

**ST.BERNARD CITY COUNCIL MEETING
DECEMBER 20, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, December 20, 2007 in Council Chambers.

President of Council, Mr. Curtis Walden – The meeting 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 suspend with the reading of the minutes. Mr. Asbach seconded the motion. Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Estep – No report.

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

Before Council tonight is Ordinance No. 56, 2007. As discussed at the COW, this Ordinance makes transfers from the General Fund Cash Account to the Master Plan Cash Account and the Employee Health Plan Cash Account to cover appropriations in those funds. It also provides additional appropriations to the General Fund transfer out line item and the CIC Grant Other Expenses line item. This Ordinance also makes appropriation adjustments-increasing appropriations in the General Fund to the Tax Commissioner salary, Tax Equipment outlay, Police Comp Time, Firemen Wages, Training, Tuition, Fire Department Equipment Outlay, Maintenance of Equipment, and Director of Nursing. Corresponding appropriation decreases in the General Fund are from Tax Department Supplies and Incidentals, Police Wages, Firemen Overtime, Ambulance Supplies, Fire Department Library, Utilities, Fire Prevention and Education, Fire Hydrants, Radio Equipment & Repair, Environmental Emergency Fund, Wellness Program, and the Health Department Vaccine Program.

At the Council meeting two weeks ago, I talked about the revenue projections into the City's treasury for 2005, noting that the City's beginning balances had been in a downward spiral for the five previous years. I also mentioned that there are two basic components to revenue projections into the City's treasury for an upcoming year's budget. The first is the earned income tax and the second is everything else.

There were several issues during 2005 that affected earned income tax revenue including the initiation of mandatory filing. An increased tax rate, changes to filing periods, and the success of local businesses. Some of these changes and how they would affect revenue were not known when 2005 projections were originally made in July of 2004. However, changes were explained, and projections were revised and detailed in the monthly reports made by the Tax Commissioner to the Treasurer and Council and the Administration. It was pointed out that the Tax Commissioner was appointed by the Mayor. That was irrelevant since the Tax Commissioner

reports to the Treasurer, an elected official who was not from the Mayor's political party.

For all the other revenue into the City treasury for the 2005 budget, I projected \$2.3 million in revenue in July 2004. At the end of 2005, eighteen months later, actual revenue was \$2.9 million – a difference of \$600,000. \$300,000 of that difference was in the inheritance tax received by the City. Apparently, wealthier St. Bernard residents passed away than I anticipated. A little more than \$200,000 of the \$600,000 difference was in the Employee Health Plan. The City is self-insured up to a certain level of medical costs. Any costs above the \$30,000 level for an individual is covered by stop-loss insurance. When an employee has medical costs exceeding \$30,000 in a year, the City is reimbursed for the excess costs. Apparently we had more people with serious illnesses than I anticipated.

Quite frankly when I made revenue projections for any budget in July of the preceding year, for the past 8 years, I did not revise those projections. In reflecting on that recently, I realized that really we are talking about projecting receipts into the City Treasury. The Auditor should not be making those projections. The City Treasurer is in charge of the City Treasury. Those revenue projections should logically come from the Treasurer.

I have also been accused of not informing Council about the flow of income. That is not my job. The Treasurer reads the receipts report monthly for Council; The Tax commissioner reports earned income Tax Receipts with explanations of variances from the previous year and any revised projections to the Treasurer and Council. If that's not enough information, Council should express what they need.

And finally, it has been written that stopping spending is the Auditor's job. I beg to differ. The Auditor's job is to certify to the department head that the amount of their purchase order has sufficient appropriations from Council to cover the expenditure from the proper account. I have no authority to stop a department head from spending money for a public purpose that has been lawfully appropriated by Council. To stop spending, Council must decrease appropriations as they did back in 2005.

Mrs. Brickweg – Would it be OK to comment on some of what Walter's been saying.

Mr. Walden – I think that would probably come under New Business this evening. That would be the correct time to bring that up.

DIRECTOR OF LAW, Mr. Geiser – Before Council tonight are four additional ordinances in addition to the one the Auditor spoke of. Ordinance No. 55 adjusts the compensation of various City officials. No. 57 changes and excludes longevity pay, No. 58 is a new law for regulating portable storage units, No. 59 is a new law for regulating driveway designs and standards as requested at the COW. As this is the last meeting of the year I would like to thank those leaving, especially Mayor John Estep, Mike Schildmeyer, Joe Kempe and Jonathan Stuchell and Sheri Williams for their service to the City. I know I especially had a good working relationship with Joe Kempe. I was always on the phone with him dealing with various issues and discussing and giving advice and I want to thank Joe for the good working relationship we had.

As my last meeting as Law Director, I want to thank the citizens of St. Bernard for supporting me for the last 16 years and thank them for all their support and I always intended to do a very good job and give 110% to this City and I thank them.

Lastly, I just want wish everyone a Merry Christmas.

TREASURER, Mr. Kathman – No report.

SAFETY DIRECTOR, Mr. Stuchell – I'd like to take this opportunity to thank all the great people that I've been able to work with during my tenure as Safety Director. It's been a real pleasure and I'm grateful to have been afforded the opportunity to serve in this position. However, I do hope that when given the opportunity to open the Charter that the position of Safety Director be combined with that of the Service Director or City Manager. I truly feel that the two safety departments need a full time supervisor as there are day to day issues that need to be dealt with and I truly feel that this would be to the City's benefit.

SERVICE DIRECTOR, Mr. Kempe – I have no report tonight but I would like to wish all a Merry Christmas and a Happy New Year.

TAX COMMISSIONER, Mrs. Williams – No report.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The budget was reviewed last week by Council and accepted and will be ready for the January 1st meeting. Also the Finance Committee recommends passage of Ordinance No. 55, and 56.

I too would like to thank the outgoing Council and Administration. Some of the work they have done with the budget that Joe Kempe has done has been outstanding. Thank you very much, have a nice Holiday.

SAFETY, Mr. Burkhardt – Today I traveled to Columbus to meet with TEC Engineering and ODOT on the Ross Safety Study and I signed off on all the grants and so we are officially started. TEC, I think, is already actually started doing some study up there.

At this time I'd also like to wish everyone a Merry Christmas and a Happy New Year.

SERVICE, Mr. Meier – Since this will be my last meeting as the head of the Service Committee I would just like to bring up a couple of things. One, about a week or so ago one of the residents on our street, I noticed that they had the last of leaves down near the street and there was one large pile that was still kind of up in their yard a little bit. I saw the truck come down and when I came back later on not only had the guys in the Service Department gotten all the leaves that were by the street but that other pile that was still up in the yard that the resident hadn't had a chance to get down there, they got that also. I think that's just another example of the great job that the guys on service dept. do above and beyond what's required of their job. Also I would like to remind everybody that several months ago we had talked about having a needs assessment done if for some reason we needed to move the service dept. garage. At that time we had planned on doing it by the end of December. Obviously that is not going to happen. I would like to

make sure that that gets put back on the agenda for the new Council after the first of the year that we don't forget about that, that we take a look at that so that we know what we need to do with the garage if it does need to be moved.

Other than that, I wish everyone a Merry Christmas and Happy Holidays.

PUBLIC IMPROVEMENTS, Mr. Asbach – No report.

LAWS, CONTRACTS AND CLAIMS, Ms. Hausfeld – Before Council tonight we have two proposed ordinances that my committee, Laws, Contracts & Claims would like to see take its regular course. The first one is Ordinance No. 58, dealing with portable structures, tents, pods, drop boxes, canopies along with membrane structures. The second one is Ordinance No. 59, dealing with driveways, design standards. These ordinances will give our residents, as well as others, certain guidelines to follow on these issues. In closing, I would first like to thank my committee, Peggy and Bill for helping me over these last two years in accomplishing different tasks within the Laws, Contracts & Claims Committee. I especially would like to thank Walt Moeller, Gerry Wiedmann, Chief Moeller, Chief Scherpenberg and Eddie Geiser for all the help that they gave my Committee and myself. I have learned a lot these last two years and look forward to the next two years and a brighter future for our City. I also want to take the time to wish everyone in St. Bernard a very Merry Christmas and a Happy New Year and also to invite everyone to the Inauguration Day ceremony which is going to be New Year's Day, here in Council Chambers at 3:00p.m.

BUSINESS AND INDUSTRY, Mr. Schildmeyer – No report, but I too would like to thank everyone who have been involved in Council over my terms here, the four years on Recreation and the 12 years on Council have been a great experience and I enjoyed working for the citizens of the City and I wish all the best of luck to the new incoming people and the new Council being formed and Merry Christmas to all.

HIGHWAYS AND TRANSPORTATION, Mrs. Brickweg – I want to inform the citizens tonight that next year I will not be the chairperson of the Highways & Transportation Committee. I will however remain on the Committee so I can continue my work with the I-75 Highway Expansion and the Aesthetics Committee. If anyone has any questions with these feel free to contact me. I would also like to wish everyone a Merry Christmas and a Happy New Year.

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

Committee of the Whole
Dec. 13, 2007

1. Council approved the minutes of the Dec. 6th Council meeting, 6-0, Mrs. Brickweg was absent.
2. Mayor, John Estep, absent.
3. Auditor, Walter St. Clair

A. Council agreed 6-0 to put an ord. on the table for appropriation adjustment, additional appropriation, and transfer to several line items. Council also voted 6-0 to put an ord. on the table for Evans Landscaping for their work on the compost material for the City.

4. Director of Law, Edward Geiser, absent

5. Safety Director, Jonathan Stuchell

A. Jonathan recommended that there be a 3rd party look into the manning of the Police and Fire Depts. also the possibility of out sourcing the police dispatchers.

6. Service Director, Joe Kempe, no report.

7. Tax Commissioner, Sheri Williams, absent.

8. Laws, Contracts, & Claims, Patty Hausfeld

A. Council voted 6-0 to put an ord. on the table regulating Portable Structures. Council also voted 6-0 to put an ord. on the table for Driveway Design Standards.

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, absent.

13. Service Kevin Meier, no report.

14. Finance, Greg Zix

A. Council voted 5-1 to put the budget on the table for Jan. 1st. Council also voted 6-0 to put an ord. on the table to amend Ord. No. 19, 2001.

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

Respectfully submitted,
Bill Burkhardt
President of Council, Pro-Tem

COMMUNICATIONS – None

RESOLUTIONS AND ORDINANCES

Mr. Burkhardt made a motion to read tonight's Resolutions and Ordinances by title only. Mr. Asbach seconded the motion. Council agreed 7-0.

Mr. Burkhardt – At this time I would like to make a motion to table Ordinance No. 54, 2007. The Ordinance is conveying the property known as the Canal Bed over to the CIC. After talking with Mr. Geiser, I believe that

there may be a problem with that and until we can get an official ruling on that, I'd like to see it tabled and after the 1st of the year, I'd also like to hold a Public Hearing with all the residents in that area.

Mr. Meier – I'll second that.

REMARKS

Mrs. Brickweg – When we do discuss it, I do have a question and I can't seem to get a straight answer and any help. Is the CIC, it always had been told to me the past four years that before anything could be done with the City, that Council would know about it and Council would have to approve. The reason I was told that for the last four years is because they didn't want some Council members at their meetings. Now I'm hearing that if we convey this land over to Al Kanters and the CIC that Council would not have the last approval on the project so I'm a little confused on which way it is and so that's the one question that I would like to be looked into so somebody can say what the final line is.

Ms. Hausfeld – My only question is and I didn't get a chance to read what Kevin just gave me right before the meeting started, what is the problem? Can we share that with the residents or can we share that with us, the Council people?

Mr. Meier – I've had quite a bit of feedback from the residents in that area. I've had over the last day and a half nine different people either call or talk to me about it. In addition, I got an email today and I'm going to read it to people because I think it expresses a lot of the concerns that people have. I typically don't read things in here so if you'll bear with me. "I'm exceedingly concerned about certain actions I understand that Council may be considering at the meeting this evening relating to the transfer of the Canal Bed property to the CIC for the purpose of developing and building town homes in that area. Unfortunately, it appears I will not be able to be in attendance at the Council meeting this evening so please share my concerns with Council. As you know, our family lives at 405 Bank Ave. We've enjoyed walks along the Canal Bed valuing its history and park like nature. Let me state at the outset, I am opposed to the transfer of the Canal Bed property to the CIC because of the historical nature of the property which would be destroyed by any developmental activities on the site. Moreover, I am concerned that City Council and the Administration are considering such a transfer prior to having it available for review and assessment, even the most basic of due diligence information on this matter. I understand that Mr. Kanters, the Economic Development Director, who is to be entrusted with the development of that property has not yet submitted or even requested perhaps, view of technical environmental testing results which establish the nature of the soils on the site, to ascertain whether they are consistent with such a development. He has produced no architectural renderings of the proposed town houses. He has produced no grant monies to fund such a project. Frankly, if a commercial entity rushed into the type of decision that the Council and the Administration are contemplating, without engaging in due diligence, that company wouldn't be in existence for long. Perhaps most egregiously Mr. Kanters has produced no marketing surveys to suggest that such town houses would be marketable in St.

Bernard. I understand that the town houses being discussed by Mr. Kanters are projected to be in the \$300,000.00 range. Housing in such a range is not entry level housing and well in excess of the average priced home in the City. Who does he think is going to buy such housing stock at the sales price currently being discussed. What other amenities must be in place in St. Bernard to attract the anticipated buyers for the housing in that price range as their requirements are all different. Given the status of the residential real estate market, which is not projecting any significant upswing in the foreseeable future, and the more than fifty house and condos currently listed for sale in St. Bernard, such a market survey would seem to be a minimal requirement for Mr. Kanters to produce before giving license to move forward on such a project of this nature, particularly, where Mr. Kanters has secured no outside funds to fund the development and construction of any town homes. It seems foolish to add to the housing glut when the City is going to be bearing the development and construction cost. (This is the part that I think some of the questions have been raised). Is the City contemplating a method by which the property is returned to the City if when such geotechnical or marketing surveys are completed and show that such an undertaking would not be feasible or advisable or if the property is not developed within a specified period of time? Even if such a provision is contained in the contract with the CIC, unless there is a specific provision in the deed to the CIC, any such prior agreement would be merged out of existence unless the contract also contains a survivor clause. Consulting with a knowledgeable real estate transaction attorney would be money well spent to ensure the City has the rights to the return of the property. Again I am vehemently against the development of the Canal Bed property, but the fact that this Administration and Council would seriously entertain transferring title to that property without having any concrete written information of the viability of the project espoused by Mr. Kanters is beyond comprehension. In my humble opinion, it would be a serious dereliction of duty for Council to authorize such a transfer for what is at this time, nothing more than rampant speculation. Also I would appreciate (and again, Kate, I'll give you a copy of this) if someone in the Administration or Council could point to the statute or ordinance that authorizes the City of St. Bernard to transfer real property to the CIC for no money and for no direct economic returns to the City. I understand that at least one substantial parcel of real estate, the Nu-Maid property, has already been transferred to the CIC without payment of any sum by the CIC for that property and that the City is contemplating further such transfers including the Canal Bed property. Were there specific provisions in the Ohio Revised Code for such transfers or specifically permitted for school and library purposes? On my initial review, I am not finding anything supporting such an action that is currently being completed.”

I think that very eloquently describes some of the issues. Some of the other things that have been brought up to me is that the people in that area were not advised or told about such an action. I know that when we were talking about doing a similar type of development at Bertus St. the citizens in the immediately area were notified by Call Command of a Town Meeting and a Town Meeting was held and then several months after that, well some of the young people in the City were gathering signatures on a petition. We again had another special meeting and it was at that special meeting when the Administration and Council decided to not pursue the development on Bertus St. Also with that project we had obtained an outside legal opinion as

to whether or not the City could do that and again I think that the City needs to have from its own attorney, a written opinion as to whether or not we can do that. I think that when we did that Bertus St. project, we set precedent on how we should be handling transfer of property and we didn't follow our own precedent in this particular desire to transfer the Canal Bed. I know that I'd made comments and there was a lot of discussion on Bertus St. about the transfer of park or park lands and a lot of people have made a lot of comments about park lands and I'm not too sure people that have never been down to see that Canal Bed that its not a vacant lot filled with weeds. It is a property, a large part of it is a grassy property that has been maintained by the City for many, many years and from what I understand many years before I even moved here. A lot of the people, not only do they walk their dogs there, or their kids play there, but a lot of people just like looking outside their windows and seeing that property whether its squirrels or birds or rabbits or whatever and those people are entitled to their enjoyment from their window just as well as somebody that is walking their dog there. Again I think there is some legal issues that we need to have resolved, the CIC needs to be real clear, the CIC is not part of the City, it is its own legal entity, it's a corporation. If you hand over a deed to a property to another entity, whether it's a person or a corporation, they own that property and you give up your rights when you transfer that deed. So the CIC, they need to come to us for funding, but please understand that if they don't need funding from the City and it's not an agreement like the TIF or a memorandum of understanding to bring a developer on board or to bring a specific business on board when the City is giving them some tax breaks or anything, the CIC can do whatever they want with their own property. Members, elected and appointed of the City are part of the CIC but the CIC is not part of the City. It was specifically designed that way so that they can enter into some of these real estate transactions. They can encumber a property with a mortgage, there is one clause in there that prior to accepting any property the CIC has to get an appraisal and if that property were to be sold for more than the appraised amount, the difference would come back to the City. Any property that the CIC holds, the only way it could come back to the City is if the CIC were to be liquidated or to no longer be in existence. At that point any real property or personal property that the CIC has would then go back to where it came from i.e. the City. I think we've got a lot of questions to be answered before we entertain this. I think the people that live down there have every right to be heard before we rush into doing anything. A major concern that I have is, we're spending a lot of money and this City does not have unlimited resources and what I've said before, what I'd like to see in any project that we do, I want to know what we're doing, why we're doing it, how much its going to cost, who is going to be doing it? Because if the person in charge of that were to drop over dead half way through, I would like to have enough information and enough detail that we can take that project and hand it off to somebody else and they can complete it and we don't have that information right now. Those are some of the things, and Kate I'll try to get together with you later to go over some of these things that people are asking about because I know you probably weren't prepared for this coming in tonight, I hope that answers some of the questions that people have, like I say, from yesterday and today I've had nine people call me that would have liked to have been here tonight but for various reasons were unable to be here and I wanted to make sure that their views were brought out. The notification is a major concern. Traffic is a major concern.

The cost of financing is a major concern and the loss of use is a major concern for those people. I think we need to address all of those questions before we transfer property.

Mrs. Brickweg – I have no problem waiting on that, I agree if there are some questions and if Ed is saying that now there are some questions. I mean now that's what Mr. Meier said that you have some questions about this then yeah we should look into it. Once again I'm hearing differences on the CIC. I'm totally lost that four years ago it was one thing and now it seems to be another so I would really like to be part of the meeting, not the part of the public meeting, I understand that that is a good idea too, but I think that somebody needs to really explain to us exactly what the CIC is. The one question I have, and correct me if I'm wrong, but we had the Park Pl. property, we had the Ross Ave. and I thought getting it go to the CIC and then to the Cincinnati Housing Partners, or did the CIC never have that at all?

Mr. Meier – I think what we did in those properties is, the City funded the CIC basically in order to get those properties. The CIC then in turn, turned those properties over to Cincinnati Housing Partners but took back a lien position. They have a legal right or a claim on that property, they just didn't turn it over. That is one of the advantages of having a CIC. When you do these types of properties the CIC can be the holder of the mortgage or they can be the mortgagee. Basically the CIC could give you a property, take back a lien position, which means that before that property could be sold that lien would have to be satisfied and the lien on it would be the amount of money that the City put up front for the acquisition of the property. That is how the City is protected and the CIC is protected in these transactions. In this particular transaction because there is no money being fronted it is a simple transfer of the deed and there is no position that we take back. I think one of the issues that Mr. Kanters had is that in going into a perspective developer, if the CIC owns it they could in effect transfer or inturn give the ownership of that piece of property to the developer. The developer then has equity in it and then they can use that to acquire funds. The one difference is for residential housing, nobody is lending money unless they're pre-sold. If we're going to go along with the idea of building five units, they would have to get that funding from somewhere other than a commercial entity. What I'm afraid is that they would come back to the City and the City would be the ones putting up the money for that. I hope that explanation clears that up a little bit.

Mrs. Brickweg – OK, it does to a point, but I'm sure many citizens are going to ask the same questions, so what's the difference with Nu-Maid? Should we not have conveyed the land over for Nu-Maid, I mean, what's the difference?

Mr. Meier – I think from the little bit that I'm understanding, what we should have done with Nu-Maid, is the CIC should have gotten an appraisal for the property, in the exchange of the property the City should have got something of value back in return and they going back and looking back at the different transactions that I'm familiar with in other places, typically, in the transfer of property where you want to have a financial incentive for somebody to move somewhere you would sell that property for a dollar and

in this case we didn't do this. We just passed an Ordinance to transfer the property. I think before we actually sign the deed or transfer, I think we need to understand exactly what we need to do both on the part of the CIC, because in reviewing the documents they should have had an appraisal done so that they know if they sell that how much of the excess money would be coming back to the City, and also the City I think needs to determine whether they need to get something in return in order for it to be a legal transaction.

Mrs. Brickweg – First of all, thank you Kevin for explaining that, it sounds like we're probably not doing things the right way and we're a little confused so I agree that we should postpone this until we get all the questions answered.

Motion to table Ordinance No. 54, 2007 passed 7-0.

ORDINANCE NO. 55, 2007. AMENDING SECTION 159.19, COMPENSATION OF ELECTED AND APPOINTED OFFICIALS, IN ST. BERNARD CODIFIED ORDINANCES CHAPTER 159, EMPLOYMENT PROVISIONS, AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to suspend with the second and third reading of Ordinance No. 55, 2007.

REMARKS

Mr. Burkhardt – What this Ordinance does is it freezes the Service Director and the Tax Commissioner's pay at the 2007 level and in doing so by bringing down the percentages it will also mean that they will get lower increases over the next four years.

Mr. Geiser – I was not at the last COW meeting because I had a family obligation with Christmas and I was not aware of this. I just wanted to point out to Council, obviously this Ordinance is going to affect me, everyone knows it and I know Council stressed that they want to hire professional people with a lot of experience. I'm curious as to the logic, for example, the new Law Director comes in, I've been doing the job for 16 years, comes in with a pay raise. Kind of the same logic, now it's me going into the Tax Commissioner, I get the same rate, I would just like to know why? I've got a law degree, a Masters in finance degree, experience working for a CPA firm, you want professional people and now for some reason this specifically points to me.

Mrs. Brickweg – I wasn't at the COW but the Council meeting before that I expressed very simply, I don't think any of the new people should come in with a raise. Sorry! I mean, this is a raise that somebody that was working at the job would have received. I think our raises are ridiculous, I think the games we play around this City and I'll read that in my report later, but it's ridiculous. We give our best buddies in a political thing a great paying job with great benefits and I don't agree with it and I will tell you right now the majority of the citizens don't agree with it. This is not a slap at you Eddie. Why, and if I could have taken out the other positions I would have, I told everybody here, I read it two weeks ago that nobody should get them. I

guess they pick and choose who it was going to happen to but I'm sorry, this is a raise that somebody would have got if they were there for a whole year, so tell me why somebody brand new coming to the job deserves that raise already, it makes no sense to me.

Ms. Hausfeld – Eddie, just to let you know and the citizens know, last week at the COW I raised a lot of heck. I personally feel that, first of all, it would be nice for a Tax Commissioner to have a CPA. To my knowledge, you don't have a CPA. It's no dig on you, I'm not saying you're not qualified because from what you just said, you have a lot of qualifications. But you don't have a CPA. One of my beliefs and I feel very strongly on this and I voiced it last week and I'm glad you asked because I'll voice to you in person now, I truly believe that these positions are highly paid for political bonuses, if you want to call it that. I truly believe that these positions should come in at step pay. There is a difference between you and the Service Director because I asked Walt to give me a budget for next year of exactly what you guys would be making and \$67,142.11 for these two positions with, for lack of better things, for lack of qualifications and qualifications to me is a CPA plus benefits. These are darn good salaries for people to be getting for political appointed positions for a four year term and I was shot down last week, Peggy was not here, but the rest of Council told me exactly how they feel, they do believe that these people should come in at these amounts of money without no step pay whatsoever. You know if they would have put step pay in there, I would have said, have the increases in there. At least you would have had step pays and it would have been affective from here on out, but it's not and I was turned down on that. I truly believe that these are positions, it's a full time position that could only be for four years with no qualifications met or no qualifications to be had because there was people that got up at the podium asking what the qualifications were and what the rhymes and the reasons were for these people to start out at dollar amounts. We talked about this for the last two years because I can remember, the thing that my two years that I was all for step pay. That's my feelings on that.

Mr. Schildmeyer – Bill did talk to Eddie on qualifications and he forwarded some information on the qualifications that he represents. Presently he's assistant tax attorney for a certified public accountant, Wade, Werner and Thompson & Co. His preparation of Federal, State, Local, Personal Income Taxes, Corporate Taxes, Partnership Taxes, Trust and Estate Taxes, he takes place in all that. He has been the Law Director 16 years for the City of St. Bernard, a member of the Tax Board of Review, areas of law providing advice and addressing issues for taxation for municipalities, zoning, real estate, criminal trafficking, employment, labor relations, contracts, environmental, workmen's comp, civil rights, social security, federal regulations, personal injury and insurance, he's quite busy and quite educated. Assistant Prosecuting Attorney for 16 years and I think that qualifies him for watching out for what the taxes represent and where they're going. He's an educated graduate of the University of Dayton Law School, graduated Cum Laude, ranks tenth in the ten top percent, he graduated from Xavier University with a Masters Degree in Business Administration in Finance. I think he's well qualified, I think it's not just a CPA accountant here we got some overqualified. I think we should recommend Eddie for the position of Tax and stay with it for the cost of this

displacement, I don't think it's a Good Ole Boys Club, I think we need to work something out, if Eddie is justified in receiving a larger amount, we should consider it.

Mrs. Brickweg – I am going to go ahead and read my report so you do know where I stand but I am going to bring up one thing. I find it kind of ironic that about a year or so ago and I voted against it to pay to send Sheri to get her CPA, which she never did get, and the City went ahead and spent \$1600.00 to send her to school because the Council at that time thought it was very important that we have a CPA in that position. I thought we should have hired somebody that was a CPA but let alone get \$1600.00 and then she didn't even attend school. It's kind of funny now all of a sudden a CPA doesn't count but if you ask anybody and I've been in the tax, I've been working for a tax firm for 12 years, CPA does make a big difference. This is my report just so you know and this is not, like I said it is not geared to you, I was going to read it later because I believe this is about the whole Good Ole Boys to begin with.

As I stated two weeks ago, Council was going to discuss the starting pay, longevity and pay steps for appointed and elected officials at the COW meeting. I was unable to attend so I read my report two weeks ago so everyone would know where I stand. There was some discussion and some minor changes made at the COW. The new Service Director and the new Tax Commissioner will start at the 2007 beginning salary. The Service Director will no longer receive the extra longevity pay. As I stated above, these are minor changes and I am again disappointed about the political game of giving your buddies jobs with great benefits and pay continues. One question that did come up at the COW meeting a few times was what are the qualifications for these jobs and the answer that was given was none. Does that make sense to anyone? No qualifications, no job requirements for these very important jobs. We are talking about the running of our Service Dept. and the Tax Commissioner that is in charge of all the earned income revenue for our City. I realize there is most likely no way to change this now particularly since this Council is made up of five of the Orange Party members, the same Party members that will be giving and receiving these jobs. I truly hoped that discussing it last week would bring about the changes the citizens desire, but that did not happen. I have received many calls regarding the appointed positions coming up and their benefits. What I have been telling the citizens is to go out and talk to your new Council members, pass on your wishes and hopefully we can begin to make the changes needed to end the political gains and start running professionally. The first step will require opening the Charter and that is one of the main things I will start looking into in 2008. This will require the citizens electing a 15 person committee that will work with an attorney to make the changes to our Charter. Now is the time if anyone wanted to get involved in changing our City for the better, but you don't want to get involved in the politics to think about running for the Charter Committee. The changes most of us want won't come over night but there is nothing like the present to start the process.

Mr. St. Clair – I'm an elected full time employee of the City so I'm outside the appointed political party issues that have been talked about. When you are elected to a full time position in this City you have to put your qualifications out to the electorate and hopefully your qualifications are

deemed by them to be sufficient to handle the job if you are elected. This Ordinance is setting a percentage payments for elected and certain appointed officials of the City. The percentages that are shown here are percentages of County Commissioners wages, that would be the three County Commissioners down in Hamilton County, it is a percentage of what they get and they get an annual increase based upon consumer price and the general welfare and economic condition of the State of Ohio.

I had approached the Finance Committee, and members of Council were also at a meeting of the Finance Committee, asking for an increase in my percentage based upon the 2002 level. I had been decreased in 2005 from the 2002 level and I asked to be increased back to the 2002 level. Some of the things that I brought up were that I had brought the payroll that is done for the City employees in house here. We run the payroll system here ourselves now. That saves the City thousands of dollars a year. As the City Auditor I have kind of become de facto the Treasurer of the CIC, which means I have to account for, set up a Charter with Council for the CIC, I also have to audit their financial statements on an annual basis, so there is some extra work that has come into the job and I just had asked that I be reinstated back to the 2002 level. That didn't happen, I'm completely happy with my job, don't get me wrong, but just a little bit disappointed that I didn't get back to the 2002 level. That's all I have to say.

Mr. Zix – To start out with what Eddie said, this is the Finance Committee's recommendation. In the past, as you know, we've always put the increases in for the incoming spots because it was asked for the Service Director and for the Tax Commissioner because they were appointed positions, these are the ones we cut back. In fact we cut them back almost 5% considering the raise that they had. Those dollars in turn won't compound along with the next Ordinance which will take away their longevity, which is another \$6,000. This is almost equal to the steps in each one of the depts. if you add them up over that time. We feel, I feel that it is definitely deserving of these people, I think they are qualified, I think the Service Director holds 20 plus years in City Government and Administration, he has a lot of qualifications. I would like to see it back to the original level, to the where it was at the 81.14 instead of 78, but we thought this was a good compromise instead of the steps. I truly think its needed to get somebody in the positions, I think you have to offer them a good wage because they're only there for four years. Those are my feelings.

Ms. Hausfeld – Greg, you just confused me. You said something about that you would like to see it at the 81.14, it is at the 81.14.

Mr. Zix – It's on the second page.

Ms. Hausfeld – OK, thank you.

Peggy – I would like to say one more thing and there is no nice way to say this. You know what, people are sounding really darn greedy here tonight. A couple of years ago we laid off employees, told them how poor we were and how horrible we were doing and then we have elected and appointed people sitting here begging for more money. I'm going to be honest, you guys are totally disgusting me right now about \$5200 or \$6200. I do it because I want to do it because my heart is in here to save this City. I

understand it's your full time job but I also have a full time job, but I'll be darned if I'm going to start begging the citizens to pay me more money. It is ridiculous, I am just, I am flabbergasted right now and I'm going to stop because I'm kind of losing it, but I can't even believe that after we have put the citizens, what we have put them through, look at the state of our City, that we're going to tell these citizens, hey, give me more money, that's just my personal opinion but I find it very disgusting.

Mr. Geiser – No where in my statement did I make any comment that I'm not happy with what I'm getting. I'm very grateful for anything this City gives me. I only said that why is it that just the Service Director and the Tax Commissioner were singled out when other elected officials are coming in and getting a raise. For example, I have 16 years experience and my replacement is getting a raise. I only asked to be fair. If it's going to be fair for me it's going to be fair for everybody. I didn't say anything about I'm not grateful for what I'm getting, and I resent those comments that I did because I did not do that.

Mr. St. Clair – Yes, I agree with Ed. As I said, I'm very grateful for what I have, I'm grateful to the citizens that elected me. All I was saying is that I had asked to go back to a certain level but if that's the way it is, that's fine. Over the 5 years from 2003 to 2007 my average increase was 1.2%. The consumer price index was 2.8% over the same period average. I mean, if you think I'm begging, I'm not and I'm happy with what I have, I just wanted to point out that I was a little disappointed, I asked to go back to a level that was 5 years ago, I've been without raises in two years back when we were going through the economic crunch that you mentioned and that was just a dream, I guess.

AUDIENCE REMARKS

John Metz, 4419 Kemper – The question I have is, were those the only two positions changed because those are the only two new people being appointed because you couldn't lower other appointments that were already there? Is that what we talked about in Council and that's why those two positions were changed and nobody else?

Mrs. Brickweg – That's a good question John because that's exactly what I said, I would like to see them all lowered but I guess at the COW is was just decided just to do the two. Any one of these can be changed but it has to be changed now. It cannot be changed in the new year.

John Metz, 4419 Kemper – Well if somebody is feeling like in Walt's case, where he is still Auditor, you can't decrease his income if he's still in the positions what I thought was set. Whereas the Service and the Safety and the Tax Commissioner can be changed because they're new people coming in.

Mr. Zix – It was the recommendation of the Finance Dept., yes we could lower any of these on there that we wanted to. We lowered the two Service Director and Tax Commissioner because they were appointments of the Mayor and there were controversial issues. We felt like it was a good compromise that was good for the City. A good compromise basically, good

common sense to use this and take the longevity and some of this money out of there and try to lower it and make people happy. We still want to give them a good salary. We could increase to the 2002 level for the Auditor but that would be a 9% increase, that's a lot of money so we didn't do that. The other areas, for instance, the elected officials coming in, for the sake of consistency is why we did it. But yes, we could lower and raise them but we have to do that now, we can't do it while they're in the office.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Zix to adopt Ordinance No. 55, 2007 as read. Motion passed 4 ayes, 2 nays 1 abstention. Ms. Hausfeld and Mrs. Brickweg voted no. Mr. Asbach abstained.

ORDINANCE NO. 56, 2007. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS, PROVIDE ADDITION APPROPRIATIONS AND TO ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 56, 2007. Motion passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Schildmeyer to adopt Ordinance No. 56, 2007 as read. Motion passed 7-0.

ORDINANCE NO. 57, 2007. AMENDING SECTION 8 OF ORDINANCE NO. 19, 2001 TO EXCLUDE THE SERVICE DIRECTOR FROM THE LONGEVITY PAY ACCORDED TO THE POLICE CHIEF, THE FIRE CHIEF, THE CODE ASSISTANCE OFFICER, AND THE AUDITOR, AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Zix to suspend with the second and third reading of Ordinance No. 57, 2007.

REMARKS

Mrs. Brickweg – As happy as I am that the Service Director, the longevity has been taken away, I will be voting no on this because I really think that some of the other positions should have been considered, especially after everything I've seen tonight. I don't get it and the extra longevity of \$7500 seems like a lot of money and I had suggested in the past that we do the Police and the Fire Chief at a certain percentage above the highest paid person in the dept. and possibly with the Code Assistant Officer and get rid of all the extra longevity. The extra longevity was voted in with different political parties and it's just an extra bonus and I'd rather see people have a salary that they deserve to make than have basically bonuses. I will be voting no to this.

Motion to suspend passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Meier to adopt Ordinance No. 57, 2007 as read. Motion passed 6-1. Mrs. Brickweg voted no.

ORDINANCE NO. 58, 2007. AN ORDINANCE APPROVING AND ENACTING A NEW CHAPTER 1345 OF THE CODIFIED ORDINANCES OF ST. BERNARD, OHIO, AND DECLARING AN EMERGENCY

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to let Ordinance No. 58 take its regular course. Motion passed 7-0.

ORDINANCE NO. 59, 2007. AN ORDINANCE APPROVING AND ENACTING A NEW CHAPTER 1355 OF THE CODIFIED ORDINANCES OF ST. BERNARD, OHIO AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to let Ordinance No. 59, 2007 take its regular course. Motion passed 7-0.

ORDINANCE NO. 60, 2007 AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO GRIND COMPOST AND HAUL IT AWAY AND DECLARING AN EMERGENCY.

Motion by Mr. Burkhardt, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 60, 2007.

Motion by Mr. Burkhardt, seconded by Ms. Hausfeld to adopt Ordinance No. 60, 2007 as read. Motion passed 7-0.

OLD BUSINESS

NEW BUSINESS

Mr. Burkhardt – At this time I would like to make a motion to suspend the final COW meeting of the month since we will have nothing on the agenda before the 1st.

Mr. Meier – I will second that.

Motion passed 7-0.

Ms. Hausfeld – Please bare with me because I'm not quite sure exactly how to do this or how to say this but if you guys know me, I say what's on my mind, so I'm going to say it. I might go a little bit long way around saying it so just bare with me.

Eddie I've got a question for you, I know as far as Council members, when we miss a meeting we have to make a motion to approve our absence so that we get paid. What is the policy or procedure when Administration to miss meetings so that they still get paid. I'm just curious and the reason I'm curious, Mike I commend you, you've been at every meeting since the election and I really do commend you. It takes a lot of character to sit up here. And you guys might think I'm nit picking, you guys might think I'm petty but I have had several people ask me why the Mayor has not been to meetings and I don't know of any. He has missed every meeting, COW and Council except for one since the election. I just don't think that is right. I wanted to find out what policy or procedure, if there is anything in place

because I know when we miss a meeting we have to excuse our absence with the other members and we have to vote on excusing them so that they get paid and I was just curious and I talked to a couple of the Council members and their comments were, yes I was wondering the same thing. I'm just going to say it. I just think it's ridiculous that he has not been at one COW or Council, I'm sorry, let me rephrase that, he's been to one since Nov. 5th and that I believe that was a COW if I'm not mistaken. That's a comment, nobody has to offer a suggestion or a comment but I wanted to at least voice my opinion because I have had several people that sit out in this audience or watch things on TV and see that he has not given a report, has not been showing up and unless he's sick, which I have not heard of anything, I just think it's inexcusable, personally.

Mr. Schildmeyer – I'd like to comment on that mainly because I've talked with John and John is going through a few medical things that he has to address personally, very personally. I been through it myself and I know there is some uncomfortable feelings when you go through these type of procedures, and a type of thought pattern and things like that. I know John missed a lot of meetings but he attended also a lot of meetings and I don't care for those comments that you made. It could be something very, very dear to John and very close to him and I think he wants the privacy and he doesn't want the embarrassment of something happening in the meeting.

Mrs. Brickweg – I guess my only comment to that is, and if he didn't want to do it in public that's fine. But wouldn't you at least inform Council why you're not going to be at meetings for six or seven meetings. I mean I had no idea so I'm just saying maybe Patty would not have said something, once again lack of communication with our City. Maybe if Council was informed about, you don't have to go into personal details, but John's ill or John had or is dealing with something and he won't be able to make the meetings, maybe something like that would help. Once again, it's a lack of communication that we have.

Mr. Kempe – On behalf of John, to reiterate what Mike said, John has some personal illnesses, he also had on a couple of occasions, school duties that he had to attend and they just happen to fall on Thursday night at the end of the year. I think if you look up, there were several times at the end of the year the last three years that he's had to miss Council meeting, with that besides the fact that he did have some personal illnesses that he had to deal with and those biopsies that they had to do happen to fall on Thursdays. That's just the way things fell I don't think John would snub his nose at anybody, it's just that that's the way it fell and some people like to keep those things private and I think we should respect his wishes on that.

Mr. Geiser – I never did get a chance to respond, Patty, you asked me a question on what you wanted? Are you making a statement or did you want a response.

Ms. Hausfeld – If you have a response, I'll take it. I don't mean any ill will towards John, this is strictly people that are talking to me and observations that I have seen and it would have been different if he would have just said, hey, I'm having issues, I can't explain it, it's personal, and if he would have given a report but he didn't even give a report and usually when somebody

is absent they give reports. That's what's great about being in America, we can all have our opinion and you know what, we can disagree and that's OK with me.

Mr. Geiser – This is my last legal opinion to the City. Ohio Law requires Council members to be excused from each meeting. If they are not excused, if you have so many unexcused absences you get removed from office. That's why it's done. It has nothing to do with pay. You made the comment, we don't get paid if we don't show up. The Law requires you to be excused. Again, if you don't get excused there are so many and I don't have the Law in front of me but you get removed from office. As far as members of the Administration that are here, the Law says that we are to be here when specifically requested. That's what the Law states. We're always here but that's what the Law states, when specifically requested.

Ms. Hausfeld – One last thing, with the new Administration, with the new Council coming in, I'm going to make one observation and I know people in the audience and people have told me this over the last several years. I personally and I'm speaking for the people that talked to me would like to see Administration and Council members at every meeting, unless it's excused or something like that and as far as I know we had several issues with the Tax Commissioner not being here. I think it's a great way for people to come to talk to us. There are a lot of people who work a 9:00 to 5:00 job and can't get down here during the day. I think it's a great opportunity for people to see the people that are in these positions, put a face to the name instead of just a voice over the phone. It's my personal belief that they should be here.

AUDIENCE WISHING TO ADDRESS COUNCIL

Forrest Hudson, 4297 Redwood Ter. – In reference to Ord. No. 59, I've got some confusion here because sometimes there may appear to be some abuses in different areas around town. There's reference made in here, entrance, width and exit widths being half the width of the driveway as it sits, whether it be 8ft., 10ft., or whatever. I guess my question to that part is, if you take an 8ft. driveway and it's divided by 4, does that mean that you are not allowed to park within 2 ft. of the entrance of the radius going into that driveway. The second part of that is over here you make reference to that entering taper width of 1.5 ft. There's some confusion there and I don't understand. Are we saying we can't park within 4 ft. of an entrance to a residential driveway? Are you saying 2 ft. or are you saying 1.5 ft.?

Mr. Burkhardt – Gerry and Walt aren't here but I believe they answered that question at the committee meeting and it has to do with nothing to do with parking as close. It has to do with the design of the driveway itself. It's not how close people can park to your driveway. It's the design of the driveway and how it feathers out. I believe that's what they are talking about.

Forrest Hudson, 4297 Redwood Ter. – So then what are we saying, how close can they park to the entrance to your driveway?

Ms. Hausfeld – One of the things, Forrest, and I wish you would have been here last week because Walt Moeller and Gerry Wiedmann explained it very well and people were asking questions and things were answered. One of these things, the reason this was designed is, they were having problems with people wanting to put in a driveway, that they don't already have a driveway at their house. These are actually driveway designs as far as like when their wanting to put in a new driveway or if their building a new home, what their design or measurements can be. We didn't get into the specifics like you're wanting. This is strictly if they're wanting to put in a new driveway into their home or their place of residence or if they're building a new home, how the design of it can be is what this is designed to do. If you want to meet me after the meeting and I'll jot down your questions and I'll definitely ask them those specific questions.

Forrest Hudson, 4297 Redwood Ter. – Does it specify in here new construction only or anything like that? I don't think it does. The reason I'm asking is before the City had our area redone up there we had some tremendously tight parking and I've seen people try to get in their driveways and they can't and they have to back into their neighbor's driveway to clear other cars that are parked that are jammed right up on top of the radius of the entrance into their driveway. If you look at most of the driveways up in the old subdivision there is a radius from the curb going in to the existing 8 ft. driveway. If these cars are overlapping these things, you can't get into your driveway. There are times where there are people that absolutely park right in front of their driveways and I think these are the things that probably should have been addressed in this Ordinance because there are times when those types of problems are created up there. I know that until the streets were widened and again I want to thank the City for doing that, there were probably times you couldn't have gotten a piece of safety equipment down most of the streets up there so I think we need to address exactly how close you can park to that radius, I mean if you're looking at a straight 8 ft. run as it comes out, you know you could put 2, 2 ½ ft. of a car over that radius of the entrance to your driveway and possibly not be in violation. You have to address the radius of the driveway as it meets the street. Are you permitting 4 ft. from that driveway, 2 ft. or as it says in here 1.5 ft.?

Mr. Asbach – I believe what you're talking about Forrest is covered in our current parking Ordinance. I believe that it's already in our codified ordinance. I believe this without having it accessible, I just wrote a note down to look it up, but I'm almost positive that that is covered in our current codified ordinances under parking regulations not the new construction driveway. I believe it's spelled out, but without having that in front of me, I don't know but I'll definitely look it up.

Mr. Burkhardt – the radius you're talking about Forrest is from the edge of your driveway, your apron fans out, 1.5 ft. on either side is what that means.

Forrest Hudson, 4297 Redwood Ter. – Is that from the extension of the 8 ft. driveway out to the street or from the radius of the driveway where the radius ends?

Mr. Burkhardt – No, it's from the edge of your driveway. If you have an 8 ft. wide driveway, you can only go out 1.5 ft. on either side of your apron. That's where that 1.5 ft. is.

Forrest Hudson, 4297 Redwood Ter. – So then where do you measure you 1.5 ft. if your allowed to park to or 2 ft.

Mr. Burkhardt – That would probably be from the end of your apron. We'll check the parking Ordinance to make sure.

Carrie Rutemueller, 227 Harvey Ct. - I wanted to address the Miami Erie Canal issue. I do appreciate the fact that you are suspending that and that you're going to listen to the citizens in that area. I wanted to briefly discuss though, my back yard overlooks the Miami Erie Canal. We feel very fortunate to have that land. I have lived in St. Bernard 5 ½ years, not my whole life like many of you people have and I'm from Springdale and I sometimes think you guys don't realize what you're up against for new people moving in. The lack of land that these homes have here in St. Bernard coming from Springdale and you're looking at new home owners, squeezing in housing is not appealing. I know many of you have lived here a long time maybe your whole life and maybe you're not aware of that but it's not what people really want. Also, looking at the twenty something, thirty something business people coming in, they don't want condos and apts. from most people that I know, they want their home. They want a home with a yard and family and neighbors and I just really feel that you're pushing people out by taking these steps, cutting out our limited, our very, very limited green space. I just want you to think about your neighbors first. It's very important to the younger people coming in and the people that have been here for a long time and it's very important to St. Bernard and I know all of you value St. Bernard a lot but please value your citizens.

Dick Schmitt, 4723 Baker Pl. – Laverne and I have lived there for 39 years. I came here for one purpose, now I have two. I'm here to express my concerns regarding the proposed town houses on Phillips Ave. It is safety, specifically fire. Andalus Ct. is narrow. Phillips Ave. is a treat to behold. Up and down and around, stuff like that and it would be difficult to navigate large fire apparatus on that street especially with parking. You may have to ban it all together. Two, trucks unloading at the label plant occasionally block Phillips because I know, I had to go around the other way to get there and you can't predict when that is going to occur. Three, trucks unloading at Chili Time block that side there and make it difficult to get in there. Four, has anybody considered the location of the new sewers they installed in the hillside. How are they going to impact on the houses? Quite frankly, any town house should be equipped with a sprinkler in every room including the garage. I don't know if that's on the plan or not. Have no idea. As to my qualifications to express this opinion, please note the following; I was assigned to the safety committee during my six month training in the main lab at Ivorydale. Two, toward the end of my career I was assigned to sample, analyze and report analysis to an associate director. This was done to be sure we were in compliance with OSHA rules. I'm sure you all know what OSHA is. This led to a \$3,000,000 upgrade of mixing and packing facilities at granules in the annex area. During this work, I was required to keep abreast of all OSHA rules regarding fire. I've got that. The second

reason I came up concerns my property. I have a problem and maybe you people can help. Several years ago when they were considering putting in the Seniors Citizens area and upgrading the ramp to the soccer field, Madam Mayor stopped by my house, saw me working in the yard, and told me that my property was taking part of the property and somebody had made a mistake. I have a plot showing and she goes back in my area, there is one still standing there, by a telephone pole showing the northwest limit to my block and the northeast has one but it was on the hillside and it was removed when they put in the new sewers. What she was trying to tell me is that it actually the State had deeded the entire Canal area to the City of St. Bernard. Part of my property includes that. Well I was not responsible for the drawings of this or anything like that so I don't know what the heck happened. I do know the guy that built the house was affiliated with Council at that particular time. If I've been paying for something that the State should be paying for, all this time, or haven't I? Do I have to have somebody replot that for me or should the City do that? Personally I think the City should do it. Tell me exactly where my plot is. I think the big concern about it was the fact that the way it was, the ramp to the soccer field was on my property and I guess they were afraid I was going to put a toll road in there, a toll gate.

Mrs. Brickweg – If I'm hearing your question correct, you're wondering where your property is and where the City's property is and possibly a survey.

Dick Schmitt, 4723 Baker Pl., - Yes and I think the City should pay for having that resurveyed and make sure, and give me a proper definition of my land.

Mrs. Brickweg – I don't know and Gerry is not here but I did ask a couple of weeks ago if the City was actually looking at that property, did we actually know where the City owned the property and where they did not and he said they had it surveyed so I'm not sure but I'll make a call to Gerry and see if he can get with you. I'm not saying that's going to answer your questions but he did say they had it surveyed so I'm not sure.

Dick Schmitt, 4723 Baker Pl. – Maam, Madam Mayor told me they had it surveyed and when it was surveyed somebody made a mistake, now who somebody is, I have no idea. You certainly can see the outline of the Canal Bed to begin with. How can you make a mistake like that? A shift of 10 ft., it don't make any sense to me.

Mrs. Brickweg – I have no idea, maybe the survey she's talking about is survey he's talking about, maybe it was a survey.....

Dick Schmitt, 4723 Baker Pl. – She was not specific.

Mrs. Brickweg – I'm saying maybe they've had a survey done since then, I don't know.

Dick Schmitt, 4723 Baker Pl. – That area has been surveyed about four different times since I've been there, mainly because of the sewer work.

Mrs. Brickweg – Well try to look into that and see when we had an updated survey, yes and get with you.

Dick Schmitt, 4723 Baker Pl. – Now, if I've been paying taxes on City property, do I get a refund?

Mrs. Brickweg – Ask the new Tax Commissioner.

Robert Shrenk, 429 Bank Ave. – I got here a little late so you may have already answered but I thought I'd ask. I understand there's going to be a Public Hearing on the town house issue or the issue of turning the land over to the CIC, is that correct?

Mr. Burkhardt – Yes, after I take office I'll make sure there is a town meeting before anything else is done.

Robert Shrenk, 429 Bank Ave. – Second question I have, on the Nu-Maid property and I know that there is people that probably would know, I don't know if Council knows, on that property up there, is it spelled out in writing anywhere at the present time on what can go in there as far as commercial, light industry or office only and whether there are rebates or anything like that involved or tax abatements? I know someone who is looking that has a pretty good sized business and they ask me to ask a few questions or who to contact, I don't know if it's strictly Al or Gerry or?

Mr. Schildmeyer – I'd contact Gerry and Al would probably get involved also.

Robert Shrenk, 429 Bank Ave. – OK but are there any kind of abatements or anything up there to ask?

Mr. Schildmeyer – I believe on the original developer who came in first, Terra Firma, they were talks of that and they were, and the talks took so long, it took like nine months to get this contract worked out with them and I think there was some type of abatement available back then and I would think there was something still coming up or even new stuff coming up that Al might even know about.

Robert Shrenk, 429 Bank Ave. – OK but that's who I should talk to? Either one of those two?

Mr. Schildmeyer – Yes.

David Lear, 4818 Andalus Ct. - The reason I came is because of the Canal Bed issue but I see that that has been put off for a little while so that is for another day. I normally do things on Thursday night so I can't come on Thursday nights and what I wanted to make issue with is I normally tape every meeting that you people have here on Thursday night. If I don't get to watch it on one week I'll watch it the second week. I'll watch two in a row then. I appreciate that and I've heard people say, you actually watch those. I miss maybe one or two of these because I've screwed my recording machine or something like that. I would like to see more meetings televised. I wish more people would ask for that. Anyway that's what I wanted to say.

Mrs. Brickweg – Actually, last Council meeting I suggested that's something we need to look into. I'm going to wait till probably next year to ask that Council because I had a hard time getting this Council to get Council meetings televised so I had suggested that we actually televise the COW meetings also because there's a lot more information that you can get at those meetings and I think the citizens would really like that so I don't know what people's feelings are and I ask the citizens to contact the Council people and let them know but my suggestion was that we tape every Thursday night meeting, the regular Council meeting and the COW meetings.

Norm Miller, 219 Washington Ave. – I'd like to get on the band wagon with this here Canal Bed. I repeated it over and over and over. We went over this same, Kevin was our spokesperson at the time, Mr. Meier was our Councilman, we got one sitting here that finally joined us, he got back on the band wagon with us, we fought this a long time to keep this Senior building out of there. There were issues that nobody even told the people about. Finally Council and the majority of the people here said that that's a done deal now, it's going to be park land, we're going to develop, we had the crunch on our finances, nothing's been done. Now, here we're going to start all over again, worrying the people down there, we spent I guess a couple of three years, Kevin you can correct me if I'm wrong, fighting this thing. We had to hire lawyers to do it. Now you're putting it back in the position again, I don't live down there but I got some interest down there, good interest down there so I'm part of this here and I still think why are we hiring this guy, we hired him to do Vine St., to look into Nu-Maid, why don't we get off this band wagon, we're going to go three or four more years and nothing but arguing about Council, get him off of this here Canal Bed, get him on Vine St., Nu-Maid. We're working up there by the Dairy Farmer now. Make his job, stay there and get off this. We went through the park issue up at Bertus St. for years and all you done was argue up there and finally it was a done deal. Why are we going to go through this again for a few more years, it's a ridiculous place to put something like this, it's been mentioned, it's going to be a heck of a traffic problem, if you put twenty programs down there in housing that's forty cars. You got Phillips Ave. that's backed up now used on the opposite side of the street. Forty cars, you don't think that they're going to go three stories down to a garage and come three stories to the house level if you go down and look at the end of the storage and that's where you park and go up to the living room up on Phillips Ave. you're going to choke all of the streets down there, you're making all the people down there unhappy and for what? The same thing I said, I'm not a speculator. Why would I speculate like Al wants to do? Who wants to go down there and buy a \$300,000 condo that doesn't have a front yard, my view is smoke stacks with smoke coming out of them, hoping that something is going to happen on Vine St. Tell this guy what we want, we want a Vine St., we want to redo Vine St. Let's do it and get him off of this wasting his time and our time with a project that we went over four years, five years ago, now here we're starting all over again. Now we'll argue about it until the next election, I think the incoming Council, we've got some of them sitting here, get on the band wagon and let's work on projects and get the projects done and not talk about them for three or four years.

Mr. Zix – I'd like to make one more statement. I've been on Council for many years, on and off. I was off for a while and back on again. I've tried to give something back to the community through my experience in government and business. Tonight I've seen something totally different. For many years we've discussed and argued our points on Council and Administration, but we've never showed hatred. I suggest we become more respectful of each other and work to make this a better City.

Mr. Burkhardt – The next Council meeting will be January 1st the Inaugural Meeting at 3:00p.m. The regular Council meeting will be January 3rd at 7:30p.m. The next COW will be January 10th at 7:30p.m. One more thing, do we have an update on contract negotiations before we end the year?

Mr. Kempe – I can give you that if you want to go into Executive Session.

Motion by Mr. Burkhardt, seconded by Mr. Zix to go into Executive Session after the regular meeting. Motion passed 7-0.

Mr. Walden – The December 20th, 2007 meeting of the St. Bernard City Council is back in session. Council was in Executive Session to discuss contract negotiations.

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