

**ST. BERNARD CITY COUNCIL MEETING
NOVEMBER 15, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, November 15, 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.

Mr. Burkhardt made a motion to dispense with the reading of the minutes. Mr. Asbach seconded the motion. The motion passed 6-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Estep – This year, St. Bernard will be having its Christmas kick-off a little earlier than usual with a special event. The Queen City Hi Railers will be setting up a modular operating 3-rail train display in the Municipal Building. It is really a great display so everyone; children, model train novice and enthusiasts will enjoy this.

The trains will be running on:

Friday, November 30th from 6:00p.m. until 8:30p.m.

Saturday, December 1st from 2:00 p.m. until 9:00 p.m. and on

Sunday, December 2nd from Noon until 5:00p.m.

In addition, on Saturday, December 1st Elegant Carriages will be here from 6:30p.m. until 9:00p.m. to take residents on a carriage tour to see the holiday lights in the City. Residents who live on the carriage route will receive a letter advising them so they can decorate their homes a little earlier this year if they wish. We used to take the loop down around the pavilion but we thought it would be a little bit nicer to go up to the homes up off of Washington and possibly Kemper and Sullivan and make a loop and come back. That will be announced as we go through the season. It is very likely that St. Nicholas himself may break away from his work at the North Pole to visit children in St. Bernard that evening so they should be getting their Christmas list ready for him. This promises to be a fun event with something for everyone. Don't forget to mark your calendar so you don't miss the fun.

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 is Ordinance No. 48, 2007. As discussed at the COW, this ordinance makes appropriation adjustments-increasing appropriations in the General Fund to the Mayor's Court Magistrate, Tax Commissioner Salary, Police Comp Time, Police Maintenance of Equipment, Service Director Salary, Service Department Professional Services, Softball Equipment, Hall Rental Refunds, and Electric Current in the Street Maintenance Fund. Corresponding appropriation decreases in the General Fund are from the Mayor's Secretary Salary, Tax Refunds, Police Overtime, Police Department Accreditation Fee, Service Department

Overtime, Park Utilities, Tee-Ball Equipment, City Hall Utilities, and Traffic Lights in the Street Maintenance Fund.

Over the last couple of weeks several issues have surfaced about actions taken by the Auditor and the powers and responsibilities of the Auditor. The issues included paying off the Nu-Maid note back in 2005, informing Council about the flow of income, revenue projections made in 2004 for the 2005 fiscal year, why the numbers for 2005 are different, and putting a stop to spending.

Let me just report on the first issue tonight and save the others for later reports. Back on July 14, 2005, I wired funds to pay off the land acquisition notes on the Nu-Maid property. That was a one year note, authorized in July 2004 by Ordinance No. 25 due and payable on July 14, 2005. Refinancing arrangements were not yet decided and funds were currently available and the expenditure was appropriated. My decision was that the note should be paid on its due date.

All the way through 2005 and up to June of 2005 it was anticipated that the City would refinance the Nu-Maid note for a longer period, as we had done with the swimming pool refinancing earlier that year. Because Nu-Maid was a land acquisition note it could not be refinanced through the Center for Local Government loan pool. I requested and received from our underwriter at Fifth Third Bank in May a proposed debt schedule for 5, 10, 15, and 20 year terms for tax-free Municipal Bonds. According to my notes, these schedules were passed out to Council and the Treasurer at the COW on May 26, 2005 with the note that they would be discussed again at the COW on June 9th. In the meantime the Finance Committee recommended the 15 year term at their meeting on June 1, 2005. On July 1, 2005, **LESS THAN 2 WEEKS BEFORE THE NOTE WAS DUE) AND BEFORE ANY ACTION WAS TAKEN BY Council**, I received an email from the Bond Underwriter at Fifth Third that the Bond Issue for the Nu-Maid property would have to be a taxable issue. This means a higher interest rate would have to be charged. He indicated that because it would not be a public use development we couldn't use tax-exempt bonds as quoted to me and presented to Council back in May. At the July 7th Council meeting I did not inform Council of this development because there was no information on the financing terms for them to make a decision about an Ordinance for refinancing. Fifth Third sent me the new terms on July 18, 2005. In the meantime the notes were due and payable on the 14th. The expenditure was appropriated; the funds were available; refinancing was still an option; and I did not want the City to default on the loan. Three issues have arisen in the last couple of weeks from my action in paying off that loan back in 2005. First, I paid off the loan without Council's knowledge. While Council may not have had specific knowledge about the day that I paid the loan, they knew that the refinancing was in discussion and should have known that the loan was maturing. The maturity date of July 14, 2005 was in the Ordinance that authorized the note. Second issue, my paying the loan was believed to have been illegal. It is not illegal for the Auditor to pay a legitimate bill from available funds to satisfy an approved contract with money appropriated for that purpose. Third issue, I paid off the note without the permission of Council. I believe the Auditor has the implicit permission of Council to pay a legitimate bill with available funds to satisfy an approved contract with money appropriated for that purpose. That is a power and responsibility that the Auditor has. It's what I do every day when I sign a check.

At the COW on July 28, 2005, I informed Council that I had paid off the Nu-Maid bond on its due date. I do not remember if I presented the new terms to Council at that time, but the issues of Council knowledge, legality and permission did not come up. At the Finance Committee meeting the following Wednesday, Aug. 3rd we discussed the terms for refinancing with a taxable bond issue. Because of the higher interest rates, the amount of interest payable over the length of the bond, and the fact that revenues were coming in very well, the Finance Committee recommended not refinancing at that time. This recommendation was given to Council at their Aug. 4th Council Meeting. I think Council agreed. And I think that was the last we heard of the issue until recently. By the way, Nu-Maid is still available as collateral for a loan.

DIRECTOR OF LAW, Mr. Geiser – No report.

TREASURER, Mr. Kathman – No report.

SAFETY DIRECTOR, Mr. Stuchell – No report.

SERVICE DIRECTOR, Mr. Kempe – Dave Fossaluzza and I attended a meeting with the Hamilton County Solid Waste Management District today regarding the City's application for the District Priority Grant on September 10, 2007. I am pleased to announce the City has been awarded \$10,000 for the purchase of heavy duty, secured recycling containers for both Vine St. Park and Ross Park with the goal to reduce waste taken to the landfill and increase the recycling in both parks. I would like to thank Dave for his assistance in the application process for this grant. I would like to ask Council to go into Executive Session to discuss contract negotiations.

TAX COMMISSIONER, Mrs. Williams – No report.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee recommends passage of Ordinance No. 47 and 48, 2007 tonight. Also the Administration has presented the proposed budget to the Finance Committee for a final approval. The Dept. Heads were invited to a meeting on Nov. 28th at 6:30p.m. here in Council Chambers to go over explanations of those things.

SAFETY, Mr. Burkhardt – No report

SERVICE, Mr. Meier – I got a letter from ICRC this week and I'm going to give a copy of this to Mr. Geiser and to Kate Bedinghaus, the new incoming Law Director. What it says and I don't understand all of it, but there is an amended substitute Senate Bill 117 that is effective Sept. 24th. This is the one that allows the telephone and other providers to provide video service directly to the individual homes. The bottom line on this is that there is a provision that the local cities or municipalities can pass an Ordinance that would allow them to collect from the video service provider a fee, 5% of the gross revenues and if the municipality does not do that then by the wording of that Senate Bill, the amount that that municipality or the City of St. Bernard would get would be a, it would set the provider fee at zero % and

would be exempt from advertising revenues from the video service provider. They sent me a copy of the sample Ordinance, I just have the original here, I got a copy of the Bill and I'll make copies and Kate I'll get you a copy and I'll also get Eddie a copy but I think this is something we need to act on pretty quickly and like I say, I don't understand all the ins and out of the 21 pages of the Senate Bill but I think its something that we need to take a look at and do something with pretty quickly.

PUBLIC IMPROVEMENTS, Mr. Asbach – No report.

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

BUSINESS AND INDUSTRY, Mr. Schildmeyer – No report.

HIGHWAYS AND TRANSPORTATION, Mrs. Brickweg - First I would like to apologize for being late, I was at the Hamilton County First Suburbs meeting and there was a little more traffic than usual out there on Winton Rd. since they're doing construction. With that meeting I haven't had a chance to write a report but it was very informative. The Hamilton County Commissioners spoke. Actually, David Pepper spoke and there was a letter written by Todd Portune and in case anybody did not know this, which I did not, apparently he fell. He was hurt pretty bad. He was not able to attend the meeting. He has ripped a bunch of tendons and ligaments. He will be rehabbing and apparently he fell before the election and didn't tell anybody. He just wanted to pass the word on that. We had guest speakers, the Treasurer, Mr. Goehring spoke and he was speaking on foreclosures and how the County can work with the suburbs to try to work on this problem because Hamilton County is the leading County in Ohio on foreclosures. I had to leave on the middle of that presentation so when I get the minutes and get the rest of it I will report back. I also wanted to let everybody know, I'm not sure about the next Council Meeting. I am having surgery on Monday, they found an entrapped nerve in my knee for my knee replacement which they're going to have to remove so I will let everybody know, I'm hoping it will be a fast recovery but they won't know until they get in there.

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

Committee of the Whole
November 8, 2007

1. Council approved the minutes of the November 1st Council Meeting, 7-0.
2. Mayor John Estep, absent
3. Auditor, Walter St. Clair
 - A. Council voted 7-0 to put an ord. on the table for end of the year adjustment in several line items
4. Director of law, Edward Geiser
 - A. Ed informed Council that salaried employees could be paid overtime.
5. Safety Director, Jonathan Stuchell, no report.
6. Service Director, Joe Kempe, absent.
7. Tax Commissioner, Sheri Williams

A. Sheri reported that the Tax Appeal case has been postponed to a later date.

8. Laws, Contracts, & Claims, Patty Hausfeld, no report.

9. Public Improvements, Steve Asbach, no report.

10. Business & Industry, Mike Schildmeyer

A. After a short discussion it was decided to get Mr. Kanters involved in the parking issues at WesBanco.

11. Safety, Bill Burkhardt, no report.

12. Highways & Transportation, Peggy Brickweg, no report.

13. Service, Kevin Meier

A. Kevin announced that the next CIC meeting would be Nov. 14th at 5:30p.m.

14. Finance, Greg Zix

A. Greg informed Council that his committee would be meeting Nov. 28th to go over the 2008 budget.

15. Council went into Executive Session to discuss the purchase of property.

Respectfully submitted,
Bill Burkhardt,
President of Council, ProTem

COMMUNICATIONS

None

RESOLUTIONS AND ORDINANCES

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to read tonight's Resolutions and Ordinances by title only. Motion passed 7-0.

ORDINANCE NO. 47, 2007, DECLARING THE PROPERTY KNOWN AS 56 ORCHARD STREET TO BE NEEDED FOR MUNICIPAL PURPOSES; AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND ACCEPTANCE OF THE DEED OF SAID TRACT; AUTHORIZING PAYMENT THEREFORE, APPROPRIATING THE NECESSARY FUNDS; AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 47, 2007.

REMARKS

Mr. Zix – I would like to thank Gerry Wiedmann and Walt Moeller for their quick expedient work to get this property, it's really run down and its going to be a big help to fix or to get rid of it whatever we're going to do with it but I would like to thank them for doing it.

Mrs. Brickweg – Just so the citizens know this property was being handled under HUD and it probably would have been sold and we would have had additional Section 8 Housing in our City so that is beside it being blighted

that is another reason the City thought it was a good purchase and we got it at a particularly low price so that is why we went about it.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Zix to adopt Ordinance No. 47, 2007 as read. Motion passed 7-0.

ORDINANCE NO. 48, 2007, AUTHORIZING AND DIRECTING THE AUDITOR TO ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to suspend with the second and third reading of ordinance No. 48, 2007

REMARKS

Mrs. Brickweg – I did have a few people ask me questions on the same question I had last week, so I'll try my best and maybe Walt you can help me to explain this. They had asked why we didn't properly budget for the Tax Commissioner and the Service Director and we did. The City is just on a 26 week pay period so therefore there will be one week in the end of 2007 and one week going into 2008 so when Walt cuts the check normally it would be in 2008 and if those people were working for the City it would be paid then. But since they may not be they need to put the money in the 2007 budget, so it's not extra money and I hope that explained it.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Meier to adopt Ordinance No. 48, 2007 as read. Motion passed 7-0.

OLD BUSINESS

Mr. Asbach – I have a question for Mr. St. Clair, sorry. A while back we had talked about House Bill IX, which is the class on the Public Records Law. I was just checking to see if in fact it looked like at COW when we discussed it, that you might possibly be attending. Do you know if you are or not? The reason I ask is because the class is on the same day as the next COW with next week being an off week I just wanted to check to see if we needed to make arrangements for this class or what we needed to do.

Mr. St. Clair – I did attend the training. I listed all the elected and appointed officials that I was their designee and I'm looking forward to training you all in the near future.

NEW BUSINESS

Mr. Burkhardt – At this time I would like to make a motion to go into Executive Session after the meeting.

Ms. Hausfeld – I will second that.

Motion passed 7-0.

AUDIENCE WISHING TO ADDRESS COUNCIL

Mr. Walden – Just a reminder, the rules of Council, everyone can speak twice and there is a five minute speaking limit and please state your name and address.

Norm Miller, 219 Washington Ave. – I might need that twice. I want to start off informing the people of St. Bernard, we had a meeting last night with our committee that hired this new guy. I'm going to start off by saying I was very impressed by what I heard. One of the first things that he came up with in his agenda was OK, the Nu-Maid property as I understand it, they're going to turn that property over to this organization and it will be theirs and that's OK. The second one he came up with was the Miami Erie Canal down here. He's proposing some twenty some scenic family condos, I think all of you sitting up there remember what we went through trying to block something like this in the Canal Bed. I thought that it was a done deal that it was an historical site. I thought that we were going to do something with the property but at that time we had a money crunch that nothing developed from then. What I don't like about this guy is he has no concern for the people. He was only one person other than our Councilman in Ward I that spoke up for the people of Ward I. Now we got a Council man in Ward I and we got three Council-at-Large. They should be concerned with the same people down there that they have anywhere else in the City. And I didn't hear any of that. It just seemed like this guy had a loose cannon and he can do whatever he wants and if we don't stop and say something, this guy's going to go off in left field as far as I'm concerned. I said this once before, his comment was when he had his resume to get this job that we'll build these down there, we'll get high end people, \$300,000. apartments and we'll get all these big guys down there and Vine St. will come alive, it will make it more interesting to do something and I told you then, I think it's putting a gamble on it. It's like going to the race track and gambling on a three legged horse if he wins, then hopefully we'll get something done with Vine St. I think you need to have some concern for the people down in Ward I, all of you, not just Mr. Meier who is our Councilman. I looked at that property again today and from the man who is close to that level, that's three stories tall. He couldn't even answer me what we're going to do with the traffic pattern. He don't care what the traffic pattern is. I let it go at that. The second thing, and I've been asked a lot of times, what's happened to Bertus St. Park as far as I'm concerned and I told him last night, it's a dead issue. He says it isn't a dead issue, here's the way I'm going to put it to you. Nothing is done to the park at this time. I asked him, I says, this well never happen. His remark to me last night was, it will happen but it might not happen "there". Now what does that tell me? We've been fighting to do something to that piece of property, you can't use it for nothing but park, he calls it park, I call it green space, Mr. Schildmeyer calls it green space. We will do this park but may not do it "there". He's got something else in mind with "there" on that piece of property. Now if you read between the lines, if we turn this piece of property over to him it's a public organization, how can we even turn it over to him if all of this rigmarole we went through four months ago, that you can't even use that for housing. Our Mayor put it up for housing a long time ago, now if we're not going to put this public park that we talked about, what are we going to do with it, leave it sit there? You can't put housing on it because you all voted against the Mayor to put

housing on it, you all voted against it because it's illegal to do it. What does this guy got in mind? I don't know, I think you better pay attention to what this guy's doing, we're paying him \$96,000 price tag a year on him and I think we should watch what he's doing because he's a slick talker.

Mr. Zix – Just as a Point of Order, since I wasn't there would this be discussed at the next COW and can we further the discussion then? I don't know if everybody was there or not that's on Council. I know I wasn't there. I don't have any clue of what happened last night because I was working.

Mr. Burkhardt – Al did ask about the Nu-Maid property and the Canal Bed and I would like to have it on COW because I think we need to discuss his report as a whole because there are several issues on there that he wants Council to address. I will put it on the COW for next Thursday or two weeks from today.

Mrs. Brickweg – I would like to address some of the things that Norm said instead of waiting a couple of weeks because if these are his comments, I think we should address them when he asks it.

Bare with me Norm I was trying to write notes as you were speaking. A couple of the things that I also got from the meeting was, he did have four major projects listed and then some other ones but as he told us it's not one project at a time. The problem with St. Bernard is, we see one project, that's all we concentrate on. When he said the Nu-Maid property he also said Vine St. property, he did say the Phillips project. It's not one project at a time so you can't look at one and you say, well if he's not doing Vine St. then that can't go because Vine St. was part of the whole deal. That was part of with the Nu-Maid. I think we need to start seeing a big picture instead of concentrating on one issue and think he's only going to work on one thing at a time. When he said he knew about the Bertus St. Park that it might not be there, he also said that he had a long term range plan of possibly closing off Washington down here and putting in more of a neighbor friendly city center park with a gazebo and the fountain so we'd have a community area. He never once asked us to convey the property at Bertus over to him. He did ask us to convey Nu-Maid and the Canal Bed so I don't think he has, he does not have any plans for Bertus. You can ask him that question, I don't know. When he said it wasn't going to be there he just said that he thought maybe your ideas would be better off in the center of the town. I guess I answered most of them. I can tell you that I talked to Al today, because I did get some phone calls last night so apparently the word's out that I'm all for this condo thing, basically I will say right now, the one question I asked about the Canal Bed because I really do not understand it, I have to go look at it, I'm not a Council person for Ward I but I did ask the question, is the land used as a park because it kept being called parkland. That's all I asked. I did tell him that I had received a phone call and that the citizens were upset that live down there and I also called Gerry Wiedmann and I told Al that I'm going to give out his email, his phone number and everybody can contact him. Part of the idea of hiring an economic developer is, we don't know how to do this. Does he always have the right answers, maybe not, but the thing is if we're spending \$96,000 and Council and the Administration agreed to hire somebody, we do need to listen to this person and if part of his job is conveying land so he can study it, get bonds, get money, then we do need to

follow his advice. I asked him today, is this condo thing a done deal because according to the man I talked to on the phone, a resident, it's a cliff, there's no way, it's going to mess up the yard and I expressed this to Al Kanters. He said until he can study it, he don't know it might not even work. I'm not saying it's not going to go there either, but I do want to express that for some reason everybody thought because I asked about the park that I was, I have not made up my opinion either way. Everybody can contact Al. He has an office in City Hall. I don't happen to have his phone number with me right now but I'll make sure I read it at the next Council meeting but anybody can contact me with that information.

Ms. Hausfeld – Norm, one of the things that I remember Al saying last night about the Bertus St. Park is with the air on back there and not using microphones it's very hard to hear back there but I do remember Al saying that Bertus St. Park was not a done deal yet. He wanted to work with you but he also made comments that it was in Public Improvements and that it was going to be a public participation project that he wanted to get people in the service dept. , fire dept., he wanted to get the kids, he didn't mention this particular in extent last night but he has in the past. He wants to get kids involved, he wants to get different depts. involved and get participation from the citizens and make it a community wide effort to upgrade that park and I do remember him mentioning last night that it was still in Public Improvements and we were supposed to be working on getting a community program with people involved that wanted to be involved in that project.

Mr. Zix – Since the Point of Order was totally ignored could we ask that Al come to the next COW so the people who weren't here could be enlightened.

Mr. Walden – We can certainly put that on the COW agenda. As for the Point of Order I was going to respond to that but I wanted to give a few other Council people a chance to speak. Certainly the matter will come up at the next COW and there is certainly an opportunity for anyone that wants to speak there to speak at that time and certainly there is a more open discussion at the COW of most issues and this one will be one of those as well, however there is no provision in the rules of Council to prevent anyone in the audience who wishes to address Council on any issue from addressing them at this time.

Mr. Meier – I know that we're going to discuss this at the COW but there are a lot of people that don't get to come to those meeting and who do watch these Council meetings on television and that's where they get a lot of their information. I'm going to hit a couple of points. One is, on the transfer of property from the City to the CIC. I am not going to vote to transfer one teaspoonful of dirt to anybody until I see a plan, a scope of exactly what's going to happen with that property. What I'm talking about is whether it's Nu-Maid or the Canal Bed or Bertus St. or anything else. Before we transfer anything and we went through the whole thing with the library lot, before we transfer anything, I want to know what are the plans for the property? How much is it going to cost? What are we going to get when it's done? How are we going to benefit from it? What kind of tax dollars are going to be generated from it? What kind of businesses are going to be there? If you can't answer those questions I'm not going to vote to transfer any property. On the Nu-Maid site, one of the things that Al was saying is that he has to

have title to the property and then a few minutes later he is saying that Everest has four companies that are interested in that site and he has three companies that are interested in that site. Obviously the ownership of the site has not been a barrier to people expressing an interest. If those people are expressing interest they can bring their proposals for what they would like to do on that site to AI just the same as they did for the CIC over the past few years. We could have sold that site 10 times over and you would have had a parking lot with 18 wheelers in it, you would have had a landscaping company in there, you would have had various companies that do various services outside the City of St. Bernard and remember, if the job is performed in another city then they are the ones that receive the tax benefits for that. One company that wanted to build on there was a company that manufactured the absorbent beads that go into diapers. It actually would have taken up almost the entire site and would have had just a small handful of jobs. That proposal was turned down because it would not have benefited the City. We would not have gotten the tax dollars back from that. Gerry and the other members of the CIC have done a very diligent job making sure that as these people and these companies come in that they are bringing a benefit to the City.

The other issue with the transfer of property, and we had a legal opinion almost a year ago, and it said specifically "park or park lands", and what needs to be done in order to transfer them and it also says specifically that the owners of the properties abutting that property and we had a long discussion about whether abutting and adjacent property holders are. Basically the judge will look at those people as their rights to sue the City would have more weight than others. It's a major consideration, we had a lot of discussion on Bertus St. about that specific issue. It hasn't gone away, OK, do that ordinance is still in place. On some of the ideas for putting up single family homes on that site, unless you know what LEEDS stands for, raise your hand. I know you would, Gerry does and I do. If you can spell it raise your hand. Spell it correctly. If you can't spell it correctly and you don't know what it means then you can't vote to transfer property to put a LEED home on it because you don't know enough about what you're doing. LEED is Leadership in Energy and Environmental Design. It is primarily the uses to date have been for commercial and for industrial and businesses. There has been, it's called LEED for Homes that has been in place and to date, as of October of 2007 there are exactly 336 homes that are LEED certified. It's an expensive process. Some of the property that I looked at the one was \$278. per square ft. If the cost of these homes that we're going to put on here is half that, a 1500 sq. ft. home will cost approximately \$208,000 and not have a front yard. How many people want to line up to buy that property?

The other problem with building condos is that when you're building condos what most people don't know is, if you know what a Class I, a Class II or a Class III condo project is, please raise your hand and if you don't know you can't vote for it. If a condo is less than 70% sold and has not been turned over to the Homeowners Assn. for a period of a year, you cannot get conventional financing for it. It's non-conforming. If you're planning on putting an expensive home on a site and plan on selling to people who can't get conventional financing, how many of them are you going to sell?

The other issue with condos is, typically a servicing provider cannot have exposure to more than 25% of an individual condo project. To date right now there is only one lender in this area that I know extremely well that can

provide conventional financing for that project. If that lender were to get 25% of the project that would be 5 units, we'd have 15 sitting unsold. Before we can vote to do this I need to have those things answered. I need to see elevations, I need to see blueprints on what's going to go on there, I need to know how much it's going to cost, how much it's going to cost the City. If you can't answer those questions you can't vote for it because you don't know enough about the project and if you hand over the property to somebody you're not going to get it back. That's my opinion, I've said before that when something comes up I'll make a stand and let everybody know where I stand on it. That's where I stand on it. If you can't provide me the entire information and the entire project I cannot vote to spend money for the project.

Mr. Asbach – Just quickly on as far as the Bertus St. Park goes. I thought that when Mr. Kanters was here at the COW that that project was kind of put on hold to see what kind of participation we could have, if it needs to go back into my committee, that's fine, but the way that was left that night, and I don't know, Mr. Miller, you could correct me if I'm wrong, but I thought it was on hold until we heard back from Al. It's going to be discussed at COW if it needs to go back into committee I'll get working on getting groups together, that's what we'll do.

Mr. Meier – Just one quick note, Norm when you were commenting about last night, Mike Schildmeyer did speak up in support of the people of the First Ward. Mike is an At-Large Councilman that will be serving out until the end of the year, but I did want to acknowledge that Mike did speak up and as a representative of the people of the First Ward, thank you, Mike.

Mrs. Brickweg – I'm kind of wondering if we were even at the same meeting here a little bit. I guess one of my, if you had all of these issues maybe you didn't know about it but why you didn't bring it up yesterday so Mr. Al Kanters could answer them but maybe you had to research it and I will understand that. I guess one of the questions I have I thought the CIC was set up so it owns the property because the City shouldn't own the property. Maybe I'm confused on that and the reason I bring it up at this Council Meeting is maybe some of the other people are confused on that. As Al Kanters has tried to explain, it's not going to be easy to change St. Bernard. We don't like change and he and this is not on any one issue. We don't like change. We can continue to go the way we're going and we're going to continue to go the way we're going. It's down. He said look around you and look at your City. He was very honest last night. We are not in very good condition. Our neighborhoods are deteriorating and granted there are some great houses, I think I got a great house but I'm not blind and we all know when we were handing out our campaign information and walking up on porches and knocking on doors what the City looks like. It can give you a first hand view of it. He's going to make enemies but if we're going to spend \$96,000 on an Economic Developer with the professionalism, the experience, the education, we need to listen to him. We can take every little project he brings and shoot it down because we don't want the change. All I did at that meeting last night was listen to him and listen to his ideas and I want to tell you I thought he sounded like one very smart individual, I've never been in a meeting with the City of St. Bernard where I got that much information and that much vision. I walked away

from that meeting feeling like maybe there is hope. If the Phillips project is a good project, I don't know, it was one of many and he said he's looking into it. It seems like we think it's a done deal and it's not but we're going to shoot it down before we even hear anything about it. I'm just saying, my thing is I'm going to try to listen to the person that we're paying the money for and I think that was the best CIC meeting I've ever been at and if I'm wrong, correct me, but I really did think the idea of the CIC was to purchase their own property. If Kevin could answer that maybe I'm wrong on that.

Mr. Zix – I'd just like to say, I wasn't there but I totally agree with Peggy. We do need change and that's why I asked her, No. 1, I asked her not to form the opinions that are being formed now. But I want to say I totally agree with what Peggy said. We have to hold our heads up and start making some change in the community and trust in him and see what happens. I wasn't there but I do know that he can't go forward with it until he tells all of us. He has to get the six votes to get there, I think we have to listen to him and quit forming opinions.

Mr. Meier – Peggy, to answer your question, the CIC does not own any property. The way it is set up is that the City owned the property and at the time when we had a use for it, at that time it would be transferred to the CIC. As of today the CIC does not own any property. As far as Al had a very good presentation, it was a great meeting last night, there were a lot of good ideas, a lot of change, a lot of change is going to happen. At the same time, to the best of my knowledge nobody from this Council has sat down with him and explained to him exactly what we're looking for from him and I know we haven't had any CIC meetings so there hasn't been a meeting there to tell him what we want from him in the types for businesses or whatever. I was thinking today, let's kind of use an analogy, a few years ago I was sitting in the office and a young woman came to me she wanted to buy a house and she had this plan and the seller and a broker had come to her and had all this stuff, had all the documentations and she came to me and when we looked at her income and her credit report, there was no way. Basically what they were looking at was, she was going to get an 80% mortgage and the seller was going to take back 20% and forgive it which would have been mortgage fraud and it just would have been a mess. I told her, look at this loan that you're getting, have you heard of predatory lending. She kind of smiled and said yeah. I said, that's what this is. I said, for people like yourself, people are very anxious when they go to get a loan, when they know they have good credit. What I said to her that people in your situation are just so happy to have somebody say yes to you, you are so happy to have something happen that you don't want to look down the road to see if that's really what you wanted because once it's done you can't undo it. If you get the wrong business in there you can't undo it. If you develop a piece of property you can't undo it. Nobody sat down and told Al, we want a series of sidewalk café's up and down Vine St. If that's what people want, great, but lets tell him. Nobody sat down and said we want office and light industrial on Nu-Maid or we want retail or something else on there. Let's tell him. What I'm telling you is, if we don't tell him and three years down the road we have something we don't want and you go to him then and say, that's not what I wanted, then he's going to say, rightfully, well you didn't tell me what you wanted. You said develop it and I developed it. I gave you what you wanted. If we can't give him clear direction on what we want then

we have to accept what we get. I'm not ready to be that person to accept anything because anything is better than nothing. We've got a limited space of valuable property. We need to use it the very best that we can. Until we sit down and have a clear vision and that's part of what he's asking for in the initial meetings. Last night he wanted ownership of that property transferred by March of '08. He's not in the discussion phase, he wants the property transferred. Let's tell him exactly what we want. If we have to have a public meeting, have a public meeting. If we need a meeting with Council, have a meeting with Council. If you want to have a meeting with CIC, have a meeting with CIC. Somebody has to tell him what we want or we're just going to have to be happy with what we get.

Mr. Zix – Maybe we could tell him to show up here so we all get to hear the same thing.

Mrs. Brickweg – Just a couple of comments to Kevin. Granted I'm only one of seven but I have sat down with Al. He gave us his phone number, he gave us his office and I made an appointment and I met with him. I told him ideas that I had heard through my Ward II people. Like I said I'm one of seven, but yes I did sit down with him and the only thing I'm saying is, yeah we do need to find out the details but I think its kind of crass that he has one meeting and we're going to shoot him down after that one meeting.

Gerry Wiedmann, 4546 Park Place – Just to set the record, Council has turned over one property to the CIC and that was 564 Rose Hill. One of the purposes of turning properties over to the CIC, it somewhat controls the bid process and who we can choose or we can pick and choose developers or people that rehab at our choice other than just through the bid process so City Council owning the property can not do that, they have to go out for bids on anything over a certain amount of dollars. The CIC can interview different people as far as rehab people and things like that if the property belongs to us because we are a non profit organization. That is one of the key reasons why property is conveyed back to the CIC. I think that's important and on behalf of the CIC last night, I also was at the meeting and I thought it was an excellent meeting. The CIC meetings are open to the public so we invite people to come and listen. There are a lot of professionals on that committee and a lot of questions are asked, a lot of answers are given. Again, in any one meeting not everything is solved but I think we are in the right direction. I hope that we continue to go there. I think, I have to say one of the things that when I first met Mr. Kanters and I will say it for everybody's benefit, I think John was involved and Joe was involved and I've just basically said that Al, you are a unique individual and I think the City needs you, needs your vision, however, I'm not quite sure they're ready for you. I meant that in a positive vein, not in a negative vein because some of the things that he likes to do and that he is very good at doing are going to be hard for some of us to swallow. I'll leave it go out that.

Mr. Schildmeyer – I kind of held back and waited till last because I wanted to hear everybody's comments. The meeting last night was a very good meeting. The comment that I stood up and made for Ward I is to advise Al to talk to the people down there and hear what they want to say, hear where they stand, make your presentation and show them what he has. Let them

make a decision and Al make a decision and let it go at that. I mean, they put up a strong fight the last time, I was in the middle of it, I know where they stand, I know how it goes about that area down there and I think Al doesn't know how their hearts feel about that area down there and I think he should know. Then he can make his own decision and bring it to Council and advise Council on just what they want to do or what they should do. That's all I got, thank you.

Mrs. Brickweg – Al will be, I did talk to him today. Al is going to be at the COW next time. He asked me if he should come tonight after I told him I had received some phone calls and I didn't know if it was going to be, I didn't think it was going to be brought up and I told him I was going to give his phone number out so I told him I didn't think he needed to be at this meeting. He is coming to the COW to discuss the conveying of the properties in two weeks.

Mr. Burkhardt – I think one thing that Mike hit on was a public hearing with Al and the neighborhood down there. It affects them the most and I too was First Ward Councilman when that all went down and it was very, very rough. Those people love that area down there. It's going to be really hard to change their view of that area to make any changes down there. I truly believe he needs to talk to them. I think last time, that didn't happen. They felt it was being shoved down their throat and I can see why they would feel the same way again. We had a meeting, it was brought up and they're the last to hear about it. I think it would be very important to have Al come to a public hearing and have the people come to that.

Ms. Hausfeld – I do have Al's business card here and his phone number is XXXXXXXX if anybody wants to call him. Sorry Al. Well his email address is cic@cityofst.bernard.org and like Peggy and them guys said he is here, his office is downstairs, you can call 242-7770 and they can transfer you as well. If we are deciding on having a public meeting, Kevin, since it's in your Ward, call a public meeting and I'm sure Al would be there to listen to the people. When we went to hire him, when we were in the hiring process for him, he said he wanted to hear what the people had to say. He wanted to hear what we had to say. If we have concerns or if the public has concerns, I'm sure in talking to him, the few times that I have talked to him, he seems like a really nice, down to earth guy and you're right, he's only been with us a month and a half at that even. He needs to know what everybody feels like and maybe it's time to call a public hearing for Ward I since that's where they're pertaining to go with this and see what the people have to say.

Mrs. Brickweg – I know this is on TV but Al gave us that phone number before he had it set up in here but that's his personal cell phone number. I'm wondering, it's in the minutes, we at least can put the correct phone number it's 242- 2982. I don't know if Gerry has it but that was before he was set up with an office number so he gave that to us.

Mr. Meier – That number is 242-2982.

Norm Miller, 219 Washington, - I'm not done with you yet. I do want to thank Kevin last night and I talked to Kevin after the meeting. Kevin you were the only one that spoke up for the people. Mike, Mike Schildmeyer, I

appreciated that and I told Kevin that. You spoke for the people, you represented the people. There were a lot of those there that didn't have a word to say in reference to the people. Getting back to the Bertus St. Park, the committee chairman, I had a long lengthy meeting and Gerry Wiedmann was with us when we talked to Al about this Bertus St. Park and my opinion in this was at the end of the meeting his idea was looking to make this a community project. Well when you turn this into a community project, this is all professional, this isn't handy man stuff. If you want to make this a community project then sell bricks by the dozen or go out and beg for Procter and Gamble or somebody else, I don't want to be a part of it. We've got a City here that we passed a tax levy to do something for the City, this is for leisure, this is for to get to know people, this is a place of green space, not a park like he referred to, green space. If we can't do this professionally, everything that is done up there has to be done professionally. It's not handy man stuff, it's not shovels and picks, it's professional and every phase of it is professional. If we're not going to do this professional and do it handy man style we'll have a site up there that probably looks as bad or worse than it does now. If we're not going to do this professionally don't even put my name on the book.

Mrs. Brickweg – Norm, I don't know, I made it in here last night, I don't know if it will work but I am going to get Al Kanters some information on some information that was passed on to me where if you can get a grant, if you can get the grant, it pays 75% and the City has to match 25%. It's based on, they have a scoring system and when I contacted the man he wasn't sure if your project would score high enough because they do like to score more like for ball fields but he said we should apply for it before February of 2008. It might be a long shot but we can try and that would be grant money so I am going to pass that information on to him.

Mr. Burkhardt – Due to there being five Thursdays this month, the next COW meeting will be Nov. 29th at 7:30.

Mr. Walden – At this time Council will go into Executive Session. The meeting will be adjourned until we resume.

Mr. Walden – The November 15, 2007 Council meeting is back in session. Council was in Executive Session to discuss contract negotiations. At this time I will accept a motion to adjourn.

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