

**ST. BERNARD CITY COUNCIL MEETING
NOVEMBER 17, 2005**

The regular meeting of the St. Bernard City Council was held Thursday, November 17, 2005 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 five members were present: Mrs. Brickweg, Mr. Schildmeyer, Mr. Wilson, Mr. Stegman, and Mr. Zix. Mr. Burkhardt and Mrs. Kalb were absent.

Mr. Wilson made a motion to dispense with the reading of the minutes. Mr. Stegman seconded the motion. Council agreed 5-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Estep – I just want to thank everybody who ran for a position in last weeks election. I commend everybody who stepped up to try to do things better and make the City a better place to live. Congratulations to all those who won a seat, whether it is official or unofficial yet and I look forward to working with everybody. The election is over so I'm sure that we'll all move on and this could be a very positive experience for everybody.

The other note was, I was part of the team that interviewed the applicants for the one or possibly two new police officers and I was very impressed with several of some of the applicants and I'll let Jonathan Stuchell expound more on that if he cares to in his report.

AUDITOR, Mr. St. Clair – The month of October reports for the City's investments and for the balances in our various bank accounts have been distributed to Council and the Administration.

Before Council tonight is Resolution No. 8, 20005. As discussed at the COW, this Resolution supports the City's efforts to enter into a self-insurance purchasing cooperative for employee health benefits. This cooperative is sponsored by the Center for Local Government.

Also before Council tonight is Ordinance No. 42, 2005. As discussed at the COW this Ordinance provides additional appropriations, appropriation adjustments and appropriation reductions.

DIRECTOR OF LAW, Mr. Geiser – Before Council tonight is Ordinance No. 41, 2005 as requested at the COW. This is the Ordinance approving and codifying the rules of Council which have been in effect for some time by voice motion. We are codifying them bringing them into the codified book. I'd like to extend special thanks to the Service Dept., I mentioned to a number of members some time ago that I was in need of additional storage in my office. Dave Fossaluzza met with me, went through the office and showed me what I had and what I could use and a couple of weeks later I found a very nice book shelf in my office. Again special thanks to the Service Dept. for finding that for me.

On a different note, last week I was driving up Mitchell Ave. and saw a young driver blow past a school bus, probably going 35, 40 mph. where the

school bus was stopped and the stop sign was out the side of the bus. It's frustrating to see that, especially dealing in law enforcement that people don't understand the law or they tend to forget the laws. As we say in the Court system, ignorance of the law is no excuse. Probably since the beginning of the school year I've probably seen people blow past school buses and not stop for them. When a person takes the drivers test it seems like they never have any reason to update themselves on the current laws or for that matter any laws that have changed. I thought about, with being on TV, on occasion reviewing the section of law that people might need to be reviewed about and I'd like some feedback on it, if Council and the Citizens like that idea. But specifically tonight, since I saw this incident and you think of the children involved with these school buses and this car flying by, I just want to remind people of section 4511.75 of the Ohio Revised Code: that any vehicle which meets or overtakes a school bus discharging children in either direction must stop ten feet from the bus both from the rear or front of the bus. This car was going in the same direction as the bus. It is no defense to this violation that the red automatic stop sign was not present or failed to extent so you can't go into court and claim that just because the stop sign wasn't there on the bus, you didn't have a violation. You'll be found guilty.

The last point I would like to make is that traffic in both directions must stop under Ohio law. Only when there is a highway with four or more lanes of traffic, so there have to be traffic lanes, so the cars in the opposite direction do not have to stop. Just wanted to review that for the people so that we know that these are children involved and it is very frustrating to see that happen. Remember, it only takes a couple of seconds to stop, you might save a child's life.

TREASURER, Mr. Bollmer – No report.

SAFETY DIRECTOR, Mr. Stuchell – Just to give you an update, this Tuesday, the Mayor, myself, the Police Chief and Lt. Ungruhe conducted interviews with our four candidates. We will be making a conditional offer to one candidate and another upon the retirement of Officer Kleinfeldt. I would like to thank all of those involved in the interview process for their time and efforts to select the best possible candidate. Hopefully we will have a new officer on the road next month some time.

I would also like to give our citizens an update on a current campaign to assist emergency services personnel in contacting next of kin in emergency situations. It is called the Cell Phone – In Case of Emergency Campaign (ICE). The idea is that you store the word "ICE" in your cell phone address book, and along with it you enter the name of the person you would want contacted "In case of an emergency." In an emergency situation, emergency services personnel (police, fire, EMS, hospital staff) will be able to quickly find out who your NOK are and be able to contact them to assist you and your family in this emergency. It's so simple that everyone can do it. For more than one contact name you could enter them as ICE2 or ICE3, etc. Since a large majority of people have cell phones ready at hand this is a good way to use technology to assist you in an emergency.

Also, for the citizens convenience there is an updated version of the St. Bernard Codified Ordinances that can be referenced on the Police Dept. web site, www.stbernardpolice.org.

The Fire Dept. has received two LIFENET MONITORS through a grant program with Christ Hospital. They will be used on our two ambulances which will allow paramedics to send electrocardiogram results immediately in real time via cell phone to the hospitals Lifenet Receiving Station. The process which usually takes less than a minute can save more than an hour in the time that it takes to diagnose and begin heart attack treatment. These two packs are valued at over \$30,000 and are free for participating in the program. Our paramedics will begin training on these units and we can expect these to be in use very soon.

SERVICE DIRECTOR, Mr. Kempe – No report.

TAX COMMISSIONER, Mrs. Williams – No report.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Stegman – The Finance Committee urges passage of Ordinance No. 42, 2005. Also the Finance Committee will be meeting on November 29th at 6:30. We'll be going over the 2006 budget with the new the new Council members. We also hope that the department heads can be there to answer any questions for their line items. I would also like to wish everybody a Happy Thanksgiving.

SAFETY, Mr. Burkhardt – No report.

SERVICE, Mr. Wilson – I don't have a report tonight, but I just want to congratulate the Roger Bacon Lady Spartans who had an undefeated season. They went 29 and 0 and won the State Championship Game. We ordered signs to place at the gateways to St. Bernard and when the signs come in we will have the team honored at our next Council Meeting.

PUBLIC IMPROVEMENTS, Mr. Schildmeyer – No report. But I do want to take the time thank our EMS paramedics, Joe Barnes and Dave Strotman for assisting my mother in a time of emergency over the weekend. They did an outstanding professions job and got her over to the hospital and everything worked out fine and I do want to thank them.

LAWS, CONTRACTS AND CLAIMS, Mrs. Kalb – No report.

BUSINESS AND INDUSTRY, Mrs. Brickweg – I attended the First Suburbs monthly meeting this morning. There were guest speakers from the center of local government and the Hamilton County Development Corp. Both of these speakers gave presentations on what their organizations can do for members of the First Suburbs. One of the ideas that I think our City could benefit from is their work with assisting Cities in purchasing vacant and blighted properties and revitalizing it. I will follow up with them to get some more information and report back.

It was also announced at this meeting that the City of St. Bernard had agreed to work with Dr. Romanus on the study of our City. This was a surprise to me since the City has never officially voted on this or approved the funds for this project. I did contact Dr. Romanus this morning and learned that he had been in contact with Gabe Sanders from Fifth Third Bank regarding this and I explained to Dr. Romanus that is very nice of Mr. Sanders to help with this

but we'll need a City representative and we need to get Council's approval for the project and the funds for it. He said he is working on a proposal, he was trying to get it to me this afternoon, but it might take some time to get the numbers together. What he is asking us for is a fee to basically pay for the staff and the research. His originally amount was \$10,000. Today he said it could be \$10,000 plus \$5,000 because they also want to add in the spring quarter, they want to do it as a study for one of the planning classes so they would actually study and would come up with plans for us so that the extra. As soon as I get a copy of it I will give to everybody and we can discuss it at the following COW.

The other thing is I was wondering if I could get Council's feelings on a City Manager. I had asked last week about this, I was looking into the process of opening up the Charter to possibly include a City Manager. I have got copies of Charters from four other municipalities, but it looks like there is different ways to go about this and it would depend on what Council's wishes were so before I continue this I was wondering if I could get Council's feel on this if they would like me to continue looking into opening up the Charter or not. So Mr. President I don't know if I can ask, could anybody respond?

Mr. Walden – If anyone has any remarks, that would be fine.

Mrs. Brickweg – Yes, thank you.

Mr. Schildmeyer – I personally have no interest in opening up the Charter or going in any direction for a City Manager. I think a City Manager would come in and try and change way too much that has been established for the last 56 years.

Mr. Wilson – Peggy, I would be interested in seeing what you have and taking a look at it. I'm definitely interested in it and hiring a City Manager.

Mr. Stegman – I'd like to see it be put in a committee and discussed to find out what form or way we are going to use a City Manager. A City Manager in several different communities are used for various things and before I think we could implement it or open the Charter I think we have to let the residents know how we're going to do it and how Council and Administration is going to handle that procedure before we actually open up the Charter. Its unchartered waters I'd like to see us look into and see if it fits for the City but before we find out what that entails with this person that we're going to hire, what kind of expense it's going to be and what is it actually going to do for the City. That's why I would like to see it in committee and find how it's going to be used first.

Mrs. Brickweg – The main question I have is, if it does work out, would you be open to opening up the Charter because that is the whole process in itself. There are a couple of different ways you can go about it, I understand that by reading this that there are different City Managers, some have more powers than others and I totally agree with that, we really need to look into it. The question is, even before we get to that point I just want to see if Council is even open to opening up the Charter.

Mr. Stegman – I'm in favor of it but I'll be voting from the outside, out there in the audience by next year.

Mr. Zix – Mrs. Brickweg, I would like to find more information out. I'd like to know what type of City Manager, since its Council Manager form of government, which is most popular in Ohio. I'd like to know who hires him/her, who does the interviewing, what's the process opening up the Charter, I don't even know what the process is of opening the Charter. Its my understand, the Mayor opens the Charter, even though I think Joe's doing a good job. I think that Joe's doing a wonderful job, but I would like to know that too. I really wouldn't answer right now to that until we had more information.

Mrs. Brickweg – And Joe could be considered for the City Manager too. Its just a position and I guess at this point, Eddie if you could get me any information, I know there are two different ways to go and if Council is at least thinking about it, if you could get me some information on how that would work with Council's favor to open it up, at least that will start a process and I'll keep researching the Charters that I have and get a packet together for everybody but I'm still waiting for some to be mailed to me.

HIGHWAYS AND TRANSPORTATION, Mr. Zix – No report.

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

**Committee of the Whole
November 10, 2005**

1. Council approved the minutes of the Nov. 3rd Council meeting. 7-0.
2. Mayor, John Estep, no report.
3. Auditor, Walter St. Clair

A. Council discussed the Cancer Insurance Policy for all new City employees due to the increased costs. Council agreed to put a resolution on the table for joining the Center for Local Government Self-Insurance Purchasing Cooperative. Council also agreed 7-0 to put an ord. on the table for transfers and additional appropriations for the employee's health plan and sick leave payout.

4. Director of Law, Edward Geiser

A. Ed informed Council that he has filed suit against 3 sexual offenders that live to close to our schools.

5. Safety Director, Jonathan Stuchell

A. Council agreed 7-0 to transfer \$20,000.00 from police reg. salary to police comp. time. Also Jonathan reported that the interviews would take place this week for the new police recruits.

6. Service Director, Joe Kempe, no report.

7. Business & Industry, Peggy Brickweg.

A. Peggy reported that she is working on getting information on City Managers. Peggy also reported that she is working with a resident to get a property cleaned up.

8. Public Improvements, Mike Schildmeyer, no report.

9. Service, Glenn Wilson, no report.

10. Safety, Bill Burkhardt, no report.

11. Finance, Phil Stegman

A. Phil announced that the next finance meeting will be Nov. 29 at 6:30p.m.

12. Laws, Contracts and Claims, Barb Kalb

A. Council agreed 7-0 to put an ord. on the table for the up dated Council rules.

13. Highways & Transportation, Greg Zix, no report.

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

COMMUNICATIONS

October 25, 2005

Dear Mayor and Members of Council:

My name is Ruth E. Jones and I live at 4706 Tower Ave. I pay good money to have my yard, flowers and bushes in good condition but sometimes surrounding areas cause this to be a lost cause. This was once considered to be a very good neighborhood but within the past year has become very run down.

The house at 4704 Tower Ave. has been vacant for several months. I thought at first it was going to be up scaled when new people moved in but then the house at 4710 Tower Ave. became vacant and they moved furniture and all down the street and into that house. Hopefully they are improving it and will in time be a nice home. However, I can't say the same for the house they just left. There are two full recycle bins standing on the deck at the back of the house. They have been there for several weeks and are a health hazard. There is also a paint can, and a few other things that are eye sores. The door of the shed has stood open for days and could be a good hiding place for someone that could cause trouble. The shed also is falling apart and should be torn down. Weeds have grown over the fences on both

sides of the yard and even though now dying should have been cleared away this past summer. My yard received some of this but due to my good grass workers, they were able to take care of it. The fence between that yard and the one on Jackson Ave. has also been knocked down. I have heard this house was taken over by the bank. If that is true then they should be made to clean it up. I am going to call the Board of Health about the recycle bins. It is also possible the deck has rotten wood and could be filled with termites. I am sure the water and electric have been turned off causing problems within the house. Pipes could break as the cold weather comes and fire could result due to paint cans being left around.

The house at 204 Jackson Ave. evidently is vacant as there are no lights. In that back yard there are concrete blocks that have been there for weeks. Someone started to dig evidently to replace a wall that has fallen down but has since stopped and the blocks stand there useless. This also affects the appearance of my yard.

The house at 4718 Tower Ave. has been vacant for quite some time. It looked as though it was going to be improved when the window frames were painted but since then everything has stopped and it has become an eyesore. The upstairs windows are open meaning birds or bats could find a warm resting place. The yard area leaves something to be desired. I have heard the plumbing is in bad condition.

I have been a resident in my home at 4706 Tower Ave. all my life. During this time I have been in all three of these houses and they were always in excellent condition. Former residents would be astonished at the condition they are now in. It is a shame our city has lost its quaint and wonderful spirit it once had. Makes you wonder why people are moving away. I do not understand why the Medical Bus was discontinued but Bingo players still have transportation to and from. Doctor appointments are far more important. I go to Christ Hospital twice a week for supervised therapy suggested by my doctor after five by-pass surgeries. I do sometimes drive but it is not always the best thing to do. Metro has changed its routes that were more convenient but now not very good. I also have other medical problems that must be done through the hospital, currently laser eye surgery with follow up. Winter is coming making transportation more difficult. Someday you may need this service. You WILL be a Senior.

Sincerely,

Ruth E. Jones

Motion by Mr. Stegman, seconded by Mrs. Brickweg to receive and file the communication and give a copy to the Health Dept., Mr. Robert Evans, the Service Dept. Joe Kempe and the HIP Inspector, Paul Coors.

REMARKS

Mr. Kempe – Just a note that I that I would like let Council know that we have been looking into this property. Paul Coors and Gerry Wiedmann and Robert Evans have visited this property and have taken some action on it.

Mrs. Brickweg – Was that before or after the letter?

Mr. Kempe – They were aware of some of the things but not as extensive as what was in the letter. But yes, actually both.

Motion passed 5-0.

RESOLUTIONS AND ORDINANCES

Mr. Stegman made a motion to read tonight's Resolutions and Ordinances by title only. Mr. Wilson seconded the motion. Council agreed 5-0.

RESOLUTION NO. 8, 2005. A RESOLUTION TO ENTER INTO A SELF-INSURANCE PURCHASING COOPERATIVE SPONSORED BY THE CENTER FOR LOCAL GOVERNMENT.

Motion by Mr. Stegman, seconded by Mr. Zix to let Resolution No. 8, 2005 take its regular course. Motion passed 5-0.

ORDINANCE NO. 41, 2005. AMENDING AND REPEALING CERTAIN SECTIONS IN CHAPTER 121 OF ST. BERNARD'S CODIFIED ORDINANCES.

Motion by Mr. Stegman, seconded by Mr. Wilson to let Ordinance No. 41, 2005 take its regular course. Motion passed 5-0.

ORDINANCE NO 42, 2005. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS, TO ADJUST CERTAIN APPROPRIATIONS AND TO REDUCE CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Stegman, seconded by Mr. Schildmeyer to let Ordinance No 42, 2005 take its regular course.

REMARKS

Mr. Stegman – I know that Walt had put these appropriations transfers on and also Resolution No. 8. Is that something that, since we didn't have a majority here tonight to vote to get it passed tonight, is this something we'll have to call a special meeting or is that something that is going to be able to wait until the next Council Meeting?

Mr. St. Clair – Resolution No. 8 will be OK for the next Council Meeting. The Ordinance for the monetary adjustments and transfers should be passed as soon as possible. I would recommend there be a special session of Council.

Mr. Stegman – With that being said, can we make the 22nd before the COW as the special session? Will there be enough time for the advertisement of that or will the following week be enough time? Since it's a holiday week, I don't know if there will be enough time.

Mr. St. Clair – It only requires a 24 hour notice, I think there would be enough time to get that out.

Motion passed 5-0.

OLD BUSINESS

Mrs. Brickweg – I would like to take this time to explain to the citizens what happened at the Oct. 20th Council meeting regarding the Executive Session request that I asked for and how the meeting so abruptly ended. I decided to wait until after the election to speak about this because I think it is very important and I did not want anyone to think I was speaking about this for political reason.

During the Council meeting I asked if Council would go into Executive Session to discuss the possibility of purchasing the Boehm Deli. This is where it had been discussed in the past and this is where the Ohio Sunshine Laws say to discuss the possible purchase of a property. At no time during the meeting including when Council voted to go into Executive Session did any member of Council suggest that they had a problem with this. Once in Executive Session they had no problem saying what they did think about it. I wanted to discuss if the City was interested in purchasing this property since apparently it was for sale and no one had a signed contract on this property. At that point it was suggested that this was not the time or place to discuss this. A few Council members stated that some members from the audience questioned discussing this in Executive Session so I said fine, when we go back into regular session I will speak about it to the public and we can discuss it then. I was told that was not appropriate. I began to wonder what is appropriate and who is deciding on what is appropriate. I have no problem discussing City business with the public and really did not appreciate not being able to speak to the citizens.

For those who watch the meetings on television, you did not see the end of the Council meeting since they pack up the cable equipment before we go into Executive Session. But you may have read about it in the minutes. I decided I should explain what happened. I stated to the other Council members that I wanted to speak about the purchase of this property when we went back into regular session. When the regular Council meeting started back up the President of Council immediately asked for a motion to adjourn and he asked if I could speak. He said that he asked for a motion to adjourn and that trumps anything else. I asked again if I could speak and Mr. Walden said that there was nothing in the agenda to require me to be able to speak after Executive Session. At this point Mr. Burkhardt and Mr. Zix motioned and the meeting ended. If you refer to past meetings you'll be able to see the many times Council members and citizens have spoken after Executive Session. I still wonder why I was not able to speak.

I feel it is very important for the citizens to know what happened and understand why the meeting ended so abruptly. I have decided that from now on I will ask my questions on Council floor and forget about Executive Session. I will not put myself or the citizens in this position again. I do have a few questions that I would like to ask our city attorney tonight. The one question I have is, has the City been sued by any of the employees that were laid off in the past year and is the City looking into the legality of Mr. Hausfeld presiding on Council if he is hired back by the Fire Dept.? I wonder why we're spending that amount of money looking into lawyers since Bobby has not even been offered his job back and I was wondering what the status is on that? Mr. President I request that if Mr. Geiser would like he would be able to address these questions.

Mr. Geiser – I'm not aware of anybody that is laid off suing the City right now. As far as looking into the legality of, your second question is whether

Mrs. Brickweg – If Mr. Hausfeld could serve on Council and be a fireman at the same time? But I don't know if he has even been offered his job back. I heard that we were looking into the legality of that and I was wondering if that is true.

Mr. Geiser – I have been asked to research that and I am researching it. One other thing I want to clarify just so everybody knows. When that Executive Session was called last week, I had originally asked to go into Executive Session for another issue, pending litigation and I just want everyone to know that when I ask to go into Executive Session its usually for litigation. As the City's attorney I have the right, obligation and duty to talk to Council in Executive Session. Under Ohio Law, anything that I say to Council, under legal advice, is attorney client privilege and that is by Ohio Revised Code. In fact, I have a duty to talk to them as Council as my client. I tell Council, before every Executive Session, that just as you would not want to have your attorney discussing private matters with the public, same way it holds for Executive Session. Council as a group can only wave that privilege as a group. When I give Council legal advice they cannot speak to it out in the public unless the seven members of Council, by majority vote, wave that particular privilege. The reason I bring this up, because there's always the question of why the Law Director always wants to go into Executive Session. Put it in this term, if you were in court talking to your defense attorney, would you want the prosecutor to sit there and listen to what you're talking about. No. Well, the same holds for any attorney/client privilege. That is protected. That particular night that you wanted Executive Session we'd already made a motion to go in and you also asked to go into Executive Session regarding the sale of property or purchase of property. I didn't know what it was about because I was not aware of that. I originally was asked if we could go into Executive Session about that property and I said, I told specifically a member of the Administration, no, because unless, if you read the Sunshine Law, it doesn't strictly say, just for purchase of property. Its for the sale of purchase of property where the topic of discussion would put the City at a disadvantage. Normally meaning you're discussing purchase price. We've done it in the past, for example when we bought the OLA property, we went into Executive Session to discuss the value that the City was willing to go to in the auction because if someone knew the amount that we were going to go up to they would bid above that and get the property. That was the reason that we went into Executive Session in that particular case. I didn't know what you were going into Executive Session for. But I did have members of the audience approach me saying, why are you going into Executive Session? I said I don't know but when we went into Executive Session, I talked first and I did tell the members of Council that people had addressed me about that issue. From there the discussion went as you said. But I wanted to clarify that. Ohio Sunshine Law does allow you to go into Executive Session with the sale or purchase of property. There is another section of that Code that says it has to put the City at a disadvantage.

Mrs. Brickweg – Mr. Geiser, can you explain to me why a month before that we went into Executive Session to discuss the purchase of that property.

Mr. Geiser – I don't remember that, maybe I wasn't here.

Mrs. Brickweg – Anybody else remember that?

Mr. Schildmeyer – I remember it, Peggy. Are we allowed to talk about it now? The main thing we went into that session was to see if Council or the City would be interested in making or opening discussions with the owner of that property. Upon that we found out that the owner was already in discussions with the owner of Boehm's Deli, to buy the whole building. He had first rights to that decision. The night that you brought up the Executive Session, the concern that we had would have been that you would have been interfering into an already discussed contract that could have been OK'd by Boehm's Deli if he was interested in it. We thought, let that go let the Deli have a shot at it and if there was no interest then the City would be interested and come along and talk to the owner of the building or possibly if the owner of Boehm's Deli does purchase the building maybe at a future date he might be interested in selling that building. We didn't want to interfere with a project that was already underway by the owner of the building in the purchase. He has first refusal in the buy.

Mrs. Brickweg – Mr. Schildmeyer, I reported that night that there was no bid, there was no signed contract. I don't know if there was a misunderstanding, but I did report that.

Mr. Schildmeyer – You didn't know that he had first refusal.

Mrs. Brickweg – I had talked to the.....

Mr. Schildmeyer – You did not know that the owner of Boehm's Deli had first refusal. Is that correct?

Mrs. Brickweg – There was no bid, and no contract on that property.

Mr. Schildmeyer – You did not know that the owner of Boehm's Deli had first refusal. Did you or didn't you?

Mrs. Brickweg – Mr. Schildmeyer, can you explain what that has to do if our City was interested in buying that property.

Mr. Schildmeyer – We'd be interfering with a possible contract for sale with the City coming right into it, if it was in discussion.

Mrs. Brickweg – There was no contract.

Mr. Schildmeyer – What we were talking about is if it was in discussion. Did you know that he had first refusal.

Mrs. Brickweg – Does that mean that the owner of the building has first refusal of the buyer?

Mr. Schildmeyer – No, the buyer has first refusal to the owner of the building, the only way it could go.

Mrs. Brickweg – What does that have to do with if the City is interested in purchasing the property? That is all I wanted to discuss which we discussed a month ago.

Mr. Schildmeyer – You would be interfering with

Mrs. Brickweg – There was no contract.

Mr. Schildmeyer – I'm not saying there was a contract.

Mrs. Brickweg – Then what am I interfering with?

Mr. Schildmeyer – The discussion of the sale of the property. The discussion of the sale of the property with the owner of the Deli and the owner of the building. We had no business going in the middle of that discussion.

Mrs. Brickweg – May I ask if Council felt that they did not want to discuss this in Executive Session why was that not stated on the Council floor?

Mr. Zix – When we went into Executive Session it was first called by Eddie and then it came out of there. We went into Executive Session the first time about the property because the HIP inspector came to us with a letter that we have here that was approached by the owner of the property for possible sale. At that time we were not interested. The next time when we talked about this property I was the one that asked to make sure that we got into Executive Session because I figure there are rules we have to abide by to the citizens. No owner of that property came to us. The owner did not come to us. The person possibly buying it might have, I don't even know if they came to us but no owner of that property came to the City and asked us to purchase it so we were in violation of the Sunshine Law by discussing it then and it could have been discussed.

Mrs. Brickweg – They might not have come to you Mr. Zix but they did come to me.

Mr. Zix – So, Mr. Schlanser came to you and stated that that night?

Mrs. Brickweg – Excuse me.

Mr. Zix – Mr. Schlanser, the owner of the property came to you and asked you.....

Mrs. Brickweg – No, you said the owner of the Deli.

Mr. Zix - No I said the owner property.

Mrs. Brickweg – Yes, you did. No, I talked to the owner of the Deli and he said the building was for sale.

Mr. Zix – Well the owner of the Deli does not own the property.

Mrs. Brickweg – He said it was for sale and Mr. Schlanser had contacted the HIP, and that is why we discussed a month before, but I guess my question is, the main thing is, if it wasn't supposed to be discussed in Executive Session, I'm human and I might make mistakes but I would appreciate it if that was the answer then that would have been said on public floor and therefore when I tried to tell the public what happened because they were all wondering what happened, we abruptly ended the meeting, so everyone is running around town wondering what happened. It would have been nice if I could have explained then that I possibly had made a mistake and to explain it to everybody, but I was not given that opportunity.

Mr. Zix. – We've been trying for a while to explain these rules that we have to abide by. We're so insistent in doing it Mrs. Brickweg's way, she has total disregard for these rules and the owner of the property has to come in that situation.

Mrs. Brickweg - This will be my final say, this was the first time I ever asked to go into Executive Session in two years so I don't think I'm not abiding by rules.

Mr. Stuchell – If I could address Mrs. Brickweg? No, we have not offered Mr. Hausfeld his job back at this time. We will. We're finalizing Mr. Temple's retirement and it looks as if we have a date, the paper work is in process, its been signed, sent back to the state. As soon as we have confirmation of that from the Pension Board, we will issue a letter to Mr. Hausfeld. At this time there isn't anything else done, no final decision. At this time we don't have to deal with the issue of Mr. Hausfeld in Council. We will deal with it upon the time of Mr. Hausfeld's acceptance.

Mrs. Brickweg – Thank you Jonathan.

Mr. Wilson – Do you have an estimated time this is going to take to get that information back? Is it going to be by the end of the year?

Mr. Stuchell – We're hoping it will be within the week.

NEW BUSINESS

Mr. Geiser – Just a procedural matter. If Council is going to call a special meeting for next Tues., you would need to do a vote and also specifically say what the meeting is going to be about. Whether its going to be just to specifically address Ordinance No. 42, 2005 for Walt to get the procedure going if that's Council's wish. But I just want to remind you, you should make a motion and specifically say limit the special Council meeting for the reason stated.

Mr. Walden – Do we have a motion to that affect.

Mr. Stegman – Mr. St. Clair, is it possible to wait until after the holiday, after Thanksgiving because I already asked one of my colleagues up here, Glenn he will not be here on the 22nd without having the other two to make

sure that we will have enough votes and call a special meeting for no reason in case we do not have enough, I'm asking if there is time to wait until the following week?

Mr. Stuchell – The reason for asking for this is in reference to the retirement of this firefighter and for the approval of the payout for him so that we can move on and offer the job and get that position staffed. I just want you to be aware of that. Time is of the essence also.

Mr. Stegman – Glenn cannot give his vote in advance but I will go ahead and hopefully have enough members of Council there to hold a special Council meeting at 7:30 at the beginning of the COW meeting we will start at 7:30 with a special Council meeting to go over the passage of Resolution No. 8 and also Ordinance No. 42 which would be the transfer of funds. Resolution No. 8 would be to go into a self insured for local government.

Motion by Mr. Stegman, seconded by Mrs. Brickweg to have a special Council meeting on Nov. 22nd at 7:30, limited to the purposes of discussing Resolution No. 8 and Ordinance No. 42, 2005.

REMARKS

Mr. Stegman – I'm letting Ordinance No. 41, 2005 take its regular course and not bringing that to the table because can take its regular course.

Mr. Zix – So some of this money is spent already, right? Is that why we have to have a special meeting?

Mr. St. Clair – The main reason is what Mr. Stuchell talked about.

Mr. Zix – Alright, but some of the monies are spent before approved, right?

Mr. St. Clair – That has happened on occasion, yes.

Mr. Zix – In this case too, right?

Mr. St. Clair – I think the only thing, we did pay out the police comp time because I knew that was approved and I did go ahead and pay that last pay day, but other than that, that was for other reasons, but anyway that would be the only thing that was paid out.

Motion passed 5-0.

Mrs. Brickweg – We all, at least I think we all received a letter from Charlie Powell and I was wondering if we could put that on the agenda for the COW meeting to go over that with some concerns he has?

Mr. Walden – OK so noted.

Mr. St. Clair – I had put a note in Mr. Burkhardt's box about the COW report. The first sentence under my section talked about putting a resolution on the table to eliminate the cancer insurance policy. That was a wrong report. That should be changed, I put a note in Mr. Burkhardt's box but

obviously since he's not here he didn't get it but anyway that COW report should be changed. The first sentence was a resolution for going into the Center for Local Government Self Insurance Purchasing Cooperative. Not the cancer policy.

Mr. Walden – Mrs. Kathman has now received notice of that.

AUDIENCE WISHING TO ADDRESS COUNCIL

Kevin Meier, 4811 Andalus Ct. – I have got two things that I'd like to address this evening. One is; I was made aware of some comments that were made on a local website about the election in the First Ward. I want to make it very clear to everybody that Mr. Hausfeld and I were political opponents, we were not political enemies. We have always had a good relationship before the election and it has continued after the election. I think that some of the comments made on the website about scheming to get him to resign and things of that nature are disrespectful to him. The election is just ten days old. I think he should have had time to enjoy and celebrate the success of the election before people started figuring out how to remove him or talking about that or starting rumors in relation to that. I think that I just wanted people to know that I congratulated Mr. Hausfeld and offered him my assistance in any way he needed and that there is no division between the two of us.

Secondly, the issue of the City Manager has been brought up and it is much easier speaking from this side of the podium but I do have some views on this. One is that it seems to be a very hot issue and in that respect that I do think that the people should have the opportunity to decide whether they want a City Manager or not. That being said there is some very important things need to be decided before you get to that point. if you put that on the ballot and its voted in you are stuck with what you voted in. You have to do your homework ahead of time. Before that you need to know whether you are going to put this on the ballot as a referendum. I know a little bit of legal knowledge from some of my issues a few years ago with the canal bed property and the issue that we wanted to get on the ballot at that time. Some of the research that I have done is that most of the cities that have City Managers are general larger than us. It seems to be a popular form of government but it is not the be all and end all to all things. I know that recently in the news you may have heard in the City of Hamilton who has a City Manager that they are training eight new service department people who were fired after the snow issue last year where they basically sabotaged snow removal because they were upset with the increases in their health care. The City of Dayton has a City Manager and if you go into East Dayton, they don't have one but they have a much larger area that we have here in St. Bernard. Also here in the City of Cincinnati, this past summer you may remember hearing some I think they are called rolling brownouts, where they close different fire stations at different times because of staffing problems. Those are all much larger cities and they have much larger budgets, they have City Managers that are being paid a lot more than what we can afford to pay and they still have problems. These three dept., the service the fire and the police are three of the thing that make St. Bernard different from the communities surrounding us. We are not surrounding by Montgomery and Indian Hill and cities like that. If we take away the people that provide the services to the citizens then we may be losing a lot more

than what we're asking for. Personally I have spent two years driving back and forth to a job in Kettering. I put a lot of time and miles because I chose not to leave here because I've come to rely on the medical assistance several times in the past couple of years here. It gives me and my family a sense of security. What I found out is that you can have a professional review done of City departments and I think that if we are seriously looking at hiring a City Manager we could have that done to see whether it can justify the expense. Salaries range from \$65 to \$105,000 annually plus cost of traveling to conferences and in order to even start the recruitment process you have to have an exact job description of what is entailed, what the responsibilities will be, who they report to, is residency going to be an issue, how much experience do you require, what kind of education do you require, who is going to be responsible for contracts? I think we are a long way from deciding those any of those things and they need to be down and firmly decided before it is put on to the ballot. At that point the people can look at the facts and make a decision based on those.

Mrs. Brickweg – Basically I'm at the very, very beginning stages of this. I just wanted to see if Council even would consider the idea. That's why I said I've been researching it. The one difference that I can tell you is I actually was at the meeting today with the first suburbs and there were almost thirty people there and we're one of the very few communities that does not have a City Manager or a project manager to represent us and these are all smaller communities just like us or the first suburbs. They were actually changing the by-laws to include the City Managers and Administrators today for that reason. Like I said, I'm at the very beginning of this. A lot of people are interested in it, it might not work, it might work but I just have an open mind and I want to look into it, but like I said I'm at the very beginning stages of it and I just wanted to see if Council was interested or not.

Gabe Sanders, 4415 Sullivan Ave. – I guess since my name got brought up earlier I want to clarify a couple of things. Number one, I have not made any commitments for the City of St. Bernard in regards to the University of Cincinnati and never have and never spoke to Dr. Romanos in that way. But sadly I am probably only member of the City of St. Bernard that has actually followed up with Dr. Romanos since he delivered his first presentation in the City. Since May, on a phone call basis, or actually on a physical visit I do believe there were one or two Council members that did send emails to him. But not in regards to actually following up with future activities that he was willing to offer us. As a citizen of St. Bernard and as a business man in St. Bernard I would be very disappointed if the City did not take action and take Dr. Romanos and the University of Cincinnati up on the offer of extending us help in building a plan for our future. Obviously other the last two or three years that I have sat in this Council member I have not seen a lot of public improvement, things pass through ordinances, I have not seen a lot of vision so I think there is obviously a need for help professionals to do that for us. I just wanted to clarify that.

In regards to Sullivan Ave., as a resident of Sullivan Ave., Mr. Singh and Mr. Gutz's business there, I am disappointed that the City has not actually gone officially and talked to either Singh or the owner of the present building, you guys has sat of there and speculated, what you don't know, and for you guys to even talk about it is even inappropriate until you actually

talk to the owner I believe. I don't care either way what happens to that property, I believe that the City doesn't have a vision for it anyway, you guys have no idea what you would do with it if you got it. So I just wanted to lay that out there also.

Mr. Schildmeyer – Just a comment for Gabe, I did go up and talk to Singh and Singh does have first refusal on buying the property if he wishes to or if does not wish to. Nothing has been done on a contract or talk, they are in talking negotiations on the possibility of buying that. I believe he did talk to you about a loan. I appreciate your comments.

Mr. Zix – At the one time that the owner did approach us through the HIP director we opted not to buy that property. That was at my time. Any other time the owner has never come to us. At the one time we had opted no, we weren't interested in the property. At least it was my vote and that I can remember, everybody else's.

Mrs. Brickweg – Maybe it came out while Gabe, but I just wanted to explain, I was thinking it would be of interest and I told him to keep communicating with you, but apparently according to Ron Miller from Hamilton County, that UC has, I guess they just assumed we were going to continue on with this and they are working on this. I told him to probably slow things down, but in the same area, when I talked to him today, we can't slow it down too much because he needs to know if we are interested so he, Dr. Romanos, will be doing the early research on the statistics and the program and then he will get the classes ready for the Spring. He's like he doesn't want it to stall too much so he can get ready. But I do thank him. It seemed like they were really confused when they announced it today so I just explained and I told him that I was glad that he was talking with you and everything, but I told him we'll have to get a proposal and that is what he said he was going to get for me today, but I guess he had a hard time getting the numbers so I told him as soon as he can get it that would be fine. But I thank you for keeping up with him, I agree, this is something we should not be putting behind.

Gabe Sanders – I would say that if City Council does not decide to move forward with Dr. Romanos, as a business man in St. Bernard, as a resident, I would try to find a way to come up with funds to fund the project. So, I'm not going to fund it personally but I will definitely go out and knock on doors to get money to do this because I think that this is a make or break opportunity for you guys and I you decide, who cares, and move forward and continue on the downward spiral we're on then that is your decision but as I resident I can't sit aside or as a business man I can't sit aside and assume that someone else is going to take care of the problem. I'll be proactive in getting it done. So, don't discourage it, I hope you scheduled it, I hope we're ready to go because I'll find the money for it.

Mr. Zix – First off, we don't have a clue what this man can do for us for \$15,000. My history of voting for spending is not real good anyway, I would like to know what we're going to get for the money before I can be condemned that I didn't do it.

Mrs. Brickweg – That is the proposal that I’m waiting on and I will get it to you.

Mr. Stegman – I’d like to go back and comment on one of Mr. Meier’s topics that he brought up tonight. I want to congratulate Bobby Hausfeld for winning the election in Ward 1. As stated one Thursday prior to the election that there was a person going out on the Fire Dept. and that he would be the first candidate to come up to take that job. I feel that we should go ahead and proceed into this, once Bobby receives his letter stating he is eligible to come back at that point if he accepts the job he will have to resign or my understanding what I’m finding out that he cannot hold both the fire position and also Council through the Ohio Revised Code and also with the Civil Service. So, yes I think we should go ahead and proceed on finding out the exact formal way. Then once Bobby rejects or accepts, what the City is going to do with his seat. I don’t think by myself or anybody else is out to oust Bobby from his seat, but I think we should be proactive in knowing exactly what this Council needs to do so can keep on moving the City forward with seven Council people and to put people in the ways the laws are set up. Again Bobby, I congratulate you for winning the seat and I hope to congratulate you for taking the job but the City needs to have seven Council people whether you elect to take the job or be on Council. I was hoping to wait to the official elect was over and make sure all the numbers were in but I think it needed to be said that we’re not ready to opt Bobby for his seat, but I think we need to be proactive and get an answer for when he makes a decision one way or another what we are going to do.

Greg Lipp, 4411 Tower Ave., - I suggested to some people that were running for Council, before the elections, and so I thought I’d bring it up here and suggest it to everybody who is sitting here at this time that when people come up here and speak to suggest to them to put their questions in writing and give it to that Council person ahead of time. The time frame of that, whether it’s a week or two weeks before they come up, whatever, I’ll leave that up to you guys. That way you guys can come up with an answer so that they don’t have to come back. There’s a lot of times as I’m watching the Council minutes, somebody will ask a question and then when you have the answer in two weeks there not even sitting in the audience. Maybe they watch it on TV maybe they don’t. This just, it gives you time to research that answer and they’ve got instant gratification right there. They can get their answer right there at the Council Meeting. It’s not censorship it’s just a way for these people to get the answer that they’re requesting and it kind of takes away like people taking shots at each other. I wasn’t going to say this, but I’ll go ahead and say it. I’ve had somebody tell me that lives outside of the City that the best thing on Cable TV are our Council minutes. It’s not just what’s happening up there completely it’s also what’s happening back here. This is one way to take that out of it. And I hope I ruin his fun by telling you guys this and you try and put this into the works. Also I wasn’t going to remark on this but since I’m sitting here and I’m seeing this, something that you’re sitting here and you’re forgetting is that we’ve got four fire fighters that are laid off and three of us were demoted. That was for lack of funds. And now we’re talking about possibly buying properties or looking into buying properties, let’s look into bringing back fire fighters. We were laid off and demoted for lack of funds. Now we have funds all of a sudden. Let’s get our fire fighters back to work.

Mrs. Brickweg – Greg, just a comment on the question part, we did discuss that last week at the COW because we were going over the procedures and we didn't vote, but what was discussed is, there could be two options, that if maybe it was a complex question just give the people the option if they want to hand in the question and they want the answer that night that that would be great but just still keep it open to the public in case somebody was sitting in the audience and something happened and they really wanted to speak on it. So it was suggested that they could do both. Nothing was really voted on because it would be no different in the rules, it would just be another option.

Mr. Stuchell – If I could ask a question of Mr. Lipp regarding the project that they are working on at his church. The Immanuel United Church of Christ is working on to get backpacks for some of the victims of New Orleans.

Mr. Lipp – The Immanuel United Church of Christ along with other United Churches of Christ throughout Southwestern Ohio and Northern Kentucky are collecting school supplies for the children of New Orleans. One of the things they're having trouble getting in New Orleans at this time are school supplies, backpacks, everything from school supplies for kindergarteners all the way up to seniors in high school. We're collecting donations at Immanuel Church at this time. The phone number is on the sign in front of the Church, 641-1418, if you have any school supplies you would like to donate or money you'd like to donate towards supplies, give us a call and set up an appointment and we'll come and get the stuff for you if you can't bring it to us or you can send it to us. We want to deliver the stuff by the second week of December, all the supplies for the kids of New Orleans that we can get. There's two other cities that are doing this, Jacksonville, Florida is doing this and I think Savannah, Georgia is too. Back to school time for the kids is the first week in December. There is no way that we can deliver by then for those kids but we're hoping that we can get everything there by the second week in December. So if anybody is watching the Council minutes or anybody in the audience who sees this and has a donation they would like to give, we would really appreciate it, the children of New Orleans would absolutely appreciate it.

Joan Ronneberg, 4217 Sullivan Ave. – I believe we wanted to bring up about the Mayor's dinner dance on December the 3rd. It is open to the public, single or couples and the price.

Mr. Estep – I was a little hesitant to bring it up on Council floor because I thought it might viewed as political, but actually it's a Kiwanis, we give all the money to the Kiwanis. It's December 3rd, it's our second annual, it's \$30.00. That includes entertainment, we have a magician, a DJ, sit down dinner, door prizes and all the funds, all the proceeds go to the Kiwanis Club to help the kids at Christmas. Last year we raised \$1600.00 and then we also have another event where people bring toys, we have a guy singing, the Thursday before Christmas, and I didn't want to bring that up either so we already brought it up.

Mrs. Brickweg – So is this a guys thing, if anybody else wants to donate toys, is it possible to just drop them off at City Hall?

Mr. Estep – Yes, that would be real nice.

Mrs. Brickweg – Do you wrap them or not?

Mr. Estep – They should be unwrapped.

Mrs. Brickweg – New, unwrapped toys.

Mr. Estep – Yes, new, unwrapped.

Motion by Mr. Stegman, seconded Mr. Wilson to excuse the absent members. Motion passed 5-0.

Mr. Stegman – The next COW will be November 22nd, a Tuesday, at 7:30, because of Thanksgiving being that Thursday. The COW meeting will be moved up to Tuesday. Also there will now be a special Council Meeting for Resolution 8 and Ordinance 42.

Motion by Mr. Stegman, seconded by Mrs. Brickweg to adjourn. Motion passed 5-0.