

**ST. BERNARD CITY COUNCIL MEETING  
AUGUST 16, 2007**

The regular meeting of the St. Bernard City Council was held Thursday, August 16, 2007 in Council Chambers.

President of Council, Mr. Bill Burkhardt (for Mr. Walden) –The meeting was opened with a prayer followed by the Pledge of Allegiance.

Roll call showed that four members were present: Mr. Asbach, Mr. Burkhardt, Mrs. Brickweg, and Mr. Zix.

Mr. Asbach made a motion to dispense with the reading of the minutes. Mr. Zix seconded the motion. Council agreed 4-0.

**REPORTS OF CITY OFFICIALS**

MAYOR, Mr. Estep, - I would like to thank you for excusing me from COW last week due to some heart surgery at Christ Hospital. Contrary to some rumors out there, they did find a heart, just some minor surgery. Thanks for all the cards and the prayers and the phone calls.

This Saturday evening, we do have family movie night. We'll keep the pool open until 8:00p.m. and then the movie will run from 8:30 till approximately 10:00p.m. I hope you enjoyed the call command and please enjoy this evening with your family and there will be several free drawings for the younger and the older children.

On a separate topic, tonight you'll see a scale model of what the Park Place project will look like upon it's completion. We will wait for a final draft and then that will allow us to go for some bids and get farther into this project. I would like to add that this would be an opportune time to send a service dept. employee to school to learn more about pruning, planting and other aspects of maintaining all the green space in our community.

AUDITOR, Mr. St. Clair – The reports for the City's investments and bank accounts have been distributed to council and members of the Administration. The report showing the City's various bank accounts is also available on the table with the Ordinances. I just want to explain that not all the money in these accounts is City money. The hall rental account holds deposits for hall rentals some of which will be returned to the renter as deposit refunds. The Mayor's court account contains money paid to the court some of which has to be sent to the State of Ohio. The health plan account contains funds left there to cover outstanding checks for health care expenses. The swimming pool account contains money that will eventually be receipted into the swimming pool fund. The low income loan account contains federal government money for their community development block grant program. The investment account reflects the City's costs for its investments, the value of which are subject to everyday market conditions. The holiday activity account is money earmarked for Halloween, the City Christmas program, Easter egg hunt, and the Memorial Day celebration. Hopefully this explains what is actually reflected in these City accounts. Before Council tonight are Ordinance Nos. 32 & 33, 2007. As discussed at the COW, Ordinance No. 32 provides for appropriation adjustments – decreasing appropriations for phone service and plastic liners and increasing

appropriations to insurance and building maintenance at City Hall in the amounts of \$2500 and \$3000 respectively. Ordinance No. 33 lists properties which will be assessed the City's cost to cut, trim and clean up grass and weeds at those properties.

DIRECTOR OF LAW, Mr. Geiser – Before Council tonight is one new Resolution as was discussed and approved at COW. The Resolution is for the Service Director to apply for grant funds for the Hamilton County Solid Waste Management District and to approve the application being submitted. Also before Council tonight is Ordinance No. 34, 2007. This was not discussed at COW but it is before you tonight and I believe Gerry Wiedman will explain if you haven't been told already what this is about. The Baxter Burial Vault Company at 909 E. Ross Ave. is requesting permission to put a fence on adjacent City property and what we have done in the past is to create an agreement a number of years ago that the agreement would actually run with the land and be recorded with the recorder's office that would, so if they were to sell the property the agreement wouldn't be extinct. It wouldn't be terminated so what it is, it is an indemnity agreement which requires them to sign, it protects the City from liability should something happen with the fence, somebody get hurt or something else happen with the fence it always gives us the right to take the property back. Since it is the City giving a property right to someone, Ohio law requires that you need two thirds of the members to concur, so it needs five of you to approve that. Now, since you only have four here tonight, even though you want to move it regular course, I would suggest that you postpone this until the next Council meeting because you don't even have five to really approve the first reading, since you need two thirds. You would obviously need six to suspend with the second and third reading, since you don't have the six for any of the Ordinances tonight my recommendation is that you simply postpone this until the next council meeting.

Also, I would like to be put on the agenda for the next COW. The Ohio House Bill 154 before the Ohio House is in the process of revamping the judicial system as regards to Mayor's Court. Basically they want to eliminate all Mayor's Court. This isn't the first time this has come up but the Ohio Municipal League is strongly opposed to this and would like individual cities to draft a resolution stating their opposition to why they do not want to get rid of the Mayor's Court. It hasn't been passed yet, there's been some opposition but there's also a lot of explaining to do with it. Glenna and myself were made to attend a meeting to explain how the changes would effect the City of St. Bernard, but basically I think we would lose our Mayor's Court. Now, I would like to be put on the agenda to discuss the implications of that. There are some people that would love to get rid of Mayor's Court all throughout the State of Ohio for various reasons. Other Cities use them to make a lot of money, we do not. We strictly use ours to enforce our own laws, it gives us an option to bring the cases here. I'd like to be put on the agenda and discuss that House Bill 154, if anybody has any questions we can talk about it then. Lastly, I would like to move into Executive Session to discuss potential litigation at the end of the meeting.

TREASURER, Mr. Kathman – No report.

SAFETY DIRECTOR, Mr. Stuchell – The St. Bernard Fire Dept. monthly report, activity for the month of July consisted of 20 fire runs, 70 emergency medical responses and 19 inspections.

Also, the St. Bernard Fire Department received a grant from the United States Department of Homeland Security's FY 2007 Assistance to Firefighters Act Grant, first round award in the amount of \$35,238.60. This money will be used to purchase communication and accountability equipment. The Fire Department also received a grant in the amount of \$3,500.00 from the Ohio Department of Emergency Medical Services for the purchase of ambulance equipment. These amounts combined with the monetary and equipment grants and awards received by the St. Bernard Fire Department over the last 5 years, totals to over \$250,000.00.

Also, just for your information, currently to date as far as EMS billing collections, to date we have collected \$69,062.48 with a billing inception to date of \$380,000.00 approximately. Also, this Sept. makes National Preparedness Month a nationwide coordinated effort, encouraging families to take simple steps for emergencies in their homes, businesses and schools. Throughout the month we will highlight the importance of emergency preparedness. Also, just for your information, anyone elected or appointed officials within the City, the Hamilton County Fire Chiefs Assn. in conjunction with Ohio Fire Academy is presenting a "Smoke Showing" program. It's a one day course designed to orient elected and public officials in the greater Cincinnati area to the training apparatus and equipment used by today's firefighters. This is free of charge, but there is a limited number of people that can enroll, so if you are interested it would be important that you would tell either myself or the Chief because you actually do have to be sponsored by our Dept. which means that we have to provide you with turnout gear so that you can go. This is the same exact program that the Ohio Fire Academy has put on as far as, it's called "Feel the Heat", I know I've done that and I think Peggy has done that, but at least you don't have to travel, I think this is going to be held the Colerain Twnsp. Fire Training Bldg. It would be well worth while going to see what fire depts.. go through on a day to day basis.

SERVICE DIRECTOR, Mr. Kempe – Dave Fossaluzza and I have been attending meetings with the Hamilton county solid Waste District with regards to the Emerald Ash Borer and its effect on the Ash Tree through out Hamilton County. The following is a summary of information on this problem.

The adult Emerald Ash Borer, which is a beetle, feeds on the foliage of ash trees and causes little damage to the tree. The larvae, however, feed on the inner bark of ash trees, disrupting the tree's ability to transport water and nutrients, which eventually kills the tree. The Emerald Ash Borer has killed more than 20 million trees in Michigan, Ohio and Indiana, with most of the devastation in Michigan. In May of this year, the Emerald Ash Borer was found in Hamilton County, resulting in the quarantine of Hamilton County by the Ohio Department of Agriculture. Other counties in southwestern Ohio under quarantine are Butler, Montgomery and Warren Counties. A County under quarantine means that any fire wood or ash material (such as trees, limbs, branches or wood chips) cannot leave that county and enter a county which is not under quarantine.

The Hamilton County solid Waste Management District is currently exploring several options to assist the public and municipalities with dealing

with the Emerald Ash Borer, such as public education, consumer protection, wood waste management and the development of outlets for ash trees. Public education involves the publication of brochures and other materials about the facts of the Emerald Ash Borer, how to identify Ash Trees, and recognizing the signs of tree infestations. Consumer protection would include disseminating information on how to locate a certified arborist and possibly encourage municipalities to pass fraud or tree care ordinances. Wood waste management would discourage the movement of firewood and look into means of disposing the ash tree, either through tub grinding services or through a sawmill operation.

In summary, the Emerald Ash Borer has been found in Hamilton County and will most likely spread throughout the county causing damage to most, if not all, the ash trees. This problem will persist and Hamilton County communities and residents will have to deal with ways to manage the amount of wood waste that will be generated over the next several years. If you suspect you may have an infested ash tree. You can call 1-800-OHIO-EAB or 1-888-644-6322 to find out more details.

The asphalt repair work on Vine St. is finished. All that remains to be completed is the striping of the traffic lanes which will be done on Saturday and some other miscellaneous painting items. For the citizens' information, the repair work on Vine St. is a temporary repair of the drive lanes where most of the street damage was located. With the City beginning the planning of the re-development of Vine St. which will most likely include some major street designs, it would have been unwise to spend a lot of money to repave all of Vine St. and then possibly tear out the street in a year or two. This is the reason all of Vine was not repaired at this time.

TAX COMMISSIONER, Mrs. Williams – No report.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Zix – The Finance committee recommends the passage of Resolution No. 5, 2007, Ordinance No. 32 and Ordinance No. 33. All of Council and the Administration received hard copies of the budget tool tonight. I will distribute this electronically to the officials and the citizens that regularly receive it.

SAFETY, Mr. Burkhardt – Under Safety Committee I have the July Police report. Calls for service were 976, Schools start back in session the week of August 20<sup>th</sup>. Please exercise caution when driving before and after school. The first week is an exciting time for the children as well as many parents. Please be considerate of vehicles dropping off children at school as well as our crossing guards crossing the children. We also remind everyone to be observant of any suspicious or strange vehicles in our neighborhoods or areas around schools and notify police immediately.

SERVICE, Mr. Meier – Absent.

PUBLIC, IMPROVEMENTS, Mr. Asbach – Mr. Miller has made a model of the Bertus St. Park improvements that have been discussed. The model is here tonight. Mr. Miller will display it in his store front located at 4604 Vine St. across from LaRosa's. There will be a clipboard with a paper and a pen, feel free to write down any comments you would like to place in there

or suggestions and put them through the mail slot in the door. Mr. Miller will have more on this during Audience Participation.

LAWS, CONTRACTS AND CLAIMS, Ms. Hausfeld – (read by Mrs. Brickweg) Patty wanted me to report that she was sorry she was not able to attend this meeting. She had surgery on Tuesday and is still feeling under the weather. Patty wanted to announce that the Laws, Contracts and Claims Committee will be having a meeting next Wednesday at 6:00p.m. before the CIC meeting at 7:00p.m. We will be going over the changes in the Tax Ordinance regarding what Sheri Williams had asked us to look into. She had asked us at the COW that we take out of the law ordinance, the City Law Director and the City Auditor automatically being on the Tax Review Board and put in citizens that would possibly be a CPA or have legal knowledge or accounting knowledge.

BUSINESS AND INDUSTRY, Mr. Schildmeyer – Absent.

HIGHWAYS AND TRANSPORTATION, Mrs. Brickweg – I attended the I-75 Aesthetics Committee on Monday. We discussed the options available in the I-75 Corridor from the Western Hills Viaduct to I-275. The goal of the committee is to come up with a majority agreement for the aesthetics of the highway improvement and to work at keeping as much of the aesthetics between the communities consistent.

We reviewed options for bridges which included color, texture, bridge design, fencing and the possibility of community identification on the bridges. We also spent time discussing noise walls and I am very happy to report that St. Bernard will get noise walls on the east side of the highway and that identifications seals may be used to identify a community on the noise wall. An example of this can be seen in Anderson Township along I-275. We will have an additional meeting to discuss the noise walls and to get feedback from the citizens. The government will pay for the seals on the highway side of the noise walls, so this will not be an additional cost to St. Bernard. They will be getting back to me if and how much it would cost to put seals on the other side of the wall. I was thinking a St. Bernard seal would look nice on the side facing Vine Street where the highway goes over Vine down by the post office and the fire house. The committee also discussed noise wall types and colors.

Highway lighting, landscaping around interchanges, and possible rain gardens were also discussed. We were presented with a rendering of what they may place on the retaining walls in Lockland. They proposed decorating the retaining walls with raised concrete form with a rendering of the Miami-Erie Canal. It would be made of concrete, be one color and possibly be a canal in the water being pulled by two horses. The rendering and the community identification seals have to be simple so as to not distract drivers. We will be meeting again and I will report back to you then.

Mr. Asbach – The Cow has been submitted to the “Clerk”.

**Committee of the Whole**  
**August 9, 2007**

1. Council approved the minutes of the August 2<sup>nd</sup> Council Meeting, 7-0.

2. Mayor John Estep, absent.
3. Auditor, Walter St. Clair
  - A. Council voted 7-0 to put an ord. on the table for an appropriation adjustment for the Health Ins. Line Item, in the amount of \$2,500.00
  - B. Council also voted 7-0 to put an ord. on the table to assess certain properties for weed and grass cutting.
4. Director of La, Edward Geiser
  - A. Ed informed Council of a mandatory meeting on Public records and the working with the HIP Inspector on the Zoning Code updates.
5. Safety Director, Jonathan Stuchell, absent ( Joe Kempe giving the report).
  - A. The Safety Director would like to be on the next COW to discuss traffic issues and speed.
6. Service Director, Joe Kempe
  - A. Council voted 7-0 to put a Resolution on the table so he can apply for a grant for the recycling program. Council also voted 7-0 to transfer & 3000.00 for City Hall maintenance, Joe also reported that the Vine St. repaving should be done in a week.
7. Tax Commissioner, Sheri Williams
  - A. Sheri asked laws, Contracts & Claims Committee to look into changing the member of the Tax Review Board to reflect the standards set by the Ohio Revised Board.
8. Laws, Contracts & Claims, Patty Hausfeld
  - A. Patty reported that her committee is still working on the portable basketball hoops and the parking in the public parting lots.
9. Public Improvements, Steve Asbach, no report.
10. Business & Industry, Mike Schildmeyer
  - A. Mike reported his committee is passing out the CD of Dr. Ramonos' report to the businesses in St. Bernard.
11. Safety, Bill Burkhardt, no report.
12. Highways and Transportation, Peggy Brickweg
  - A. Peggy will be going to the I-75 esthetic meeting and will report back to Council.
13. Service, Kevin Meier, no report.
14. Finance, Greg Zix
  - A. Greg asked the Safety Director to look into ways to slow the speeding down on Zetta Ave.

Respectfully submitted,  
Bill Burkhardt,

President of Council Pro Tem

**COMMUNICATIONS** - None

**RESOLUTIONS AND ORDINANCES**

Motion by Mr. Asbach, seconded by Mr. Zix to read this evenings Resolutions and Ordinances by title only. Motion passed 4-0.

RESOLUTION NO. 5, 2007, AUTHORIZING THE SERVICE DIRECTOR TO FILE AN APPLICATION FOR FINANCIAL ASSISTANCE UNDER THE HAMILTON COUJNTY SOLID WASTE MANAGEMENT DISTRICT PRIORITY GRANT FOR RECYCLING PROGRAMS, AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Brickweg that Resolution No. 5, 2007 take its regular course. Motion passed 4-0.

ORDINANCE NO. 32, 2007, AUTHORIZING AND DIRECTING THE AUDITOR TO ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Brickweg that Ordinance No. 32, 2007 take its regular course. Motion passed 4-0.

ORDINANCE NO. 33, 2007, AUTHORIZING A SPECIAL ASSESSMENT ON CERTAIN PROPERTY TO REIMBURSE THE CITY FOR THE COST OF BRINGING THE LAND OR REAL PROPERTY INTO COMPLIANCE WITH CHAPTER 905 (TREES AND WEEDS) AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Brickweg that Ordinance No. 33, 2007 take its regular course.

**REMARKS**

Mr. Zix – I would like to thank the people responsible for getting these six properties cleaned up and bringing back an assessment property. I just would like to thank whoever is responsible, the Service Director or whoever. When it gets to this point and these properties are in pretty bad shape and they needed to be cleaned up. So I wanted to say thank you.

Motion passed 4-0.

Motion by Mr. Asbach, seconded by Mrs. Brickweg to postpone Ordinance No. 34, 2007 until the Sept. 6, Council meeting.

Mrs. Brickweg – I would like to first of all thank Gerry and Walt. The Baxter's, down at the corner of Ross and Chalet, they have quite a bit of trouble trying to get some trees to grow there especially due to the drought and the citizens had requested that it get cleaned up so the citizens that live up there basically, I think they will be happy with this because they are going to be putting up a privacy fence on the City's property which therefore

will be able to block all of the burial vaults down in the parking lot and they're possibly going to landscape in front of it. I think they will be happy with it but I just wanted to explain it better to them and thank Gerry and Walt again.

Motion passed 4-0.

## **OLD BUSINESS**

Mr. Asbach – First of all I would like to ask the Safety Director, I don't know if I missed it Jonathan but, the date for that fire school?

Mr. Stuchell – The 29<sup>th</sup> of September.

Mr. Asbach – Secondly, with Mr. Meier and Mr. Schildmeyer on vacation, Kevin asked me to announce that there will be a CIC meeting on Wednesday, Aug. 22<sup>nd</sup>, in Council Chambers at 7:00p.m. Mr. Al Kanters will be presented to the committee. If anyone has any questions to be asked, please contact your Council person with those questions so that they can be asked for you at that meeting.

The last item, I don't mean to put the building dept. on the spot and you don't have to answer tonight, but if not, I'd like to talk about it at COW, I've had a few people ask why there hasn't been anything started on 618 E. Ross since that property was bought. I just wanted to bring that up and we can discuss that at COW.

## **NEW BUSINESS**

Mr. Asbach – I would like to make a motion that we go into Executive Session at the end of this meeting to discuss pending litigation.

Mrs. Brickweg – I will second that.

Motion passed 4-0.

Mrs. Brickweg – I would like to inform the citizens that I will be missing a few Council meetings this September. For those that may have seen me walking in the past couple of months you may have noticed that I am walking with a limp. The reason for this is because I have broken my artificial knee and some of the parts may have come loose. For those that do not know, I've had a total knee replacement for nine years. I had a doctor make a mistake in diagnosing a staff infection in my knee over eleven years ago and because of his mistake I had to have an artificial knee put in my left leg. I will be having surgery on September 5<sup>th</sup> and therefore will miss quite a few meetings. I will do my best to get back to the Council meetings as fast as I can. I will also try very hard to visit citizen's homes in Ward 2 before the November election. I would love to put off surgery till this winter but that is not an option. I will have plenty of time while recuperating at home to talk to citizens so please do not hesitate to stop by or give me a call.

## **AUDIENCE WISHING TO ADDRESS COUNCIL**

Motion by Mr. Asbach, seconded by Mrs. Brickweg to have the Clerk synopsise the presentation given by Mr. Miller.

Mr. Miller gave a wonderful presentation of his rendition of improvements and renovations to Bertus Street Park. He has a scale model that citizens can view at his store front at 46 Vine St., across from LaRosa's. He is looking for comments and suggestions.

Mrs. Brickweg – Norm, I'd like to thank you, you've gone beyond the call of duty, that's incredible and I know whenever we ask you to be on a committee you say you're too busy but you know what, if you can make something like that, I think anybody would love to have you on a committee with revitalizing Vine St. Just think about it, but that is, and I encourage people to stop by and look at it but that is pretty remarkable what you did and I'd like to thank you for all your time it must have taken to do that.

Mr. Estep – I'd also like to thank Mr. Miller. I went up to his basement this week and was invited up to see this. When you mention store front, the people need to know that your store front is across from LaRosa's so they know where to go to look at this and make their comments and drop them in the box. I guess it's been about a year ago, I guess the initial idea was to put homes up there and it didn't work and that's fine. The good thing is, Norm's not, and I think everybody can attest to this, he's not connected to any party, so the great thing about this is that there's no political ties, nobody gets the credit, if anybody deserves it, it's Norm, so I really hope we stay on track with this and we follow through and we make something happen up there. If we don't, it's going to continue to decay and attract unwanted behavior and other things that we don't need in this neighborhood. Here is a great opportunity for everybody to come together and support this project and make something happen up there.

The motion to have the Clerk synopsise the presentation passed 4-0.

Mrs. Joan Ronnenberg, 4217 Sullivan Ave. – One thing I thought about to help maybe pay for a little bit of this is to sell bricks like they did down here at City Hall to put around some of the areas. A lot of people might be eager to have their name put their somewhere so that could be a thought on how to raise some money to help pay for it.

Motion by Mr. Asbach, seconded by Mr. Zix to excuse the absent members. Motion passed 4-0.

Mr. Asbach – Due to there being five Thursdays in August, the next COW will be in two weeks on August 30<sup>th</sup> at 7:30.

Council went into Executive Session to discuss litigation.

Motion by Mr. Zix, seconded by Mr. Asbach to adjourn. Motion passed 4-0.