not going to go with the balancing the budget, but the money we're paying in this, should have been there all along because we were ruled six out of seven that we lost so this is not, this is money that would have been in the budget anyway so, it's not like we're adding money we're paying these people the money that they deserve to get and it should have been in the budget the last few years because it should have been gaining the benefits the last three years.

Mr. Estep – I'm not disagreeing with you Peggy, I'm just saying I'm glad it's over also and that lawsuit started before this Administration came on. We're not sharing any of that.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mrs. Brickweg to adopt Ordinance No. 44, 2007 as read. Motion passed 7-0.

## **OLD BUSINESS**

Mr. Meier – Mr. Mayor I'm glad that you brought up about the local people wanting to work with the Cincinnati Housing Partners. I spoke with them about two months ago and I've been carrying in my wallet with me the business card for Rick Sneed, he is vice president of construction. I've talked with a couple of local guys and have passed that card on to them. I specifically had a discussion with Rick so that he could use as many local people as were interested in working with him. I do know some of the local guys that may be able to do some of the work and I've gotten Rick's card for them. If there's anybody else out there, if they want to get a message to me down here at City Hall or send me an email or if you see me out anywhere, I do carry these cards with me, I've got some here. Anytime that somebody sees me, just stop me and I'll be glad to give you one of Rick's cards and explain how he'd be more than happy to work with local people on any jobs they do here in the City.

## **NEW BUSINESS**

Ms. Hausfeld – I first of all want to thank John, I had came to him last week with a concern from a citizen. This is a blind citizen here in town which we do have a few. The blind citizen's concerns were, they have guide dogs, these guide dogs are working on a regular basis for these blind people so that they can get around our City. They're having a problem with young and older citizens wanting to pet these dogs and they just wanted me to mention to the citizens and I mentioned to John, John made an announcement to the young kids at both schools. If you happen to see a blind person with a dog, please do not pet them, it totally whacks them out of concentration on what

they need to do and that's to perform for the blind people so that they can get around safely.

Also, one of the concerns, after talking about this particular issue the same person, his mother-in-law stopped me yesterday and said there is a real concern, I know of at least three blind people here in town, there is a concern that when they are crossing the streets and they're trying to get through the traffic and stuff, people are not stopping at the signs, they're running the signs, they're running the lights. Even though they are using the canes, they have their guide dogs, they're real concerned and she just wanted me to also mention for the people that do run these lights and do run these stop signs, please act with caution. You don't want to risk somebody's life by being mischievous and just being in a hurry and just going through something. Not only could it cost that person's life that is blind and is walking it could cost their dog and believe it or not, very stiff penalties if you get caught doing that and an accident occurs so it could also ruin your life as well.

Mr. Meier – I'd like to bring this idea up before Council tonight. It's something that I've been thinking about for a while and I've had some discussions with a couple of different people and I think this is something that can make a difference in our City.

Currently we had in our budget we had allocated a line item for \$300,000 for the acquisition of property. I think probably by the end of year we may spend a third of that. I don't see that we'll be spending the entire amount. The thought that I had was, improving our housing stock is a major issue in this City. There are really two ways of doing this. You can acquire property after it has deteriorated or after it goes on the market for whatever reason. That's good and I like doing that and I think it's something that we started to do this year. The other thing is to make an effort to intervene, to keep the property from deteriorating to the point to where when they do come on the market that they have more work that needs to be done to them than what a lot of new home buyers would like to do and those are the properties that seem to end up in the hands of the slum lords, the people that are going to put a coat of paint and vacuum the carpet and get a voucher and there we go we've got another piece of Section 8 property in the City. The thought that I had was that, I know that when I bought my house I bought it from the original owners and the people who had it were elderly, it was an estate, it was pretty obvious that for the last few years of the people's life that, when people get to a certain point in their life they can no longer maintain the home as well as they could when they were younger and some people may not have families who are able to help them. The thought that I had was that if we were to put together a program, working jointly with a non-profit so it would be a public and private joint venture so to speak, to help some of the Seniors. Now I'm not talking about somebody who has enough money that they can fix up their own home but for the people who if you're looking at, probably realistically, in short to medium term maybe having to leave their home either because they may not be able to get around or they are at that age that, yea, they're starting to think they need to make other arrangements. It's a reality that as people get old the day comes when they start to think about passing on. The thought that I had was that if we were to work together to take some of the money that we had set aside for the acquisition of property, work together with a non-profit to identify some of these homes and then be able to take some of that money to go in and fix up those homes while the people are still living in them and some of the things that you

could do. You could put things like low threshold tubs in them so people can get access to their bathtubs so it reduces the risk of them falling. You can put the bars on the walls by the toilets and the tubs to help them out. But do a little bit more than that. On a lot of help programs they don't want to do cosmetics but cosmetics really make an impact on the City and on salability of homes. Maybe do a few more things like painting on the outside, if gutters and downspouts need to be fixed. I would love to see every last bit of 1965 gold shag carpeting leave the City. The types of things that would make a citizens home a little bit safer, a little bit more secure and maybe it means that that person can stay in their home another year or two longer. The thought that I would do is we would do something similar to what we're doing with the acquisition of property where we'd be using City funds to pay for this and then take back the lien position on the home. Not have any monthly payments for that person because they're already on a fixed income. Then at the time when that home passes on, that person moves on or it's sold, then at that point the City could recoup their money, not at an interest but if you put \$25,000 into it, the City would get their \$25,000 back. I think it's a good use of tax payer money. We pass a property tax levy and what I continually hear is people would like to see what they're getting back. I think that the benefit to the City is one, you're going to be helping out people, and you're going to be helping your neighbors. You'll be literally fixing up homes that you can see being fixed up. You're more or less seeding money around the City and if you'll notice in blocks where people start fixing up their homes then pretty soon the neighbor starts fixing up their homes as well so we're multiplying the effect of that money. We're adding to the safety and security of the seniors. If we work with the non-profit then I think there's a good opportunity of applying for some grants. One of the things that, whenever we've had any discussions about Senior Housing, it always comes up that the money that's available is HUD money and HUD money is income restricted and what people don't want is Section 8. If we were to structure this correctly, and I'll have to do a little bit more investigation, we're working with people who already own their homes, OK, so because they already own their homes and if they were to fall below the median income, and typically it's tiered at 50% median income or 80% median income, you're targeting people who need the help or can use the help, they're already home owners so we're not talking about Section 8 rentals. I think there's a good opportunity that we may be able to qualify, particularly if we're working with a non-profit, for either federal HUD money or OHFA money and they do provide grants on an annual basis. Obviously this needs some work in thinking about it, but we have some tools in place. We've got our tax abatement that we passed, so if we plan this correctly we could probably incorporate that tax abatement. We could fix these properties up, make them nicer now, make them more saleable when they go on the market because they're not going to be in a deteriorated position or condition. One of the incentives that I thought that we could attach to this is a lot of the things that people can't do for themselves. I'm talking about putting the air-conditioners in the windows in the spring time and taking them out in the fall, cleaning gutters, maybe it would be cutting grass or shoveling snow. I was kind of thinking of all the weeks when grass needs to be cut and snow needs to be shoveled it's probably not more than 40 weeks out of the year, out of the 52 weeks and if you had somebody whether it's something we out source or whether it's something that we included into working through the Service Dept.

because we've got guys there that I know do these things on their own time now. We could figure out what the cost of that would be and if somebody were to participate in this program and maybe as an incentive for them that you could provide these services to these people, again, you don't charge them upfront but you figure out what it's going to cost and make it reasonable and then you could add that on to that lien position so when that house passes on the City could recoup the money back from that. Again, it's an idea, it's one of those things you wake up in the middle of the night thinking about and obviously I've put more than a little bit of thought into it but if people would think about it over the next couple of weeks, maybe the next Council meeting you could come back and give me some feedback, you could tell me if it's a bad idea you don't want to go forward with it, go ahead and say it. If you think it's got some possibilities, step up and let's help out but I think its worth while doing. We can make good use of the City's money and I would love to hear some feed back from people.

Mrs. Brickweg – I don't know if this could be incorporated or not, I know when we were discussing years back, there were many firemen, policemen, service workers that he said that they want to put back into the City too. I don't know if that's something that they could help, I know that there are some firemen that are electricians who serve at Spart note. People that are too and I wonder if that's a way we could incorporate it or even get groups to maybe help out like raking leaves, cleaning gutters. The only other thing I would like to add to that is, not that we'd have to use the money this year, I also think another important thing is, you kind of hit on that a little bit, is a lot of communities are using their money to buy the two families. Hiring somebody to convert them into a one family to get rid of Section 8 and the rental property and I think that for next year that's something we really need to start looking at because a lot of our problems we all know is the amount of rental property we have here. I think that's some type of program we might want to look at. I'd even suggest that we hire somebody that works for the City and that's their job to the City will buy the property, have this person or this person's company, take a two family and make it a one family and then the City sells it and the money goes back into the pot and we keep going from there. I really like your idea and I'm just wondering if we can add that people can volunteer too to help. I didn't know what you meant by it being non-profit, if they were the ones fixing it up or not but maybe we could also add some volunteers into it also.

Mr. Meier – The reason I said non-profit is that in some of the experience that I've had, because mortgages, I mean that's my business, is that a lot of these grant type of programs you get points and they're awarded on basis of points. Having a non-profit involved in it the one thing it does, it helps get points and the other thing it does, it takes the City out of being directly involved in it and it allows more freedom for that non-profit to handle it. That's the one reason I said bring a non-profit on board and the idea of, I know that there's a lot of citizens that when given the opportunity to volunteer, but whether it's a service project for the high school to help with raking or, I know there are a lot of guys in the fire dept., service dept. that do help out at these things and they don't want, I know its done without being publicized and I think there would be an opportunity for that to continue.

Mrs. Brickweg – I just wanted to ask if we can go into Executive Session after this meeting to discuss a personnel issue with the police dept. regarding an officer going out on disability and I'd like to be informed on what's going on with that.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to go into Executive Session following the regular portion of the meeting. Motion passed 7-0.

### **AUDIENCE WISHING TO ADDRESS COUNCIL**

Mr. St. Clair – A letter has been circulated to “Retirees, Seniors, Widows and Active Police & Firemen” signed by two retirees of the police dept. and two retirees of the fire dept. This letter is filled with so many inaccuracies and untruths that I feel a need to address it in this public forum. This letter accuses me of single-handedly delaying the Consent Decree and settlement of the retiree lawsuit. Mr. John Hust, the City's attorney in this case, forwarded this retiree letter to me and made the following comments. “The Consent Decree is an attempt to embody the terms of the tentative agreement in a document the City can use to implement the C-9 Plan and premium reimbursement programs going forward.” So the settlement or tentative agreement has already been made, it just needs to be documented. As to the retiree letter Mr. Hust further states: “This communication is an unfounded and an untrue attack on you personally.”

The first sentence of the retiree letter states that Mr. Hust and I “had just sent changes in the final consent decree”. How can it be a final consent decree if one of the parties hasn't even had a chance to review it? Mr. Hust's response to this initial consent decree to the retirees' attorneys stated “I have reviewed the draft Consent Decree. I have some comments and suggestions. Also, I sent this to my clients for their review, so we may have some additional comments.” Mr. Hust's letter and the draft Consent Decree was forwarded to City Council, the Law Director, Mr. Geiser, the President of Council, Mr. Walden, the Planning Director, Mr. Wiedmann, and the Service Director, Mr. Kempe. Apparently I was the only other person, besides Mr. Hust, who had comments. Other than some questions which were answered and a couple of word changes which were not adopted, I brought up one necessary word correction and one significant issue for future widows of Service Dept. retirees and premium reimbursement for them. These were a relatively simple and agreeable correction and amendment.

The third sentence of the circulated letter says “These changes in the terms even came after the final date for dispute by all claimants.” Mr. Hust commented that this sentence “was incorrect in that this Consent Decree has nothing to do with the deadline for members of the Class to file objections to the settlement.” The final two sentences of the first paragraph of this circulated letter indicated that I was the only consultant used by Mr. Hust and this was proven by the fact that I did not forward my comments to City Council members. As I said above, Mr. Hust's communications were forwarded to Council and others for their comments. I commented; they didn't, and I did not copy them on my comments. So What?! That doesn't prove they weren't consulted.

The second paragraph of the circulated letter is a diatribe about my supposed attempt to change the C-9 Plan as these retirees know it. My only comments about the C-9 portion of the draft Consent Decree were these four:

Item 1 Sentence 1. “Pursuant to Ordinance No. 24, 1985. the Council of the City of St. Bernard established a fund for the purpose of reimbursing qualified retirees.” According to the 1985 Ordinance on C-9, Council authorized the Mayor to implement the C-9 Trust Fund. Council made the appropriations. So my comment was to say Council “established funds” i.e. appropriated the money but did not establish “a fund”, it authorized the Mayor to implement the Trust Fund. This comment has not been incorporated into the Consent Decree. By the way, a true Trust Fund with a third party such as the trust department of a bank has never implemented.

Item 2. Sentence 3. The third sentence in Item 2 says “The City shall establish the C-9 Trust Fund.” My comment was, it should say, the City should restore, not establish the C-9 Trust Fund. The judge’s order was to put everything back the way it was so you would “restore”, not “establish”. Besides that Fund is already established as a Trust/Agency Fund in the City’s books. This comment has also not been incorporated into the Consent Decree.

Item 3, Sentence 3. says, “The City shall fully fund the C-9 Trust Fund.” My comments to that was, “What does ‘fully fund’ mean?” Mr. Hust indicated it meant sufficient funding to cover a year of benefits.

Item 4. The draft decree said, “The City shall not terminate, cancel or take any adverse action against the Trust Plan or its benefits at any time. The City does reserve the right and power to amend the Trust Plan. However, no amendment shall deprive any current or future eligible retiree or beneficiary of any benefit to which he or she is entitled under the Trust Plan. The City shall otherwise administer the C-9 Trust in accordance with the Trust Plan as amended.” I commented that most of this section contradicts the Trust Plan as to amendment and termination and appeared to be an attempt to usurp the legislative authority of City Council. Mr. Hust explained that since language in the labor contracts for all 3 City departments refer to the C-9 this is really a moot point, but it does not preclude the City from using negotiations to remove C-9 language from any labor contract.

The next four sentences in the letter have me messing with who the Trustees of the C-9 are. There were no comments by me about trustees, so I don’t know where this accusation came from. Trustees are covered by the Plan and the three labor contracts.

The last sentence of the first paragraph says “We also will not agree for Walt St. Clair to be the Third Party Administrator.” Historically the administrator of the C-9 benefits started with Ed Geiser Sr. when he was the City Auditor, and he continued in that function after he retired. Later he asked Joe Schindler, a retired police officer, to help him administer the benefits and Joe took over until payments were stopped. The deputy auditor and I met with Joe Schindler about administering the Plan upon settlement of the case. He instructed us about his procedures. If the trustees have someone else in mind to recommend to the City for appointment as administrators according to Section 6 of the Plan, that’s fine with me. The reason we volunteered to administer the C-9 was to get it going as soon as possible, which is just the opposite of delaying it. The retiree representatives want the settlement dollars to go to them to distribute, which will in my opinion obviously delay the retirees and the widows from getting their money.

The third paragraph of the circulated letter has a partially true first sentence.

The Consent Decree is to “put the C-9 back in place.” That’s true. The second sentence attributes authority to the trustees to hire a third party for the trust. I cannot find that in the Consent Decree, so I don’t know how I could have commented on it. Besides there is no need to hire a third party to administer the trust when the C-9 has operated for almost 20 years without an actual trust being setup.

The next sentence switches gears and talks about premium reimbursement. The letter accuses me of attempting to change the dates covered by the settlement compensation. I merely questioned that the Consent Decree in one place said “The City shall restore the premium reimbursement to all eligible retirees effective July 1, 2007.” But in another place the Consent Decree says “Police and fire retirees may submit any premium withheld for medical insurance coverage after January 1, 2007 to the City for payment”....I did not have copies of the exhibits referred to in the Consent Decree which show the periods covered by the settlement. Mr. Hust explained that the settlement for eligible police and fire retirees covered them to December 31, 2006, so premium reimbursement starts at the beginning of 2007. Okay, simple question, simple answer.

The last paragraph of the letter states, “I had no idea, a week before the fairness hearing, that Walt St. Clair would do this. Unfortunately we can’t agree to these changes.” What changes? After a couple of comments and questions that were answered and taken care of, there were no changes made and how it would lead to such a nasty letter, it’s truly beyond my comprehension.

Joseph Brickler, 4617 Vine St. – I’d like to comment on Kevin’s plan or idea about helping out houses. I think that’s a really good idea. Half the summer I spent cutting some elderly peoples lawns, just because they couldn’t do that. That blind person you were talking about, he was curious about knowing whether we could get him a voice activated signal at Mitchell because he has almost gotten hit about eight times. You know how they over at Vine St. and Bertus, you can hear that they can hear. If we get with the City of Cincinnati and share the cost with them so he doesn’t get hurt crossing Mitchell to get on the bus to go to work and he lives right there by Tower and Delmar. That’s basically what I wanted to bring up to your attention.

Ms. Hausfeld – Joe, he hasn’t said anything about that to me.

Joseph Brickler, 4617 Vine St. – Oh, I understand that, I was over there when her, after her brother died and he made that comment. He said he’s almost gotten hit eight or nine times just trying to cross Mitchell. I said, well I’ll bring it up to Council, because I know that you care about these people.

Mr. Stuchell – I’ll try to get more information. I’ll try to speak to the proper people from Cincinnati and see what we can do.

Mr. Burkhardt – The next COW will be Thursday, October 25 @ 7:30pm.

Council Meeting was suspended for Council to go into Executive Session.

Mr. Curtis Walden – The October 18, 2007 meeting of the St. Bernard City Council is back in session. We were in Executive Session to discuss a personnel matter. Anything further from anyone in Council? If not I will accept a motion for adjournment.

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