

**ST. BERNARD CITY COUNCIL MEETING
JULY 2, 2009**

The regular meeting of the St. Bernard City Council was held Thursday, July 02, 2009 in Council Chambers.

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

Mr. Walden – Before we get to the regular portion of the meeting tonight, we’re scheduled for a Public Hearing on the 2010 budget and for that I will turn matters over to Mr. St. Clair.

PUBLIC HEARING

Mr. St. Clair – This is the Public Hearing for the 2010 Tax Budget of the City of St. Bernard. This Budget will be submitted to Hamilton County for their review & action. I would like to thank the Finance Committee of City Council for their work in coordinating the budget requests of the City’s Department Heads.

The 2010 Tax Budget reflects the City’s General Fund which is the basic operating fund of the City.

REVENUE (ESTIMATED FOR 2010)

Est. revenue from the City’s Earned Income Tax	\$ 9,300,000.00
Expected General Fund receipts from Property Taxes	<u>\$ 1,626,162.00</u>
Total Local Tax Receipts is estimated to be	<u>\$ 10,926,162.00</u>
Est. revenue from the State & County from revenue sharing & certain taxes & permits	\$ 579,690.00
Other expected revenue for the City of St. Bernard comes from:	
Charges for Services	\$ 265,000.00
Fines, Local Licenses & Permits	\$ 85,000.00
Miscellaneous Revenue	<u>\$ 650,000.00</u>
Total Estimated General Fund Revenue for 2010:	<u>\$ 12,505,852.00</u>

EXPENDITURES (estimated for 2010)

Within each class of expenditures in the Tax Budget, estimated costs are itemized for personnel, contractual services, supplies & materials, and equipment or capital outlay.

Security of Persons & Property (Police & Fire Depts.)	\$ 4,961,690.00
Public Health Services	\$ 105,162.00
Leisure Time Activities	\$ 206,856.00
Community Environment (Code Enforcement)	\$ 87,706.00
Basic Utility Services (Service Dept.)	\$ 1,933,541.00
Transportation	\$ 208,400.00
General Government	\$ 2,325,427.00
Transfers from the General Fund to other funds: (e.g. Streets, Swimming Pool, Debt Service, Master Plan & Employee Health Plan)	<u>\$ 2,240,300.00</u>
Total expected General Fund expenditures for 2010	<u>\$ 12,069,082.00</u>

Estimated Surplus for the General Fund at the end of 2010

\$ 436,770.00

At this time I will entertain any questions from Council or any members of the audience.

Mr. Tobergte – Walt, a couple of questions, on the budget that Greg and the Finance Committee we all submitted to Council the estimated appropriations was \$12,799,000. This here is only \$12,505,000.

Mr. St. Clair – This is just the General Fund. We're not talking about the Street Fund, we're not talking about the Master Plan Fund and all those other funds were included in the work of the Finance Committee. That's not what goes down to the County for the Tax Budget.

Mr. Tobergte – OK then also on the income, Jamie has estimated \$12.8 million and you're only estimating \$12.06 million.

Mr. St. Clair – Well basically once again there will be income into those other funds. The street fund will receive money from Gasoline Excise Taxes, permits and taxes for license plates so the other funds do generate some revenue, especially the Street Fund. The swimming pool will generate \$30 to \$40 thousand dollars in income. That would be less than what the Treasurer estimated for his overall, part of what's in the General Fund is what's here, but there is income from other funds which would go to what the Treasurer estimated. You look confused.

Mr. Tobergte – Going back to the State Budget again, we're estimating \$12.8 million and only showing \$12,600,000.

Mr. St. Clair – We're only estimating for the General Fund in this Public Hearing. I'm not showing any income from other funds, which we will have other income from other funds as I mentioned. Street Fund will have income, Master Plan may have some income, the swimming pool will have income. All those incomes are not included in this Tax Budget. But what is shown here, if you'll notice I have a line for transfers from the General Fund, obviously the income from those other funds does not equal what was appropriated for those funds in the budget so therefore they'll be transferred from the General Fund to cover the differences between the income of those funds and the estimated expenditures that are in those funds.

Mr. Tobergte – Also, Eddie's report showing $\frac{3}{4}$ of a million dollars decrease as far as this year's taxes, do you take that into account too when you estimated for revenue.

Mr. St. Clair – OK his estimated revenue is for the City Earned Income Tax that was given a couple of months ago, a month ago at least. Actually I think with the receipts for June if you would just double what we received at the end of June we'll be over \$10 million. Do you have his report there?

Mr. Tobergte – It says \$4,490,207.00 at the end of June.

Mr. St. Clair – OK so if you double that it's right around \$9 million.

Mr. Tobergte – OK.

Mrs. Brickweg – As I stated at the COW, I was really having a hard time with this State Budget and all that and I did call Dusty Rhodes and we had a nice long talk. He said he had the same problem when he was a Trustee in Delhi. And as he explained to me, it's kind of ridiculous that this is expected of us at this time of the year but it's a State thing that goes to the Federal thing and after talking to him he just said basically you don't look at this as your budget. It's an estimated budget. It's an estimated everything and it can go anyway. He said you have to look at it that way. The only thing he did say he thought was rather odd is that we take money that we know we're going to spend and kind of put it somewhere else. He said if you have money in the bank, why don't you put that down in your revenues to balance that and put down everything you think you're going to spend. He said he thought that was a lot more realistic or a lot more accurate. I did ask him the question, what would happen if we sent you a budget that was \$1million in the hole and he said he would come right back to us and tell us to fix it. You're right, he does want a zero balanced budget even though he knows they're probably not realistic but I did want to let everybody know that that is what he said. I'm just going to go with it as an estimated budget but maybe next year we can look at his suggestion and make it a little more realistic. If we have money in the bank, balance it that way instead of hiding projects.

Mr. St. Clair – I'd like to respond a little bit to that. I appreciate your efforts on this Peggy for finding that out. One of the things, once again with this transfer line item, if we have reserves in those other funds, in the Master Plan Fund or in the Street Fund, obviously we would not have to transfer as much. Some of the reserves are kind of in a shadowy way shown by us not having to transfer as much to cover the expenditures in those other funds so that may help a little bit to show that we do have reserves and actually this budget shows that we will have a surplus at the end of the year which is a good thing.
Anyone else?

Mr. Zix – As Finance Chairman I would just like to thank the Finance Committee, Cindi Bedinghaus and Don Tobergte and I would also like to thank Treasurer, Jamie Sipe and Auditor, Walt St. Clair and the Administration and all the Dept. Heads for their preparation and cooperation for this budget. And with that I would like to make a motion that we pass this budget as read.

Mrs. Bedinghaus – I'll second that.

Motion by Mr. Zix, seconded by Mrs. Bedinghaus to pass the budget as read.
Motion passed 5-1. Mr. Tobergte voted no.

Mr. Walden – Mr. St. Clair is there anything else regarding the Public Hearing on the budget?

Mr. St. Clair – No Mr. President, I would be glad to have you close the Public Hearing.

Mr. Walden – At this time we will close the Public Hearing on the 2010 budget. We will now move to the regular order of business for this evening.

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

Mrs. Brickweg made a motion to dispense with the reading of the minutes. Mrs. Bedinghaus seconded the motion. Council agreed 6-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – Absent.

AUDITOR, Mr. St. Clair – The June Auditor’s report for the cash balances in our various funds and the report for the expenditures from those funds are prepared for tonight’s meeting. The receipts report was also distributed to Council and the Treasurer.

Expenditures for the month of June: \$ 1,137,078.96

Expenditures for the year thru June 30th: \$ 7,614,061.46

One half of the year is completed. To see where we stand on the budget, you can look at the year to date expenditures by line item and compare that figure to the balance left in the line item. Balances less than expenditures may need to be addressed by Department Heads and Council.

Before Council tonight are Resolution Nos. 10 and 11, 2009 and Ordinance No. 26, 2009.

Resolution No. 10 declares Council’s intent to dispose of unneeded, obsolete or unfit City property through Hamilton County’s internet auction website. The property to be auctioned includes five 2005 Ford Crown Victoria Police Cars and one 2001 Chevrolet Malibu. The website is hamiltoncountyohioauction.com. All one word.

Resolution No. 11 provides for the payment of one invoice from 2008 that was either not received or was misplaced. Payment will be made from the 2009 appropriation. This Resolution also provides for the payment of an invoice for legal services to Cohen, Todd, Kite & Stanford, LLC for a Civil Service Commission hearing in the amount of \$7,195.50. The services were incurred prior to the Auditor’s certification that sufficient appropriations were available.

Ordinance No. 26, 2009 provides for the transfer of \$300,000 from the General Fund Cash Account to the Employee Health Plan Cash Account. It also provides an additional appropriation of \$150,000 to the Police Dept. Health Expenses and \$10,000 to Firemen Overtime. All items, except the legal services in Resolution No. 11, were discussed at the COW.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Before Council tonight is Resolution No. 13, 2009 which I prepared as a proposed amendment to the St. Bernard City Charter to have members of Council elected to four year staggered terms. I did not get the amendment to include the President of Council in this Resolution until just before the meeting, so this is not included in Council’s copy of Resolution 13. This should be amended before the vote.

Also is Ordinance No. 29, 2009 which I reviewed regarding the placement of a retaining wall onto City’s right-of-way in front of 18 Baker. While I know this has been done often in the past, I have given each Council member a memo just restating the law in this area including the increased liability risks of allowing

private property owners to place any structures on City property and the limited nature of the protection offered by an indemnity agreement.

Also, for the Laws, Contracts & Claims Committee, I am still working on getting you sample statutes on set outs following evictions or whole house clean outs. I should have these together by next week.

TREASURER, Mr. Sipe – I have the receipts for the month of June.

Receipts for the month of June:	\$ 1,560,422.68
Receipts for the year through June 30 th :	\$ 6,133,697.10

Also with Mr. St. Clair's year-to-date expenses or \$7,614,061.46, if Council was to track the \$1.5 million plus interest, the City would be balanced and making a profit at this point. That was incurred from the loan that was incumbent from last year.

SAFETY DIRECTOR, Mr. Chatman – I have a lot of items and I'll try to make it quick and breeze through them.

A topic of general conversation most of the week has been crime and criminal activity around the City. With the weather there is an increase with the children being out of school of juvenile incidents and juvenile crime. We are aware of those things. There are a lot of people out due to the weather and with people being out and about even late at night there's an increased opportunity to take advantage of unlocked doors, unlocked windows and things of that nature which we call opportunity crime. So I'm asking everybody to please consider your immediate environments where ever you may be. That is the home, store, parking lot, wherever you may be and just take the couple extra seconds to get your valuables out of sight. Lock doors and always remain vigilant and alert.

Number two, and related to that, a lot of the conversation that I have heard from the citizens have been positive and proactive and in the vein of "what can we do?" A lot of citizens do not know that we have an active "Block Watch" so again I wanted to take this opportunity to let everyone know that we do have a "Block Watch Assoc." The "Block Watch" meets every third Thursday of the month at 6:30 here in Council Chambers. Along with that too, I don't like to very often point out particular individuals, but I've been in communication with one of our Fire Fighters most of the week and he has been sending email suggestions on some of the things that he would like to see happen and some of the concerns that he has about safety in the City and I'm just going to respond to him publically and say that this is the exact mindset that we need. We need people taking a proactive approach, contacting City Officials, contacting me, contacting the Police Dept., sharing with us what you see and just being willing to being the eyes and ears because the Police can't be everywhere. I want to encourage him to continue and I want to encourage everyone else to do the same.

Third, and related to that as well, one of the things that I have heard, not in the form of a complaint but as a suggestion, is that they would like to hear more from the Police Dept. about what is taking place in the City and again I want to reintroduce what I talked about at the COW, that we are involved in what I think is a state-of-the-art communication system from the Police Dept. to our residents and that's the Nixle System. I think that puts us yards and yards above most of the area Police Depts. What Nixle is, is a secured website that allows for the Police to communicate with the residents in real time. This can include anything from eminent weather, emergencies, crime events such as schools being in a "lock down" because of a crime or a missing juvenile to an armed suspect on the loose. There also will be general crime prevention tips and any specific operational

information we need to get out to the citizens, such as parking restrictions and other safety items for events like the 4th of July celebration. So if you do want to engage in this system, it is free, just go to www.nixle.com and you can choose to receive communications from the Police Dept. via a text message to your cell phone. It can be in the form of an email into your inbox or you can choose to go to the website and pull messages off directly.

In addition to that and in trying to do some positive things with taking back our City and some of the ideas that people may have and the concerns that they have related to crime, I want to throw out an idea that I will be soliciting input for over the next couple of weeks and I do realize that we will be recessing in July, but I do want to have a program that I have entitled "Take Back St. Bernard." What I envision with this is total participation from the City. What I mean by total participation is you can do whatever you can to help us in this program but it will be a particular night that we designate. I would hope that people would be willing to take part in purchasing shirts that say "Take Back St. Bernard" but some of the ideas that I had and have discussed with people would include during that evening that people come out on their porch, turn their lights on and I'd like to see every light in St. Bernard on throughout the period of time we're engaged in this program. I'd like to see all the adult bike riders all meet at City Hall and we'll ride through the City that night with our shirts on and make a visual display to everyone that we're alert and vigilant and we're not going to allow people to take over our City. I would like to see perhaps people engaged in walking groups and any other ideas that you may have please feel free to contact me, contact the Police Dept. We just want to have total participation of the City and get everyone thinking along being proactive in keeping ourselves safe.

Number five on my list. There was talk of having a concealed carry permit class. That class has been set up, however, it is not the women's only class that is due to come sometime in the future. This is a general class for men and women. The conceal permit class requires ten hours of instruction and we will hold those ten hours on Wednesday, July 15 from 5pm to 10pm, five hours on Friday, July 17, two days later from 5pm to 10pm and then the next morning, Saturday the 18th at 9:00am until 10:30am or so in the St. Bernard Police Station range. The five hour classes will also be held at the St. Bernard Police Station.

Lastly, we are approaching a holiday weekend, the 4th of July, and I'm just going to ask everyone to please be careful if you are participating in setting off fireworks yourself. More often than not it's not the person setting off the fireworks but bystanders and children who get injured with reckless behavior and more so than that it would be a good idea to just come on down to the park and enjoy the fireworks that the City is sponsoring. Other than that, everyone have a great holiday.

SERVICE DIRECTOR, Mr. Stegman – The Mayor was called into work tonight but he just wanted me to remind everybody that Saturday is the 4th, the festival is down at Ross Park. Rozzi's fireworks will go off at ten, we have a lot of booths down there, it's supposed to be a cool evening, so everybody please come down and attend. He also wanted me to thank all the depts. in advance for all their extra work that they will be doing on the 4th to make it a safe holiday.

Tonight there is an Ordinance on the table for the Hamilton County Storm Water. We discussed it at the COW. This is to accept the rules and regulations for the County. I got the information to Council by email on Tuesday but it was a 50 page ordinance with 5 articles. Council can pass tonight or wait until August 6th to pass. We do need it passed as soon as possible. In the Ordinance there is a section to

pay for the services that Hamilton County does. There is money already in the budget for this.

Legal notice is in the Enquirer for the City's sidewalks and curbs. The bid opening will be July 15. The energy study information is in the Valley Courier and the deadline to pick up is July 20 by noon.

Last Thursday night we had a storm blow thru. We had a lot of limbs come down and clean up because of the storm. Thanks to the Service Dept. we worked 80 man hours most on overtime to get the City cleaned up. Thanks also to the Police for their help in traffic and wires being down that night.

Thanks to the Service Dept. for getting the park ready for the 4th of July celebration. I hope to see a lot of people down at the 4th of July. Come down to the festival and fireworks. I will be working the beer ticket sales. We have 16oz. bottled beer this year and you can walk all over the park.

TAX COMMISSIONER, Mr. Geiser – Absent.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – Tonight we passed the 2010 preliminary budget for Hamilton County. I would like to again thank the Finance Committee, Cindi Bedinghaus, Don Tobergte, Treasurer, Jamie Sipe, Auditor, Walt St. Clair for the many nights preparing this financial guideline for 2010. I would also like to thank Mayor Bill Burkhardt and the Administration and all Dept. Heads for their help. I'd also like to wish everybody a great and safe holiday.

SAFETY, Ms. Hausfeld – Absent.

SERVICE, Mr. Tobergte – The Service Dept. report for June 2009 is as follows. There were 36 trucks and 36 dumpsters placed at residences along with 226 special pickups. 234 tons of garbage made its way to the landfill. There was 16 tons of recycling material, 7 tons of cardboard, 6943 pounds of scrap metal, along with 19 appliances. The City received \$297.42 for recycling in May.

PUBLIC IMPROVEMENTS, Mr. Meier – The only thing I have for tonight is that after we come back from the break, we'd like to have a Public Improvements Committee meeting at 6:30pm prior to the first COW meeting after the break. The agenda for that is we will be discussing forming a CDC, a City Development Corp. whose main function would be for the acquisition and rehabilitation of residential property. The reason for this is the CIC is attempting to do some of that but their focus really should be on Vine St. and Nu-Maid. Gerry and his dept. are doing a lot of it but they're overwhelmed. They're doing a little bit of everything and so I think that it's the appropriate time to look into forming a different group that can focus on the residential housing.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – I would just like to thank Mrs. Kate Bedinghaus for getting together the sample ordinances for I believe you called it the whole house clean out. The committee will hold a short meeting after that to discuss that ordinance and we'll take it from there.

BUSINESS AND INDUSTRY, Mrs. Brickweg – I just wanted to comment on the Cruise-In that we had this past Saturday. I think it was a very successful event for the first time. I wanted to thank especially the local restaurants that participated

and to thank especially the local car owners that came out. It was really neat to see all the fixed up cars of the residents of St. Bernard.

The other thing that I thought was really a good thing was the WGRR. I don't know if anybody heard it but I heard a couple advertisements like on the Friday before, some on Saturday, and just yesterday I heard the one for the 4th of July. It was \$5,000 and the amount of publicity we're getting, I think that was a very great idea to do that. It was a huge success and I hope we try it again next year.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – For the month of June the Dial-A-Ride passengers were 2174. For the year total were 12,593. The number of medical bus transports were 41 for the month of June. The total for the year was 150.

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

ST. BERNARD COMMITTEE OF THE WHOLE - JUNE 25, 2009

NEW OR REFERRED ITEMS:

1. Approved the minutes of the June 18th council meeting.
2. Todd Long from Hamilton County Storm Water spoke to council regarding the City joining with other municipalities and townships in forming a Hamilton County Storm Water District. The City would be able to pick and choose what services they want to provide and what they want to hire the district to provide. The reason a district is being formed is because the Clean Water Act created regulations regarding discharges into storm water. The Act has the following control measures - Public education and Outreach of the citizens regarding storm water, Discharge and Elimination of pollution, Pre and Post construction rules regarding how new building effects the run off of storm water and Good House Keeping/Pollution prevention – which makes sure rules are enforced. Phil and Gerry provided council with a list of services the City will complete and what services the City will use the District to complete. Council voted 6 to 0, Zix absent, to place to ordinances on the table for the next council meeting. The first ordinance is for the City to join the Storm Water District and second ordinance is to provide \$27,720.00 to pay for the services the District will provide. If the District provided all the services it would have cost the City \$44,240.00
3. Fire Chief Scherpenberg provided council with a detailed four page report regarding how the department used the overtime line item this year. He explained that having a fire fighter off for seven months due to an injury he suffered in a September house fire required approximately \$30,000.00 of the line item to be used. He stated that if this firefighter had not been off the department would be right in line with their budget, even with the new Kelly Day system. Chief Scherpenberg provided three projections he worked out regarding additional money he may require to staff the Fire Department to the end of the year. With the three projections he felt the department would need between \$26,766.61 to \$34,943.21, which is 3.8% to 3.9% of the total department budget. The Chief asked council what their thoughts were regarding the funding so he would know how to man the department. Cindi stated she was not comfortable making any decision that night, she needed additional time to read the report. Peggy stated that the Chief needs a decision because if council does not vote on this at the July 2nd council meeting, the next council meeting is not until August 6th and if there are no funds available in the line item he will not be able to provide a 6 men minimum staffing at the fire house. A motion was made to place \$10,000.00 in an ordinance for the next council meeting to allow the Chief to man the Department at a 6 men minimum through at least July. Council voted 5-1, Cindi voting no and Greg, absent.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt:

1. Bill informed council that he spoke with Kim Fender from the Hamilton County Library and she informed him that the \$3,000,000.00 that had been put aside to build a new library in St. Bernard is being used to help balance the county library budget. He also informed council that the St. Bernard library is one of the libraries being listed to close if Governor Strickland votes to do so on Tuesday. Patty stated that she is in favor of the City getting the land back from the library and she has been for many years. Peggy and Cindi both stated that it appears to be time to look into what the City will need to do to obtain the land back. Kate will start looking into the legalities of this.

Council then passed a resolution 6 to 0 to be sent to Governor Strickland stating:
“A resolution expressing the City of St. Bernard’s opposition to Governor Strickland’s proposal to balance the budget by implementing additional reductions in funding of the public library fund (PLF) and declaring an emergency.

2. Bill requested that council go into Executive Session at the end of the meeting to discuss the purchase of property. Council voted 6 to 0 in favor.

Auditor, Walt St. Clair:

1. Walt reviewed a sample resolution regarding the City conducting internet auctions to sell unneeded, obsolete or unfit City personal property. Council voted 6 to 0 to place this resolution on the table for the next council meeting. The first auction will be for the old police cruisers and a seized car.
2. Walt asked council for a resolution to allow him to pay for an invoice from 2008 for plumbing inspector labels. Council voted 6 to 0 to place this resolution on the table for the next council meeting.
3. Walt provided council with a sample ordinance to transfer \$300,000.00 from the General Fund Cash Account to the Employee Health Plan Cash Account and an additional \$150,000.00 into the Employee Health Expenses Police. Don suggested that the City look into getting health insurance bids to compare with what the City pays to be self insured. Walt stated he did not think the employees would like this because their benefits may change. Kevin stated that it would not hurt to get bids comparing exactly what we have. As a note the additional appropriation for the Fire Department will be added to this ordinance. Council voted 5 to 1, Cindi voting no, Greg absent, to place this ordinance on the table for the next council meeting.

Law Director, Kate Bedinghaus: absent

Safety Director, Rodney Chatman:

1. Rodney informed council of a new program the Police Department is participating in called the Nixle System. This program will allow residents and business owners to sign up to receive free notification regarding any important developments in St. Bernard, such as homicides, break-ins, storms, etc. Notifications can be received through on line posts, text messaging and e-mails. He will let everyone know when they can sign up. Hopefully this will be in the next two weeks.
2. Rodney reminded everyone that anyone wanting to list their garage sale for this weekend at the Cruise In should contact Walt Moeller and it will be listed at the Block Watch booth. The Block Watch group is also planning a future yard sale at a particular location, such as in the pavilion.
3. Rodney informed council that the Police Web site has many crime prevention tips listed.

Patty informed Rodney that she was not happy with the way the Police handled her car being broken into a second time. She stated that she had to go to the Chief to get the car fingerprinted. Peggy stated that she would like to see the police do more about the thugs and trash walking around City. She is concerned that if we worry too much about profiling we will lose our City to this element. She stated she that a more aggressive Police presence on the street would encourage these individuals to leave, because they would know St. Bernard means business.

Service Director, Phil Stegman:

1. Phil stated that he is going out for bids for curb and sidewalk work and that 10 residents have contacted him regarding paying to get work done at their home.
2. Phil informed council that the Service Department is working on repairing catch basins.
3. Peggy informed council that one of the light poles in the Alpine Heights subdivision that she reported on a few weeks back was knocked over when someone leaned on it because they are rusted through. She explained that she talked with Duke and they told her they owned the poles and that they should be replaced because of the condition. Phil stated he will follow up on this.
4. Cindi asked Phil about the condition of the railroad crossing at Spring Grove and Phil informed her he has been working with the railroad to get it fixed.

Tax Commissioner, Ed Geiser: absent, Bill read his report. Ed informed council that the City won a Tax Appeal case regarding the taxing of stock options.

Treasurer, Jamie Sipe: no report

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck: no report

Public Improvements, Kevin Meier: Kevin reported that he is gathering information regarding the City setting up a Community Development Corporation that would handle purchasing and fixing up residential property. His committee will meet on this after the summer recess.

Business & Industry, Peggy Brickweg: Peggy provided council with the sample resolution wording Kate prepared regarding placing the idea of four year staggered council terms on the November ballot for the citizens to vote on. It was decided that the position of President of Council would be voted on when the at-large seats are voted on. Council voted 5-1, Cindi no, Greg absent, to place this resolution on the table for the next council meeting.

Safety, Patty Hausfeld: Patty asked for an update regarding the City looking into the problems occurring at the skate park. Rodney is working with Pastor the of Immanuel Church about ideas for what can be done at the skate park and he will report back after his meeting. Bill explained that the bleachers were put down at the skate park to prevent people congregating in the roadway and it appears to be working.

Highways & Transportation, Cindi Bedinghaus: no report

Service, Don Tobergte: no report

Finance, Greg Zix: absent

Audience Participation:

An audience member asked about the canal bed testing and if anything was built down there would the new storm water rules protect the homeowners. He was informed by Gerry that the rules would protect surrounding property owners and Kevin stated that with the additional testing it appears the likelihood of development is slim.

Ordinances and Resolutions for the next council meeting:

1. An ordinance for the City to join the Hamilton County Storm Water District
2. An ordinance to provide \$27,720.00 to pay for the services the Storm Water District will provide.
3. A resolution regarding the City conducting internet auctions to sell unneeded, obsolete or unfit City personal property.
4. A resolution to allow the Auditor to pay for an invoice from 2008 for plumbing inspector labels.

5. An ordinance to transfer \$300,000.00 from the General Fund Cash Account to the Employee Health Plan Cash Account and an additional \$150,000.00 into the Employee Health Expenses Police.
6. A resolution to place the idea of four year staggered council terms on the November ballot for the citizens to vote on.

Next Council Meeting: July 2nd at 7:30 P.M.

Next C.O.W. Meeting: at July 30th 7:30 P.M.

Please note that council will be off for summer recess and because there are five Thursdays in July they will not be meeting between July 3rd and July 29th

Respectfully submitted,

Peggy Brickweg,
President of Council Pro-Tem

COMMUNICATIONS – None.

RESOLUTIONS AND ORDINANCES

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to read tonight's Resolutions and Ordinances by title only. Motion passed 6-0.

RESOLUTION NO. 10, 2009. A RESOLUTION DECLARING INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT CITY PERSONAL PROPERTY EFFECTIVE FROM JANUARY 1, 2009 UNTIL DECEMBER 31, 2009 AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to suspend with the second and third reading of Resolution No. 10, 2009.

REMARKS

Mr. Tobergte – Walt, on the cruisers down at the shopping center parking lot, they have July 13th written on them. Is that the start date of the auction?

Mr. St. Clair – Yes, we hope to have the items posted next week so we'll instruct them July 13th to open them up and I don't know exactly how long they'll run it, two or three weeks. It depends upon the activity I would imagine.

The motion to suspend passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Peck to adopt Resolution No. 10, 2009 as read. Motion passed 6-0.

RESOLUTION NO. 11, 2009. A RESOLUTION PROVIDING FOR THE PAYMENT OF ONE (1) INVOICE COVERED BY A "THEN AND NOW" CERTIFICATION OF A PURCHASE ORDER EXCEEDING \$3,000, AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the second and third reading of Resolution No. 11, 2009. Motion passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Peck to adopt Resolution No. 11, 2009 as read. Motion passed 6-0.

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 Mr. Tobergte to amend Resolution No. 13, 2009 to include the President of Council position. Motion to amend passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Meier to allow Resolution No. 13, 2009 to go its regular course.

REMARKS

Mr. Zix – First of all, after reading the constitution that our Charter refers to, you must follow Article 18 Section 9. I feel that it reads that we must have 2/3 legislative authority and upon petition of 10% of the electorate of the municipality. I feel that they need to have 10% of the registered voters and this Resolution before we can put this on the ballot. I did talk to the Director of Law, I don't know if she wants to comment on that or not.

Mrs. Kate Bedinghaus – My only comment is I looked at amending the Charter very extensively last year and there's not a whole lot of case law, there's not a lot of direction as far as this goes. I also talked to the Board of Elections and they said if you want to amend the Charter the easy way to go is if you have 2/3 of the vote of Council. Other than that you have to go the other way which is to get 10% of the electorate votes. According to Hamilton County Board of Elections it's one or the other, not both.

Mrs. Brickweg – I have a comment on that also. I talked to Kathy Curran down there and I've also talked to other municipalities not in regards to this issue alone but other communities, in their Charter they do not get the 10% they get the 2/3 majority and they put it on the ballot for the voters to vote on it and this also, if you look at our Charter, it's already in our Charter to allow the citizens to vote on this idea so when they very first wrote the Charter this idea was in there from a two year term to a four year term. It says right in there it can be put up for the residents to vote on it.

Mr. Zix – And that's where I differ all the way around. The Charter reads any amendment to this Charter will be according to the Ohio Constitution and it clearly reads that you need a resolution of Council and signed petitions with 10% of registered voters. I'm going to be voting against it. I do not believe the citizens should be placed in this area. I think if they want somebody in for four years I don't even think that we should have the power to put that on the ballot. I think we need to get 10% of the registered voters. I feel it's just somewhat of a convenience for politicians to do this. I feel like if a Council person wants to change every four

years, they should go out and get 10% of the registered voter. I will be voting against this.

Mrs. Brickweg – Just to comment on some of the things Greg said and I've stated this in the past. The reason many other communities do this and it's not just the four year terms, it's the idea of the staggered term, it's the idea that pretty much what is happening right now. All the political parties are all worried about their campaign and not a whole lot of work is being done on the City and that happens every two years. I find it very frustrating that we start worrying about it in July then the election is in November and whoever wins or loses and then nothing gets done in November or December. It's almost a half of year that we're not as productive as I feel we should be because so many people are concentrating on that. Besides that point, this isn't something I'm making or Council's making, that's why you put it up to the residents and vote. They can say they like the idea. They can say they don't like the idea. I mean, it's no different than anything else we put up for a vote and like I said, it had been suggested to me and then I saw it in the Charter so obviously at some point, for it to be written into our City Charter, somebody must have thought about it at some time. To add to that I think that staggered terms would be so much more productive for our City. Same thing, not everybody's running at one time so you don't have a complete new Council or a bunch of new people every two years. It's just like when I was talking to the Mayor of Cheviot, he said it just makes for Council and the government run so much more smoothly when half the people are just continuing to work and the other half might be worrying a little bit. I just think it might be a lot more productive for our City. But that's just my personal opinion but I don't see why anybody is afraid or anybody doesn't want to put an idea out there for the citizens to vote on. That makes no sense to me at all. If they don't like the idea they vote no. I just don't understand the problem of letting the citizens vote.

Mrs. Bedinghaus – I would like to comment on this Ordinance. I also will be voting against this Ordinance. The citizens that I did talk to and some of the citizens contacted me and they are not for having four year terms and they would not like to see this on the ballot and therefore I am voting not to put it on the ballot based on the citizens that have contacted me. To take its regular course, if any citizen would like to contact me, email me and let me know their opinion, I would be more than happy to reconsider. But right now with the citizens that I've talked to, they do not want to see it on the ballot.

Mrs. Brickweg – I just wanted one more comment, that is the one reason I went the regular course. I think it's very important for the citizens to come down and contact us through email but I will be very honest there are five thousand citizens in this City and I know I don't get to talk to all of them and that's why I thought it's a lot easier to put something on the ballot and they can vote no or yes because not everybody can tell us no, not everybody can tell us yes, so I think hey, this is the right way to do it.

Mr. Meier – I respect the opinions of everybody up here and on this particular issue I think in a normal course of voting on issues up here, we have to as representatives of our Ward, or representatives of the City, if you're at large, have to do your best estimate of what the feelings are of the people that elected you and do the best that you can. It's never possible to talk to everybody in every Ward on every issue. There's just, it just can't be done so you just do the best that you can.

In this particular situation though, what we're voting on is the opportunity to let everybody in every Ward voice their opinion. Whether you are for staggered terms or against staggered terms is immaterial. I don't think that based on the comments of a few, as elected officials, we should vote to not allow the opinions of the other people to be heard. Whether you're for it or against it, I think it's immaterial to the content of it. I think the important point is that we have an issue brought before us that is critically important to the operation of the City. The type of issue that everybody should have the opportunity to voice their opinion and the best way to voice your opinion is through a vote. From my perspective, I'll be voting for this so that the people in my Ward and the other people in the City do have their opportunity to voice their opinion.

Mr. Zix – I would just like to state again, I'm going to be voting against this because I don't feel that the people of the 4th Ward, I don't see all of them but the ones I canvassed don't even want it on the ballot. I think that we're not doing this properly, I think it has to be both. I think the fear I somewhat have is opening up the Charter to every loose cannon Council that might be up here and make changes. I think one of the best ways is to add the change that they should go out and get 10%. We can put it up on the ballot and they won't waste anybody's time.

The motion for Resolution No. 13, 2009 to take its regular course passed 5-1. Mr. Zix voted no.

ORDINANCE NO. 26, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS AND TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to suspend with the second and third reading of Ordinance No. 26, 2009.

REMARKS

Mrs. Bedinghaus – Within this Ordinance there are three pieces that Walt explained. The \$300,000 of the General Fund transfer out, there's \$150,000 for Employee Health Expense in the Police line item, which if those two were the only two line items on here I would vote for this. However, the one with the \$10,000 Fire Overtime line item, I'm not in favor of that line item. I feel that the Kelly Days that were awarded to them in the contract that was set up for an additional overtime in the Firemen's line item. Now I certainly understand that there was a Fireman that was out with Workmen's Comp for six months. But in a high risk profession such as this that needs to be taken into consideration. With additional personnel everyday that puts you in need of overtime with any other problem so I will not be voting for this Ordinance.

Mrs. Brickweg – Chief Scherpenberg is not here to speak for himself but he did speak to us at the COW last week and he did give us a four page report with graphs and everything and he actually explained that it wasn't the Kelly Days and it was in the report and he explained that with Kerry Meyer being out that that took over \$30,000 and if that injury did not happen they would be well within budget. He also explained about having the three laid off Firefighters has caused them to go down but in the same aspect that they saved the City \$1.7 million. And he said when you compared the amount of money we paid in overtime to the three men we were down we're still well ahead. He also gave us numbers based on last year

where if none of that happened he would be within his budget. I appreciated his report. I thought it was very detailed. I know there was a little bit of talk last week when it wasn't being reported and I guess my question there is if we do not vote for this overtime then we're basically telling him that he can operate the Fire House with less men which I'm not in favor of doing. I think he's doing a really good job in giving us his report and keeping within his budget.

Mr. Meier – The reason that this amount of \$10,000 as everybody knows is that Council will be in recess for the rest of the month of July. The idea for this is, Chief Scherpenberg doesn't quite need this much as we discussed last week. The amount that he would probably need is about \$6,000. The idea of his was to make sure that the Fire Dept. is fully funded during the month of July while Council is on break and that would in turn allow us time to discuss it further or get more into detail about after the fact. This is just an interim, if you want to call it a band aid, to get us from now until August when we're back in session. I think it's the appropriate thing to do and I'm in favor of passing this Ordinance.

Mrs. Bedinghaus – I realize that this is just an interim for July, but the total amount is actually about \$34,000 before the end of the year to cover the overtime. Realizing that this is just a piece of that, this is, there's more to come, there's still more that needs to be used for that line item.

Mr. St. Clair – In listening to what Mrs. Brickweg said, I don't think the Fire Chief stated that the Kelly Days did not contribute to the overtime. He mentioned that having less man power down there contributed to the overtime as well as the Workmen's Comp. case. I don't think he specifically stated that the extra Kelly Days did not cause the overtime.

Mrs. Brickweg – There were two charts in his report, Walt, that actually showed his manning power before the Kelly Days and after the Kelly Days and that was part of it.

Mr. St. Clair – I have not had the opportunity to look at Chief Scherpenberg's report, but I will look at it, but once again at the COW he did not specifically say that the extra Kelly Days did not cause the overtime.

The motion to suspend with the second and third reading of Ordinance No. 26, 2009 did not pass as it is necessary to have six votes to suspend with the second and third reading. The vote was 5-1. Mrs. Bedinghaus voted no.

Mr. Walden – Since the motion did not pass it appears that Ordinance No. 26, 2009 will take its regular course.

Mr. Tobergte – I thought the rules of Council were for members present.

Mr. Walden – My understanding is that six votes are needed to pass the motion to suspend.

Mrs. Brickweg – I guess I need to ask Walt then. We're going to be out the whole time until July 30th. How are you going to handle bills and stuff?

Mr. St. Clair – I'll get together with the Chief and Rodney, the Safety Director, and see what can be worked out. I'll see if there's any way of him running with less

man power or letting people give up vacation time or whatever. We'll try to work something out.

Mrs. Brickweg – I'm talking the other two line items also. I wasn't just thinking of that line item. I was looking at the line item for \$300,000.

Mr. St. Clair – Oh OK, I'll have to look into that. I wasn't prepared for this not going by emergency tonight so we'll just have to look at it and if the money is not there we just can't pay for it.

Mrs. Brickweg – I know that this might be out of order but I'd like to make another motion, if I can, to suspend with the second and third reading, and its fine if you don't support the Ordinance, but you can vote no on that but the idea that we don't have an Ordinance to help run our City because you're against one part of the Ordinance, vote no on the Ordinance but with us being gone for three weeks, I'm not comfortable having the Auditor not having the money to run the City. I'd like to make another motion and we'll just see how it goes to suspend with the second and third reading of Ordinance No. 26, 2009.

Mr. Walden – Mrs. Brickweg, in response, I'm not aware of any rule that prevents a motion from being remade unless it's a motion to adjourn within the rules so I guess I'll ask if there's a second for this motion?

There has been a motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 26, 2009.

FURTHER REMARKS

Mr. Peck – I would just like to echo the comments of Mrs. Brickweg. I would hope we could at least resolve to dispense with the second and third reading and then do a two vote on the Ordinance.

John Metz, 4419 Kemper Ave. – The question I would ask in regard to re doing the motion is number one, if you cannot, let's say you go for giving this its second and third reading, how many votes are needed to pass for emergency then for this to go through. Would it then be less than the six? Let's say everybody agrees to go and skip the second and third reading and its goes to an emergency passing how, many people are needed to vote for it to pass?

Mr. Walden – My understanding is it would need five votes to go emergency.

John Metz, 4419 Kemper Ave. – You only need five votes to go emergency but six votes to skip the second and third reading, so in essence you're asking each member of Council to let this thing go through as it is. Your other alternative is to amend this and take out the \$10,000 as a separate Resolution and therefore you'll still be able to run the City and only have the problem with the Fire Chief. Those are your other options. I think you need to keep in mind, because by asking Mrs. Bedinghaus to allow this to go without the second and third reading, you're not allowing her voice on the passage on this to go through as well. You're opposing your desires on her knowing that five out of six are going to vote for it to pass and her whole thing has been meaningless.

Mrs. Brickweg – Mr. Metz, I didn't think about it that way but that does make sense but I'm going to be honest, I'm not comfortable not having man power down

at the Fire Dept. I mean you're talking four or five men. And you're talking the month of July and the 4th of July, that's ridiculous and I'm not comfortable with not feeling safe just like I'm not comfortable with not having the Policemen on the streets and that's just my personal opinion.

John Metz, 4419 Kemper Ave. – I don't disagree with you there. My question would be, I believe there's still money in the overtime available, he's not completely out. You could ask for money to cover for the rest of the year. How much money Walt is left in the overtime line item for the Firemen?

Mr. St. Clair - \$6,000.00.

John Metz, 4419 Kemper Ave. – Remaining right now? And he's going to spend \$10,000, \$12,000, well that's just it. He has \$ 6,000 in there, will that last him for the month of July? We don't know that until we go through and see if there's anybody calling in sick which is what is causing the overtime with the Kelly Days and the vacation days. This may be a moot point. In my opinion, if you amend this and drop the \$10,000 increase for the Firefighters overtime, you're allowing the City to run, you're not imposing your will upon Mrs. Bedinghaus as far as passing this motion on this Ordinance and you complete both things. You're going to be off for a month but come the first part of August if he hasn't used that \$6,000 you can still resolve the other issues separately.

Mrs. Brickweg – That all sounds great but let's say we get two firemen hurt in a fire tomorrow. Then what?

John Metz, 4419 Kemper Ave. – I would think that there are other ways to get around that.

Mrs. Brickweg – No.

John Metz, 4419 Kemper Ave. – I'm sure that an emergency meeting of the Council would be called and some things would be done. There are other things that could be done. There are other ways around. It's not always a last minute thing if somebody gets injured or sick and not have it, you're right but again, personally, I think it should have been separate line items on this ordinance instead of having everything thrown together. It's what our Federal Government does, it's what our State Government does. They throw everything into one thing and if you don't pass this the government stops. Well then there's no line item veto. We don't have a line item veto here either. But I believe that by asking Mrs. Bedinghaus to let the second and third reading be skipped, you're imposing the will of the other five members of present Council to what you desire for this one item. Amend the Ordinance and drop that item, let's see what the \$6,000 does and go from there.

Mr. Meier – Mr. Metz I'm just going to disagree with you 100%. Right now by Mrs. Bedinghaus voting to not suspend with the second and third reading she is preventing the other five people from voting on this Ordinance. Right now it is one vote that is preventing everybody else from voting whether they are for it or against it.

John Metz, 4419 Kemper Ave. – I understand what you're saying, that's why you have a regular course and that's why you have the opportunity to do it this way. If Patty had been here you may have had your six votes to pass it.

Mr. Meier – Right now we have one member of Council that is preventing the other five members from voting and that is one person imposing her will on the others.

John Metz, 4419 Kemper Ave. – Well you can go all night then and read the thing over and over again and go five to one and it still goes the same way Kevin. I understand what you're saying. I don't think that this part of this that says the \$10,000 increase in the overtime for the Firemen has to be pushed through at this point. If you'd have made it a smaller amount maybe she'd have been more confident in passing it. I understand that you guys did this at Council of the Whole to allow some measure of this to be done. Personally I don't necessarily agree that it shouldn't be done. We're going to spend the \$10,000 by the end of the year. I don't disagree with that. I'm not sure that to prove it either way that the extra Kelly Days are forcing the overtime budget in the Fire Dept. and I have looked at Chief Scherpenberg's thing and probably didn't read it as thoroughly as I need to but I think that there's got to be some way to get by this with the \$6,000 that he has. That may be enough to cover him for the month of July.

Mrs. Brickweg – I'm just going to say it. It's so obvious and I'm really getting tired of this. We're trying to do a budget here. We know the green party hates the Kelly Days and there it is, the cat's out of the bag. But right now can we just drop the Kelly Days as we're trying to give the Fire Dept. money to run the Fire Dept. You can argue about the Kelly Days later if you want. This has nothing to do with Kelly Days.

John Metz, 4419 Kemper Ave. – I understand that.

Mrs. Brickweg – Well then why do we keep bringing that up?

John Metz, 4419 Kemper Ave. – Because it's part of the original problem.

Mrs. Brickweg – We're not negotiating a contract here. If you want to bring it up, fine but I'm trying to stick to getting this Ordinance passed. Another suggestion I have is let's have a Council meeting next week but Patty's mother had a major surgery yesterday and that's why she's not here and she really wanted to be here but I understand that she really wanted to be with her mother.

John Metz, 4419 Kemper Ave. – I wouldn't have been here either.

Mrs. Brickweg – Maybe that's a solution, if we can't get this through that we have to have a Council meeting next week, but I'm not comfortable that we just don't run our City for three weeks that's just my opinion.

John Metz, 4419 Kemper Ave. – Like I said, I think you can get the City run with the other two parts of the Ordinance if you amend it.

Mrs. Brickweg – I also agree with what Kevin said. We don't know how everyone is voting. But we're not going to find out unless we can actually vote. We're just

trying to do the second and third reading. We know how some are voting but we don't know how everyone is voting so it might not even matter.

Mr. Meier – There is one thing that people are missing here. There's nothing in this Ordinance that require the Chief to spend the \$10,000. If he doesn't need it I'm sure he's not going to spend it and it will be available for the rest of the year and I'm sure that sometime between now and the end of December the money is going to be needed. So whether we pass it now or whether we pass it in August or we pass it in Oct. or we pass it in Dec. it doesn't really matter. As long as there is not a line item here that requires the Chief to spend this money between now and August there's no harm in passing this now knowing that at some point we're going to have to pass something. This is a purely political play at this point. I think right now we need to do what we have to do to make sure that our City is in safe hands for the next month. Take the politics out of it and just get it done.

Lee Wright, 209 Harvey Ct. - Why can't you go get the workers that we need if the Firefighters agree, pass another Ordinance maybe next week, have the Fire Chief crack down on people calling in. In other words tell the Fire Chief, I don't see the Police Dept. coming here about people calling in and miss their days by people calling in. I know with my job and people calling in they start asking questions. You know, teach the Firemen like the Police to crack down on the call in and do like the other Fire Depts. do that have been living there for three days and off three days.

Mrs. Bedinghaus – I am looking at this as the Chief's have got to control their budget. They are responsible for their budgets and when they run out of the money, they want to call the bluff and they want to come back and ask for money. I am not in response to any kind of political agenda up here at all. Kelly Days was strictly indicated by the Chief in our Finance Committee that they have caused overtime and that is part of it. Again, I don't believe that I want to put the money back in that line item. There are other ways that they have to operate. I've asked from the very beginning that an assessment be done, other departments and different ways to run business. We can't keep running business as we do today. It's different in this world. We can't have this. And nothing has been done. Nothing has been done to look at the different depts. and ways to run the business. Whether it's getting some part time in with the full time, nothing has been done. Again they come back and just want the money. So this is not a political game for me.

Walt, is there any way we can separate this out of the Ordinance? Put the two amounts on one and this one on another?

Mr. St. Clair – Council I would imagine if they would like to make two separate Ordinances, we could recess briefly and do it that way. I would have to run in and separate it, if that's what Council wants.

Mr. Stegman – If that's what you want to do all you would have to do is amend it from up there at the Chair. One of the Chair members would say eliminate the \$10,000 out of the Ordinance, pass the other part of it, but you'd still have to create another Ordinance at some time for the money but it doesn't sound like the ten is going to pass tonight anyway so you could just amend this one.

Mr. Zix – May I make a suggestion, hopefully it will satisfy everybody. So far this year through June, the Fire Dept. has spent \$65,000. That's basically about

\$10,000 a month they need. Right now we got \$6,000 in there. What if we reduce it to \$4,000. That would cover the whole month of July. That way we would reduce the ten to four and then they would still have their average amount to spend. I don't know if everybody would be in agreement with that? That's one way we could bring that number down on somewhat of a compromise and on the other hand the budget would have the average amount that they spent throughout the entire year for the month of July and then we can approach it again. Any thoughts on that?

Mr. Peck – If you would like to make that motion, Greg, I'd support that.

Mr. Zix – I make a motion to amend the Ordinance to read “an additional \$4,000 instead of \$10,000 instead of \$10,000.

Mr. Walden – We currently have a motion on the table to suspend with the second and third reading.

Mrs. Brickweg – I would like to withdraw my motion to suspend with the second and third reading.

Mr. Walden – We have a motion to amend Ordinance No. 26, 2009 to show the Firemen overtime line item as \$4,000 instead of the \$10,000 with a motion by Mr. Zix and a second by Mr. Meier.

REMARKS

Mrs. Brickweg – Thank you Mr. Zix.

The motion to amend Ordinance No. 26, 2009 passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the second and third reading of amended Ordinance No. 26, 2009. Motion passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Peck to adopt Ordinance No. 26, 2009 as amended. Motion passed 6-0.

ORDINANCES NO. 27, 2009. AN ORDINANCE ADOPTING AND ACCEPTING THE RULES AND REGULATIONS FOR THE HAMILTON COUNTY STORM WATER DISTRICT, AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH HAMILTON COUNTY STORM WATER DISTRICT AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to suspend with the second and third reading of Ordinance No. 27, 2009.

REMARKS

Mrs. Brickweg – Like Phil said, it's a very lengthy Ordinance, just so the residents know that were not able to attend the COW. We did have a member come down from Hamilton County. He went into great detail with us and what is expected of us and how we will benefit. Basically we're going to enter into the district with Hamilton County Storm Water. We are still going to do some things on our own

that Gerry and Phil thought it would be better for our City to do and if we need some additional help Hamilton County will cover it.

Mr. Stegman – Just to assure Council, JMA also had looked at this along with Todd Long after everything was finalized. Everybody put their stamp on it. It was pretty quick but everybody seemed to be OK with it after it was all said and done. Just to reassure, I know it is very lengthy and I know it's hard to read all those articles. It's very dry reading but it's something that we worked very hard on over the last couple of months. Hopefully everything is all right on it.

The motion to suspend the second and third reading passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Meier to adopt Ordinance No. 27, 2009 as read. Motion passed 6-0.

ORDINANCE NO. 28, 2009. DECLARING THE PROPERTY KNOWN AS 4518 PARK PLACE TO BE NEEDED FOR MUNICIPAL PURPOSES; AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND ACCEPTANCE OF THE DEED OF SAID TRACT; AUTHORIZING PAYMENT THEREFORE, APPROPRIATING THE NECESSARY FUNDS; AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the second and third reading of Ordinance No. 28, 2009.

REMARKS

Mr. Meier – I'd like to thank Mr. Wiedmann. Once again he has done an outstanding job identifying property whose acquisition would be beneficial to the City and future plans, carrying through with contract negotiations to the point where we can acquire the property at a fair price. So thank you Mr. Wiedmann I appreciate your efforts.

The motion to suspend with the second and third reading of Ordinance No. 28, 2009 passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Peck to adopt Ordinance No. 28, 2009 as read. Motion passed 6-0.

ORDINANCE NO. 29, 2009. APPROVING THE CONSTRUCTION OF A RETAINING WALL IN THE FRONT OF 18 BAKER AVE. ON CITY PROPERTY BY THE OWNER TERENCE CHIN; REQUIRING THE EXECUTION AND RECORDING OF AN INDEMNITY AGREEMENT AND DECLARING AN EMERGENCY.

Mrs. Brickweg – I know that a lot of people seem to have questions on this and since Kate just gave us an opinion could we open up the floor for discussion on this? Take a vote to open up the floor before there are any motions made.

Mr. Walden – That's fine, we have a motion on the floor to open up for discussion on Ordinance No. 29, 2009, is there a second?

Mr. Peck – I'll second.

Motion by Mrs. Brickweg, seconded by Mr. Peck to open up for discussion Ordinance No. 29, 2009. Motion passed 6-0.

Mr. Walden – The floor is open for discussion of Ordinance No. 29, 2009.

Mrs. Brickweg – I'll start off and I don't really have questions with it but I have been seeing the emails go back and forth and after having Kate's opinion, Gerry would it be possible for you or Walt or whoever has been working with Terry to maybe try to explain this a little better and give your opinion on how you feel about it so Council kind of knows?

Mr. Zix – Could I just say something real quick just to explain to Council why this came up. Mr. Chin contacted me about this and I knew we were going to go into recess that's why I emailed it out to everybody so that everybody knows why it started and why it wasn't at COW last time.

Mrs. Brickweg – That's fine. That's why I wanted to open the floor to discuss it.

Gerry Wiedmann, Building Dept. – I will try to explain what I think is happening here first and then turn it over to Walt because Walt is the person who was actually up at the site when the decision was reached. This probably has been done five or six times in probably the last 20 years I guess. What happens is more often than not, and I don't mean this in the case of Mr. Chin, I'm trying to describe what's going on, but more often than not someone will work on their front property and most people believe that the sidewalk is the start of their property, their front property line. More often than not it is not their property. A lot of times or at least five or six times people have started a project without getting a building permit. If they came down and discussed it with us we could tell them that the right of way is so large and that the street is so much and then there is so much on each side of the curb. Therefore they could determine pretty close where their property line would start. But like I say we've run across this five or six times that they haven't done that. They have actually started the project. They did not get permits to do it so therefore we could not have advised them properly, you know, because they didn't know it was there until we stumbled across it. That's how these things have occurred in the past. There's been a lot of different schools of thought. I know Mr. Asbach from day one has, and I've always admired him for it, he had a long discussion with me the first time. He felt like he didn't believe that anybody should build on City property. He took that stand for as long as he was in office and I know some people weren't happy with him over it but that was his belief and that's what he did and I'm sure you guys will probably react the same way to a certain extent. That's basically what the problem is so we cannot issue a building permit for anybody to build anywhere other than on their own property. We could not issue Terry a permit to build the wall where he wants to build it at this time. Therefore, with Mr. Geiser, he had worked out an Ordinance scenario and also an agreement scenario that he would, and I'm not a legal person so I don't know all the ramifications of this, he would get them to sign it and be responsible for it and like I said, I don't know where the liability falls but those were all key issues. When that was signed by both the City and the person who was completing the wall then it had to be filed down town with the deed and it ran with the property. If it was sold it continued to go with the property. I think that explains it all. I'll let Walt come up and tell you what's happened with Mr. Chin.

Walt Moeller, Building Dept. – That has happened basically the way Gerry has explained for most of the other ones. I was out during a usual drive around every morning on my way to work and to see what's going on. Who's building, who's not. I see things that are already in progress that I know where they're at and how far along and I saw Terry Chin had already used the back hoe and dug up most of his front yard. I stopped and explained the situation, told him I would go back up to the office and find out exactly how far in. In his case its right around 3ft. in from the actual sidewalk is where his property line starts. I informed him at that time that he would have to move it back to that level or he would have the option to contact, well he said he would contact Mr. Zix. Also I said he would have to contact Kate and so that's where we are with that. Basically, Phil went up and spoke to him also because we had run a few ideas if he didn't move it back the 3ft. what he could put in front of that. Some people elect to put some gravel there, some people concrete it, some people will go ahead and put grass in there. You know, it's whatever they like to do. He elected to proceed forward with this. So that's where we are right now. He does have his entire hill tore up right now and dug out. It's going to be done in two tiers, there will be a lower tier and another tier. He estimates the lower tier is 30in. the second tier would be probably 30 to 40in. also. It's going to be done with an Allen Block is what he's telling me so basically that's what we have right now at this point in time.

Mrs. Brickweg – Just so I can picture this. We have the sidewalk here and he just wants to go up to the sidewalk I guess or very close to the sidewalk.

Walt Moeller, - Yes, he's has dug right up against the sidewalk. So the first 3 ft. of his wall would actually be on the City property.

Mrs. Brickweg – At this time, Greg I hate to put you on the spot, can you speak for Mr. Chin because you sent us a great email and I forgot to bring it.

Mr. Zix – Mr. Chin contacted me knowing just what Walt and Gerry said and he would like to build that on the walk, next to the walk. Some of his thought is, he has the driveway on one side coming down. He'll have to shore that driveway up some way if he has to step back 3 ft. also the yard next to him. Now he can probably grade down the yard next to him down a little bit if you step back 3 ft. so one way or the other there's going to be some kind of obstruction on the City property. He's looking for more yard space. There's a lot of yards that have done it. I got a real good example, probably 25 years ago on Cleveland and Sullivan they had a 25ft. lot. If you would have stepped back that 3ft. plus the wall you would have lost 5ft. of that yard. You'd have been on a 20ft. yard. The yard happened to be mine. I had my school of thought had been all the time, if somebody had been trying to beautify the property in this City, we have a hard enough time getting that. We're doing very well now but this guy's trying to beautify the property. I see what Kate is saying. There is always still a risk. That agreement would hold Mr. Chin liable if we needed to see right-of-way, if financially he had to take that wall down, but as Kate warned us there are still liabilities there. But I have over a period of time, I've been here a long time, I voted for everyone of them. I hope that helped.

Mrs. Kate Bedinghaus – I just have the obligation to throw out the worst case scenario just to give you everything to think about when you make your decision not to scare you, just my obligation, that's all.

Mrs. Bedinghaus – Has there ever been any other actions taken against any of the other property owners in the City with any of the other walls. There's 5 or 6 around the City? Has anything occurred whether it's a dispute or?

Walt Moeller – You're talking about any claims? Not that I'm aware of.

Mr. Peck – The one sentence that I'm reading from your memo, Mrs. Bedinghaus, it says the indemnity agreement cannot contract the City's liability for injury to a third party. We're still going to be on the hook if someone sues for an injury that occurs arising from our property that's been built on.

Mrs. Kate Bedinghaus – It's still the City's property.

Mr. Peck – So the indemnity agreement doesn't cover that?

Mrs. Kate Bedinghaus – It would if say for instance, throw this way out there because it would be because of some injury or something, you might get the judgment but is it collectible.

Mr. Peck – They're still going after us in other words.

Mrs. Kate Bedinghaus – Right.

Mr. Peck – Thank you.

Mr. Meier – I only have on question, if somebody wants to beautify their property, I'm OK with that. Somebody might get hurt whether the law is there or not. It's going to be an accident. We still have that piece of property either way. The only question I've got is, right now we've got the issue up on Delmar Ct. with a wall that is needing to be replaced. If sometime in the future there is a similar situation happening here would it be the City's responsibility or would it be the property owners responsibility?

Walt Moeller – In this case it would be Mr. Chin's responsibility to maintain that wall and replace it and even if we would go up there and widen the street he would have to move it back at his own expense and rebuild it. That's the reason for the agreement. They call it an indemnity agreement but I think I agree with Kate I think it more protects that portion of it than it does.

Motion by Mrs. Brickweg, seconded by Mr. Zix to suspend with the second and third reading of Ordinance No. 29, 2009. Motion passed 6-0.

Motion by Mrs. Brickweg, seconded by Mr. Zix to adopt Ordinance No. 29, 2009 as read. Motion passed 6-0.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Tobergte – I would like to congratulate Sam Newberry on winning the super stock division of the Cincinnati Soapbox Derby. With this win Sam qualifies to go

Akron for the World soapbox Derby on July 25th. We wish Sam good luck in Akron.

And I would like to thank Lou Steiner and Jan Boylan for the I ♥ St. Bernard T-shirts they gave to Council.

AUDIENCE WISHING TO ADDRESS COUNCIL

Lou Steiner, 308 Delmar Ave. – From time to time I've said that St. Bernard needs to find ways to promote itself so Jan and I thought one way to do that would be to develop a T-shirt. So the "I ♥ St. Bernard" pretty much says it, so in that vein we left one for each of the elected City Officials. That's why some of you in the room don't have one in front of you. It was our thought that it might be appropriate to wear them at the 4th of July event. We took a stand at what size you might need and if the size is inappropriate we have some alternate sizes that we can offer to make some switches. Finally, Rodney Chatman has suggested that the Block Watch people or organization needs to find ways to raise money so Rodney I would be glad to tell you where the silk screens are for these shirts and maybe the Block Watch people could take it over have them made and sell them at different events. Jan and I don't want to go into the T-shirt business but if everybody likes the idea maybe your organization or some other group in the City would take it up. I hope you all enjoy them.

Mrs. Brickweg – Lou, at the Cruise-In we were actually discussing T-shirts so maybe, and Bill's not here because I was discussing it with Bill and Al Kanters because they know the decals they had printed up, the St. Bernard decal, we were saying they had some T-shirts printed up and I was suggesting that the more T-shirts or anything we get out there to promote St. Bernard better and he was going to talk to Elaine and maybe find out how much it would cost to get a bunch made and just sell them at cost so we can get the people out there wearing them so if you wouldn't mind you could contact Elaine. I really like this one. I think the teenagers are going to like this one a lot more too than the one I was looking at but that was part of the idea. We need to get a lot of these out there and thank you.

Lou Steiner – And why the 45217 is on there, obviously you know that's our zip code but if we just said I ♥ St. Bernard we thought we'd be promoting dogs and not the City so we did it that way. Also, if anybody would like to buy one, I do have a few that we could sell. My cost at this point is \$10.00 a shirt but if somebody would order them, I didn't order that many, I ordered a couple dozen but if you order a couple hundred you can get the price down pretty close to \$5. per shirt.

Lee Wright, 209 Harvey Ct. – With the shirt if there's no dog on there I might have a welcome committee. If people would stand on the corner like a welcoming committee and welcome new people into St. Bernard and have a shirt that says, St. Bernard is Standing Tall.

When do you plan on doing all the sidewalks on Vine St.? If you noticed all the sidewalks are real cracked.

Mr. Stegman – Some of those are on the bid that we have out now. Once we get those bids back on July 15th then they'll start doing them. Hopefully they'll be done by Sept. 30th.

Lee Wright, 209 Harvey Ct. – Thank you.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to excuse the absent member. Motion passed 6-0.

Mrs. Brickweg – Due to summer recess and due to there being 5 Thursday s in July, Council will meet for the next COW meeting on July 30th at 7:30.

Motion by Mr. Zix, seconded by Mr. Meier to adjourn. Motion passed 6-0.