

**ST. BERNARD CITY COUNCIL MEETING  
AUGUST 20, 2009**

The regular meeting of the St. Bernard City Council was held Thursday, August 20, 2009 in Council Chambers.

President of Council, Mr. Curtis Walden – The meeting was opened with a prayer followed by the Pledge of Allegiance.

Roll call showed that all members were present: Mr. Tobergte, Mr. Peck, Mrs. Bedinghaus, Mrs. Brickweg, Ms. Hausfeld, Mr. Meier and Mr. Zix.

Mr. Walden – Before we begin with the regular order of business tonight I’m going to turn the meeting over to Mayor Burkhardt to introduce a special guest.

Mr. Burkhardt – Please welcome, Ms. Amanda Tempel; daughter of Stevie and Bill Tempel; she has been selected by the Miss Ohio USA Pageant Selection committee to compete for Miss Ohio, 2010.

Amanda and her family are lifelong residents of St. Bernard. She attended St. Bernard Elementary, St. Clement School and Roger Bacon High School. She also attended Kent State University and has recently transferred to Raymond Walters where she is studying business.

Amanda has spent many hours volunteering in the community with the Girl Scouts and schools she attended. Currently she is volunteering with “Girls on the Run” which is a non-profit organization that helps preteens build their self esteem and encourages healthy lifestyles through running. Amanda took part in this program while she attended St. Bernard Elementary.

Please join me in congratulating Amanda and wish her all the best. We are very proud to have such outstanding representation of our community.

Miss Tempel – Thank you and for those of you who do not know me, my name is Amanda Tempel, daughter of Bill and Stevie Tempel and granddaughter of Clare Tempel. I am running for Miss Ohio USA, 2010 and I wanted to say thank you to all of those who helped sponsor me by buying candy bars and donating money. I’m so lucky to have the support of my community and hope to bring the title and crown back to the beautiful city of St. Bernard. I truly appreciate all the support and thank you once again.

Mayor Burkhardt – Thank you and good luck.

Mrs. Brickweg made a motion to dispense with the reading of the minutes. Mrs. Bedinghaus seconded the motion. Council agreed 7-0.

**REPORTS OF CITY OFFICIALS**

MAYOR, Mr. Burkhardt – The Mayor’s Monthly Court Report Receipts for July 2009: Mayor’s Court fines were \$3,061.00 and costs of \$336.00. Parking fines of \$113.00. Mayor’s Court Computerization of \$138.00 and Clerk of Court

Computerization was \$460.00. Bond Forfeiture of \$881.00. Total to the City was \$4,989.00. State fees: Victims of Crime \$441.00 and General Revenue \$735.00. Indigent Driver's Alcohol Treatment Fund of \$54.00, Indigent Defense Support Fund of \$180.00 and the Drug law Enforcement Fund of \$126.00. Total to State was \$1,482.00. Total Disbursements were \$6,525.00. \$220.50 being held in account for the Indigent Alcohol Treatment Fund until further notice from the State.

If you weren't able to attend the "Dog Days of St. Bernard" you missed a great day. The event was very well attended and we look forward to expanding the event next year. A big thank you goes to everyone that participated and helped in the preparation of this event. A special thank you to Rodney Chatman for all his hard work on getting that event organized.

Next Tuesday, August 26<sup>th</sup> at 7pm in the lower level of City Hall there will be a Department of Health meeting to discuss the need for nursing services for the public school district.

Also, just a reminder that the next Vine Street Streetscapes meeting will be held Tuesday, September 1<sup>st</sup> at 7pm in the lower level conference room at City Hall.

AUDITOR, Mr. St. Clair – (read by Mr. Sipe) The month of July reports for the City's investments and the balances in our various bank accounts have been given to each Council member and the Treasurer.

As discussed at the COW, the Auditor's Office has prepared Ordinance No. 34, 2009. This Ordinance provides for additional appropriations in the General Fund and the Swimming Pool Fund. The line items and amounts in the General Fund are Police Equipment Outlay for \$11,112, Service Department overtime for \$35,000 and Part-Time Employees for \$25,000. In the Swimming Pool Fund, line items increases are managers for \$3,000 and employees for \$12,000. Details on these increases can be found in the COW report. This Ordinance also provides for an appropriation adjustment increasing the line item for law Director Court Expenses by \$400 with a corresponding decreased appropriation to Law Director Equipment Outlay.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Absent.

Mr. Walden – We need a motion later to go into Executive Session to discuss her report.

TREASURER, Mr. Sipe – No report.

SAFETY DIRECTOR, Mr. Chatman – Rather than give out a bunch of individual thanks to all that helped with the preparation and the actual putting on of the two programs that we had, the "Murder She Wrote" and the "Dog Days of St. Bernard", I just wanted to say a blanket "thank you" to all who participated and helped in the organization of both of them.

As a result of that the Mayor has graciously allowed us to, on Sept. 12<sup>th</sup> which is the last day that the pool will be opened, to open the pool up from noon to three for everyone to bring their dogs down for a last blast in the pool and let the dogs have a big swim in the Vine St. park pool. So Sept. 12<sup>th</sup> from noon to three we will have a doggie swim much like the other communities have done and it ought to be a blast as well.

Other things that I wanted to bring up is that there had been some talk of doing a personal safety academy and I have tentatively set that for Sept. 29<sup>th</sup>. This is a program which will stress to all of the participants how not to be chosen as a

victim. I've been part of these types of programs in the past and they are excellent and eye opening. They are more mental than physical so you don't have to be a seventeen year old strapping bust to come and get something out of it. There will be more information about that coming up.

SERVICE DIRECTOR, Mr. Stegman – Please pass Resolution No. 16, 2009 which will let the Mayor apply for State Capital Improvement Program Funds, also Ordinance No. 35, 2009 which lets me apply for the funds. Please pass Ordinance No. 34, 2009 for the overtime needed for the Service Department and regular pay for our part time employees.

We moved the bulletin board from Greenlee & Jefferson one block down by Greenlee Park at Johnson Lane.

We sold all the police cars. We received \$3300.00 for one and \$3250.00 each for the other four. The black Chevrolet went for \$1520.00.

Up at Alpine all the light poles were painted and the one pole was replaced today. I would like to go into Executive Session after the meeting to discuss issues at the landfill.

Mr. Walden – Also, Mr. Stegman, I understand there is also a matter of pending litigation.

Mr. Stegman – Yes, Mr. President.

TAX COMMISSIONER, Mr. Geiser – The Tax Board of Review met yesterday at 3:00 to discuss issues in the Tax Dept. and bring things up to date and hear some appeals. Also Tues. the Records Retention Commission met, headed up by President of Council, Mr. Walden. One of the things discussed, I'm trying to work on a model retention schedule for all the depts. to use as a model, which includes the document imaging which eventually the whole City will have. I'll continue to work on that and I'll have that back to the Records Committee within a couple of weeks. As far as imaging goes, we have completed all from January 1<sup>st</sup>, 2009 up to present and we're starting to work our way back. Over sixteen thousand documents have been imaged.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Zix – No report.

SAFETY, Ms. Hausfeld – The Safety Committee met last week just to be informed about a Grant that we wanted to look into called the Safer Grant for the Fire Dept. I just wanted to thank Chief Scherpenberg and his men for showing up to inform not only the Safety Committee but also Rodney about this Grant. Right now there is a hold or freeze on this Grant but when that freeze is lifted, Chief Scherpenberg will get my committee more information along with Rodney and we will report back to the citizens and Council.

SERVICE, Mr. Tobergte – No report.

PUBLIC IMPROVEMENTS, Mr. Meier – The Public Improvements Committee met this evening at 6:30 prior to the meeting. We're discussing the pros and cons of a Community Development Corporation, a CDC, to focus on the residential housing of the City. We're going to meet again next Thursday before the COW at 6:00 pm to continue that discussion.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – I want to call a Committee meeting for Sept. 3<sup>rd</sup>, '09 at 6:45pm. before the next Council meeting. This will be in regard to the whole house clean outs Ordinance that we've seen that the Law Director has passed out in Committee.

BUSINESS AND INDUSTRY, Mrs. Brickweg – I have a couple of things. I've been walking around talking to some businesses and I would like to put something on the COW for next week. Basically it seems like a lot of businesses are getting disappointed that, not only City leaders but citizens are not supporting businesses. If we want these businesses to stay, that's what we need to support. I'd like to put it on the COW that we can look at various businesses and see how the City itself can support the business maybe through catering or buying drinks from them when we have a City event instead of going outside the City. Try to figure out a way that we can encourage the citizens that if we want the businesses we need to support them. Otherwise they're going to leave and they're going to be vacant. I want to put that on the COW.

Secondly, I wanted to thank Rodney. "Dog Days" was a blast. All my dogs had a blast, but above that, the program was, I put it third behind doing the fire training and riding with the Police. That was just so awesome, I was totally impressed and have a whole new light, and found myself getting on the internet the next day, researching it and trying to get the 48 hours in DVDs. But it was very, very interesting and you did a great job and they did a great job and for those that didn't make it you missed a great program.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – No report.

Mrs. Brickweg – The COW report has been submitted to the Clerk.

**COMMITTEE OF THE WHOLE REPORT  
AUGUST 13, 2009**

**NEW OR REFERRED ITEMS:**

1. Approved the minutes of the August 6<sup>th</sup> council meeting.

**REPORTS OF ADMINISTRATIVE OFFICIALS:**

**Mayor, Bill Burkhardt:**

1. Bill informed council that the public meeting about building new homes at the Bertus Street Park area was well received. The plans and drawings that were displayed at the meeting showed four or five new homes with a tot lot. After discussions with the citizens, Bill decided that four homes with larger lots would be more attractive to home buyers. Gerry Weidmann is currently working on grants and obtaining bids for preparing the land for development. When the land is leveled Bill will bring updated plans to council regarding housing requirements. Bill will then ask for council's approval of the project. The lots will be distributed by a lottery system, the same as the Angel Way lots were. Patty stated that she is not sure how she feels regarding building new homes on the property.
2. Bill informed council that he will be meeting with school representatives regarding the needs they are requesting of our City Nurse.
3. Bill asked council members to inform Elaine when they will be having committee meetings so she can make sure they are published.

4. Bill announced that Lou Steiner accepted a new three year term on the Tax Review Board, which council approved.

**Auditor, Walt St. Clair:**

1. Walt asked council for an ordinance with the following additional and adjustment appropriations: (Council voted 6 to 0 to place these in an ordinance for the next council meeting.)
  - A. \$11,112.00 from the general fund to the police equipment outlay line item. This is for money received from a grant for equipment that was put into the general fund when it was received.
  - B. \$400.00 from law director equipment to court expenses.
  - C. Additional appropriations of \$3,000.00 to swimming pool managers and \$12,000.00 to the swimming pool employees. Bill will discuss staffing issues for next year with the recreation director.
  - D. Walt informed council that Judy and he will be leaving at the end of 2011 and that the City may want to look into having a part time – elected Auditor along with a full Deputy Auditor and a full time Auditor Clerk.

**Law Director, Kate Bedinghaus:** Kate informed council on her findings regarding the City creating a Deputy Tax Commissioner position. She stated that the Charter does not need to be opened to create this position because it is within council's authority to create a new position if it deems necessary for a department. Kate reviewed written job descriptions, coupled with a review of the Ohio Revised Code and applicable case law and she concluded that the position does not need to be a "classified" position under civil service. If the position would be made classified the duties of the position would need to be revised. If the position is "unclassified" then all council needs to do is create, by ordinance, how the position may be filled. Patty stated that she is not in favor of the position being "appointed". Ed suggested that it could be a "contracted" position. Bill will get with Ed and Kate and work on a criteria for the position and report back at the next COW.

**Safety Director, Rodney Chatman:**

1. Rodney reminded everyone about the Dog Days of Summer event on Saturday, August 15<sup>th</sup>, from 10:00 to 2:00 at the pavilion.
2. Rodney reminded everyone to sign up for Nixtel updates from the Police Department.
3. Rodney is currently working on a task force to work on "public nuisances".
4. Rodney held a meeting for an "Employee Appreciation" dinner and he will have more information to follow.
5. Rodney reminded everyone that on Tuesday, August 18<sup>th</sup> at 6:30 PM the Block Watch group will hold a "Murder She Wrote" demonstration where they will work with homicide detectives to learn how cases are handled and solved.

**Service Director, Phil Stegman:** Phil was absent; Bill and Gerry read his report.

1. Phil requested additional overtime and employee pay needed for the Service Department. This will help the department to make it to the end of the year and be able to keep grass cutters on till the end of September and provide employees to help remove the Tennis Lane swimming pool and bath house. Council approved 6 to 0 to place it in an ordinance for the next council meeting.
2. Gerry asked council for a resolution needed to apply for a SCIP grant to work with the City of Cincinnati to repair Mitchell Avenue. Council voted 6 to 0 to place a resolution on the table for the next council meeting.
3. Gerry asked council for an ordinance to apply for the above SCIP grants. Council voted 6 to 0 to place an ordinance on the table for the next council meeting.

4. Gerry informed council that he was notified from OKI that St. Bernard will be receiving \$480,000.00 and possibly up to \$860,000.00 from OKI for the repaving of Vine Street from corporation line to corporation line. He stated that this was one of the “Shovel Ready” grants that Peggy informed his department of and asked for them to apply for. The City will need to pay for the engineering and inspections of the project which at the most would be \$110,000.00.
5. Phil reported that the Vine Street rail road intersection will start to be fixed on Monday, August 17<sup>th</sup>.

**Tax Commissioner, Ed Geiser:**

1. Ed reported that the Tax Board of Review will be meeting on August 19<sup>th</sup> at 3:00 PM. Most of the meeting will be closed due to discussing confidential matters.
2. Ed informed council that he is working on creating one tax ordinance that would contain all the tax rules and regulations, similar to what other municipalities are doing. He will give a copy to the Laws, Contract and Claims Committee for them to review when he gets it completed.

**Treasurer, Jamie Sipe:** no report

**REPORTS OF STANDING COMMITTEES:**

**Laws, Contracts and & Claims, Mike Peck:** Mike reported that he will be holding a committee in the near future to discuss an ordinance regarding whole house clean ups.

**Public Improvements, Kevin Meier:** absent, Peggy reminded everyone that Kevin’s committee will be meeting on August 21<sup>st</sup> at 6:30 PM, before the council meeting to discuss residential housing stock.

**Business & Industry, Peggy Brickweg:** Peggy informed council that the Hamilton First Suburbs asked her to inform council that the Hamilton County Public Library is placing a levy on the November ballot. The First Suburbs is considering endorsing the levy and wanted feedback from its member’s councils. Council agreed it was fine for the First Suburbs to endorse the levy.

**Safety, Patty Hausfeld:** Patty reported that she had a committee meeting on Wednesday, August 12<sup>th</sup> with the Safety Director, Fire Chief and some Fire Fighters to discuss the Fire Department applying for the “Safety Grant” which provides funding for Fire Fighters salaries, training and equipment. The rules of the grants are currently being revised. Chief Scherpenberg will give a detail on how the grant works to council at the next COW.

**Highways & Transportation, Cindi Bedinghaus:** no report

**Service, Don Tobergte:** no report

**Finance, Greg Zix:** no report

**Audience Participation:**

Joe Lengrich thanked council for appropriating the funds for the Service Department. He explained that the department is still down seven employees since 2005 which saves the City over \$350,000.00 a year. He explained that the employees are very needed to get all the work done. He also asked the City to give a lot of thought into where the new Service Department building will be built when the highway construction starts.

Lou Steiner spoke on the following issues:

1. He stated that council should look at the committees it has formed and see if they are all needed and possibly make a rule that committees meet 10 times a year, with the first four meetings being between January and June.
2. He stated that the City may want to look into hiring a Finance Director in place of an elected Auditor.

3. He stated that if the City is going to build new homes on the Bertus Street Park property the City must get a “Marketing Plan” to promote St. Bernard to other communities.

Forrest Hudson stated that the Civil Service has been working with Ed Geiser regarding the position of a Deputy Tax Commissioner and that the commission feels it should be a “classified” position. Forrest also stated that grant information for the Police and Fire Departments, such as the Safety Grant was given to the past administration during the layoffs, but nothing was ever done to obtain any of this grant money.

**Ordinances and Resolutions for the next council meeting:**

1. Ordinance of additional and adjustment appropriations
2. Ordinance to go out for SCIP grants
3. Resolution to work with the City of Cincinnati on SCIP grants to repair Mitchell Ave.

Next Council Meeting August 20<sup>th</sup> : at 7:30 P.M.

Next C.O.W. Meeting August 27<sup>th</sup> : at 7:30 P.M.

**COMMUNICATIONS**

Dear Council Member,

After reviewing a communication from law Director, Kate Bedinghaus, the Civil Service Commission would like to reiterate three points of recommendation regarding the Deputy Tax commissioner.

First of all, the Deputy Tax commissioner position should absolutely be classified as a Civil Service employee. Civil Service Rule III, ORGANIZATION AND DUTIES, Section 2, “e” pursuant to ORC 124 states “Classify new positions and reclassify existing positions as appropriate.”

Secondly, the opening should be filled by a person bearing an educational degree. If given the same duties as the Tax commissioner when this officer is absent, this is an obvious need.

The third point is the opinion that applicants must participate in the Civil Service testing process.

These recommendations were made because the Commissioners believe the job should not be subject to possible political changes. This position requires a particularly high level of professionalism, ethics, efficiency and confidentiality. The fact is that handling City revenue is a specialized responsibility.

The Commissioners hope that City Council will take these important points under consideration before making any decisions.

Yours Truly,

Linda K. Carberry,  
Secretary

Motion by Mrs. Brickweg, seconded by Mr. Peck to receive and file the communication.

**REMARKS**

Mrs. Brickweg – I’m not going to go into a lot of detail because they can read it in the COW report but this was discussed there and Kate, the City Solicitor, gave us her legal opinion and basically said that if we did go classified we’d have to change the description and make it work around that. She felt legally that this would not have to be classified and Ed and Bill and Kate will get together and they’re going to work on drawing up a criteria and what they would like the job

description to be and put it in Ordinance form for Council to vote on. But I went into a little more detail in the COW report if anybody would like to read it.

Mr. Burkhardt – Was that signed by all three Commissioners?

Mrs. Kathman – No, it was just signed by Linda Carberry.

The motion to receive and file the communication passed 7-0.

## **RESOLUTIONS AND ORDINANCES**

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to read this evening's Resolutions and Ordinances by title only. Motion passed 7-0.

Mr. Walden – I believe we have Resolution No. 13, 2009 up for its third reading.

**RESOLUTION NO. 13, 2009. A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF ST. BERNARD AN AMENDMENT TO ARTICLE II ENTITLED “LEGISLATIVE AUTHORITY”, SECTION 2.03 ENTITLED “COMPOSITION AND TERMS OF OFFICE” OF THE CITY OF ST. BERNARD CHARTER, REQUESTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO PLACE THE PROPOSED AMENDMENT ON THE BALLOT FOR THE NOVEMBER 3, 2009 ELECTION, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Resolution No. 13, 2009 as read. Motion passed 5-2. Mrs. Bedinghaus and Mr. Zix voted no.

**RESOLUTION NO. 16, 2009. A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR FISCAL YEAR 2010 STATE CAPITAL IMPROVEMENT PROGRAM FUNDS AND IF FUNDS ARE AWARDED TO EXECUTE GRANT AGREEMENTS ON BEHALF OF THE CITY AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Mr. Peck to suspend with the second and third reading of Resolution No. 16, 2009. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Resolution No. 16, 2009 as read. Motion passed 7-0.

Mr. Walden – Ordinance No. 33, 2009 is on the table for its second reading.

**ORDINANCE NO. 33, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO ADJUST CERTAIN APROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to suspend with the third reading of Ordinance No. 33, 2009.

## **REMARKS**

Mrs. Brickweg – This is the Ordinance that was voted on to go its regular course at the last Council meeting which allows the Tax Commissioner to pay some of his part time employees that are working. He's not asking for additional funds, he's just asking to transfer so I'm hoping that we can pass this tonight so his employees can be paid.

Mrs. Bedinghaus – I have a question about the transfer of funds. Even though that's coming out of the Deputy Tax Commissioner Line Item, that money was appropriated for the Deputy Tax Commissioner but that has not been approved yet so basically that money should or could that money be transferred since it really was not, it was allocated for that but we don't have the Deputy Tax Commissioner yet? Understand what I'm saying?

Mrs. Brickweg – The Auditor is not here and neither is the Law Director so I don't know who we're going to ask but I don't know if anybody else can remember but haven't we transferred money, I think we've transferred money out of this before and it was in agreement as Kate has been working on that for quite a while. Right now that's because Ed couldn't hire anybody to do the work that Council told him that he could go ahead and have part timers do the work. Now I understand what you're saying but I know we have and I know that's what we told Ed to do. I'm not sure and Jamie I hate to put you on the spot.

Mr. Tobergte – There was \$14,000.00 transferred out of that account.

Mr. Zix – I think that if the budget funded you can transfer the money out of whatever line item, even if the position has not been created. The budget is an estimate of the City's expenses, so yes you can transfer it out.

The motion to suspend did not pass 5-2. Mr. Tobergte and Mrs. Bedinghaus voted no.

Mr. Walden – As Council is aware a vote of 6-1 is necessary to suspend so Ordinance No. 33, 2009 will need to take its regular course and be up for its third reading at the next Council meeting.

**ORDINANCE NO. 34, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 34, 2009 and declaring an emergency.

## **REMARKS**

Mrs. Bedinghaus – Within this Ordinance there are quite a few appropriations for extra monies for overtime for the Service Dept. and part time employees. The overtime and extra money for the part time employees within the Service Dept. is well warranted based on that the over time is relative to the two snow removals that they had and the two wind storms. In the employees money allocated for that, the extra \$25 is to keep the nine part time employees working during the grass cutting and so forth maintenance of the City while the full time employees take the time to take out the Bertus St. and Tennis Ln. swimming pools which are very much needed and that would cost a lot of money if you went anywhere else to get

it so that's much warranted. I will be voting for this but I still have to comment on the swimming pool managers with the extra \$33,000.00 and the swimming pool employees with \$12,000. Originally we had over \$15,000 allocated for the swimming pool managers and \$80,000 for the swimming pool employees. With the weather this year we didn't have that great of weather. It really wasn't that hot for a number of days, we had a lot of rain. The staffing down at the pool should have been flexed in my opinion and according to citizens that have talked to me should have been flexed differently in order to stay open if need be but not to have all of the workers down there. I think that next year that needs to be looked at a lot because I think that this is a lot of extra money for what we allocated for that.

Mr. Tobergte – I'd like to have Bill on the turn out on the pool and stuff, did we ever go for grants for that?

Mr. Burkhardt – No, I don't know if there are any grants available for that type of demolition or not. Usually with housing and that, we do. There's usually grant money to tear housing down for renewal but as far as the pool goes I haven't heard JMA say anything and they're usually on top of that.

Mr. Tobergte – On Tennis Lane, are you tearing out the bathrooms out up there too?

Mr. Burkhardt – We probably will. My long term plan is to put a shelter house up there with bathrooms, kind of like an area five picnic area.

Mr. Zix – I don't know if anybody has been up that way today, but I was up there today. They're doing a really good job up there. I'd say a bang up job but that is literally what they're doing. They're really doing some heavy duty construction and the Service Dept. is doing a fine job.

Mrs. Brickweg – I just wanted to thank, I know that the citizens up on Tennis Ln. have been saying for a long time that it has been such an eyesore with people hanging out there and jumping over the fence and stuff and I just wanted to give a big thank you to them and we're finally getting rid of it.

The motion to suspend with the second and third reading passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Ordinance No. 34, 2009 as read. Motion passed 7-0.

**ORDINANCE NO. 35, 2009. AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO APPLY FOR FUNDING GRANTS THROUGH THE OHIO PUBLIC WORKS COMMISSION'S (OPWC) STATE CAPITAL IMPROVEMENT PROGRAM AND ENTER INTO AN AGREEMENT WITH THE CITY OF CINCINNATI FOR CERTAIN JOINT FUNDING APPLICATION(S) AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Mr. Peck to suspend with the second and third reading of Ordinance No. 35, 2009.

## **REMARKS**

Mrs. Brickweg – Just so the citizens know the reason for this Ordinance is, and the City of Cincinnati has been working with Gerry and Phil on the rehabilitation for Mitchell Ave. and so we're going to go in together and go for the SKIP Grant and work with the City of Cincinnati to repair Mitchell Ave.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Ordinance No. 35, 2009 as read. Motion passed 7-0.

## **OLD BUSINESS**

Mr. Tobergte – I would like to make a motion to go into Executive Session at the end of the meeting to discuss possible litigation concerning the landfill.

Mr. Peck – I'll second.

Mr. Walden – A motion by Mr. Tobergte, seconded by Mr. Peck to go into Executive Session to discuss the landfill which Mr. Stegman reported earlier is a matter involving pending litigation.

The motion passed 7-0.

Ms. Hausfeld – I also want to go into Executive Session to discuss a personnel issue.

Mrs. Brickweg – I'll second that.

Mr. Walden – A motion by Ms. Hausfeld, seconded by Mrs. Brickweg to go into Executive Session to discuss a personnel matter.

The motion passed 7-0.

## **NEW BUSINESS**

None.

## **AUDIENCE WISHING TO ADDRESS COUNCIL**

None.

Mrs. Brickweg – The next COW meeting will be Thursday, Aug. 27 at 7:30.

Council went into Executive Session.

Mr. Walden – The regular meeting of the St. Bernard City Council is back in session. Council was in Executive Session discussing pending litigation and a personnel issue.

A motion was made by Mr. Zix, seconded by Ms. Hausfeld to adjourn. Motion passed 7-0.

