

**ST. BERNARD CITY COUNCIL MEETING
MARCH 21, 2013**

The regular meeting of the St. Bernard City Council was held Thursday, March 21, 2013 in Council Chambers.

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

Mr. Peck – At this point Mr. Burkhardt would like to have the floor.

Mayor Burkhardt – I would like to have David Spradlin come forward. David Spradlin was given a Proclamation of Outstanding Significance for his role in the upcoming Walt Disney movie “OZ”.

Roll call showed that six members were present: Mr. Tobergte, Mr. Meier, Mr. Holt, Mr. Asbach, Mrs. Schildmeyer, and Mr. Culbertson. Mrs. Bedinghaus was absent.

Mr. Asbach made a motion to dispense with the reading of the minutes. Mrs. Schildmeyer seconded the motion. Motion passed 6-0.

REPORTS OF VILLAGE OFFICIALS

MAYOR, Mr. Burkhardt – The Easter Egg Scramble will be held rain or shine, or snow.... next Saturday, March 30th at Vine Street Park at 1:00pm. Please remember to bring a basket and dress for the weather. Complimentary pictures with the Easter Bunny will provided by Tricia Hackney and “Get The Picture Photography”. Weather permitting, the Easter Bunny and I will be visiting the streets of St. Bernard Saturday morning.

I have contacted the State Auditor’s office in reference to initiating a Village wide performance audit. Ms. Christa Criddle, AOS Southwest Regional Liaison, has agreed to attend an upcoming COW meeting to explain the process and potential benefits. I would like to ask Council’s thoughts and if there are any upcoming meetings that you are **not** able to attend.

AUDITOR, Mrs. Brickweg – As discussed at last week’s COW meeting the Auditor’s office has prepared Resolution 3, 2013 and Ordinance 13, 2013 for tonight’s meeting. Resolution 3, 2013 is a “Then and Now” resolution coving two open invoices. The first invoice is \$6,892.70 to Taft, Stettinius and Hollister for unexpected legal fees for work done in regards to issues with some property owners in the Bank Ave. settlement. The second invoice is for \$10,106.00 to Integra Realty Resources for Phase II appraisal services. These are the appraisals on the second half of the Bank Ave Settlement properties. The Village did not receive an invoice from them until February of this year, therefore a “Then and Now” Resolution is required.

Ordinance 13, 2013 decreases line items and appropriates additional money to other line items. The decreases in line items are to adjust appropriations made for

the bond money the Village received. Originally Council appropriated all of the bond money because there was not a project schedule in place. Now that there is a project schedule Ordinance 13, 2013 will decrease the line items and provide the correct amount of money needed in 2013 for the projects.

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|-------|------------------------------|----------------|---------------------------|
| 07-04 | Vine St. Streetscape Project | \$1,502,575.64 | (\$2,000,000.00 for 2013) |
| 07-05 | Service Garage Project | \$2,026,843.99 | (\$1,300,000.00 for 2013) |
| 07-06 | Safety Center Project | \$4,003,570.71 | (\$5,000,000.00 for 2013) |

The Ordinance provides additional appropriations to:

01-2-I-9B Bank Ave. Litigation \$30,000.00 for additional money needed to be used regarding issues the Villages have with some property owners in the Bank Ave Settlement. As Kevin and Curtis reported at last week's COW the Village will be able to re-coup this money based on terms in the settlement.

01-2-K-2 Miscellaneous \$10,106.00 to replace the money used to pay for the appraisal invoice from the Phase Two Bank Ave Settlement. All of the Phase Two settlements have been paid through the Miscellaneous line item. This was not budgeted in the 2013 budget and the line item was reduced significantly to balance the budget. This line item is only used for emergencies so it should be brought back to the original budgeted appropriation of \$28,507.91

01-PS-01 Phone Services \$1,224.00 to replace money used to pay for the Call Command Phone Service. The Village paid for the service out of this line item and then received a check for \$1,224.00 from BASF Corporation which was deposited into the General Fund.

The Auditor's office provided Council with the February 2013 expenditure reports. The Auditor's office and our software company were able to fix the problem we had with the interfacing of the systems in February. Thank you for your patience.

Today the Treasurer, John Ungruhe and I met with Todd Shearer from Fifth Third Bank to discuss how the Village should invest the bond money until it is needed to pay for the projects. He provided us with possible investments, but suggested we wait to hear from our local Fifth Third representatives regarding what the yield would be to keep it in our checking account. After we hear from them John and I will make the decision on how to invest the money.

Todd also provided us with a new report on our investments that his office is preparing. His office will contact John and me so we can have access to the reports. At the end of the month John will provide this report to Council and the Administration. I provided a copy of our investments as of March 19th for Council and the Administration to review.

DIRECTOR OF LAW, Mr. Walden – I would just like to put two items on the agenda for the COW meeting next week. One would be to discuss training on public records for those officials and the other would be to review the Ordinance the Laws, Contracts and Claims Committee is presenting to Council

changing the amount that can be spent by City Officials before an Ordinance is required. I discussed this with the COW last week.

TREASURER, Mr. Ungruhe – The monthly Treasurer’s Report for the month of February:

Receipts for the month of February 2013: \$ 624,935.73

Receipts for the year through February 2013: \$ 1,501,580.86

The Auditor reported that the new reports that Fifth Third is going to give us access to. We will see all the balances on the accounts that we have with them and then the Auditor’s Dept. reprinted all the Revenue Reports for me so I will get the 2012 revenues reported to you next week.

SAFETY DIRECTOR, Ms. Van Valkenburg – As some of you may be aware, there were a number of difficulties we’re experiencing in the St. Bernard Elementary with drop off times in the morning. We’ve had a lot of problems with people parking their cars and walking away. Also double parking and walking away. We’ve also had some incidents of triple parking. The Police have been down there asking people to move away but we are thinking about making some signage changes to prevent standing or stopping in that area.

SERVICE DIRECTOR, Mr. Stegman – On Monday night we had the Hamilton County Recycling Program for the compost. It was a great success. We had 68 people in attendance and if you missed the one that was in St. Bernard we have six other communities, surrounding communities, that will be participating in the same type of program and you can sign up with the Hamilton County Recycling online to go to the other Villages.

Also, over the week, we sold the 1993 dump truck on the Hamilton County Auction. We got \$1695.00, that was the winning bid.

Also, tonight Peggy read about the phone system, adding that money in. I would just like to thank BASF. I would also like to thank Chris Lahey, over the last couple of years I’ve been asking for and he’s always been very helpful to get that money and I hope they continue to do it. It’s a nice little service that we provide for our community. I wish more people would sign up for Call Command because it does help get the word out for all the events and things that are going on for St. Bernard. I’d like to thank BASF for paying for that over the last several years.

TAX COMMISSIONER, Mr. Geiser – I just want to remind all the residents that April 14th, 2013 is the deadline for filing your taxes. Extensions can be made. There are three ways to do this. One is by providing a copy of your Federal Tax return, you can also use our online tax tool and we have our own Extension Form. I should also remind you that extension does extend the time to file but it does not extend the time to pay. We also have mandatory filing. This seems to be an issue that will still have residents who are learning. Everyone that is 18 years or older is required to file a tax return unless you’ve been granted a waiver. We’ve had people come to the window, still today, after six years at this job, we’ve jumped through hoops to try to remind everybody that we have the mandatory filing. We still have people showing up at the window saying they weren’t aware of that. When you file your taxes we require all your W-2s to be attached and your Federal Tax Return and if you have rental property or a business we will have to see Schedule C and Schedule E. Also I want to remind everyone that we have a drop box where you can drop documents in the drop box 24 hours a day. Even if you don’t want to come in to City Hall you can put your documents in the drop box. Lastly, I’m still working on a Resolution in opposition to House Bill 5. I’m about

half way finished with it. I will hopefully have it for the next COW meeting so you can review it before the Council meeting. I checked to see what the status of it is today and it still is in the Ways and Means Committee.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Meier – No report.

SAFETY, Mr. Asbach – I'd like to thank Kevin Robinson, Chief Meteorologist at Channel 5, for being at the Block Watch Meeting this past Tuesday. He answered weather related questions for those in attendance.

I also have the February Fire Dept. report:

Fire Run Activity

Fires 4

False alarms 11

Motor Vehicle Accidents 2

Hazardous Conditions 7

Service Call 1

Total calls 25

Emergency Medical Responses

Transported 47

Not Transported 31

Total 78

Inspection Activity

Annual Fire Safety Inspections 10

Follow-up Compliance 7

Fire Drills 3

Fire Protection System Inspections 3

Total Inspection Activity 23

I also have the Police Dept. report for the month of February:

During the month of February, officers were involved in 707 calls for service. Of those calls, officers responded to 34 accident reports and took 32 offense reports. Officers cleared a total of 22 offenses. Officers made 70 misdemeanor arrests and 2 felony arrests. Officers responded to 28 parking complaints and issued 5 citations for parking violations. Officers issued 27 traffic citations, 3 DUI arrests and 69 warnings. Officers responded to 114 calls for suspicious activity, vehicles or persons.

SERVICE, Mr. Holt – No report.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – I would like to notify Council that the "Notice to Proceed" was given to the Port Authority of Greater Cincinnati for the demolition of properties within St. Bernard.

The properties are those involved with future development projects and include:

200 Washington Ave.

204 Washington Ave.

4812 Tower Ave.

4624 Vine St.

4620 Vine St.

4622 Vine St.

4714 Vine St.

4718 Vine St.

The funding for the demolition comes from the Moving Ohio Forward project from the State via the Port Authority.

LAWS, CONTRACTS AND CLAIMS, Mr. Culbertson – No report.

BUSINESS AND INDUSTRY, Mrs. Bedinghaus – Absent.

HIGHWAYS AND TRANSPORTATION, Mr. Tobergte – Next Friday is Good Friday which is a holiday for the Service Department. Instead of garbage and recycling pick-up on Thursday and Friday, pick-up will be on Wednesday and Thursday.

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

Committee of the Whole
March 14, 2013

1. Council approved the minutes of the March 7th Council meeting.
2. There was a discussion on line item 01-2-K-2 Miscellaneous, and the finance committee recommended that the money, \$283,240.30, that was put in that line item in Ordinance # 9, 2013, be put into CD's that would mature when the yearly payment is due.
3. Mayor, Bill Burkhardt
 - A. Reported that the annual Easter Egg Scramble will be held at Vine St Park on Saturday March 30th at 1:00 PM rain or shine. Please bring your baskets and dress for the weather.
 - B. Said that the 3rd annual Block Party will be Saturday May 11th at Vine St Park. The event will begin at 4 PM and the Rusty Griswolds will play around 7 PM.
 - C. St Bernard will be hosting a community wide yard sale on Saturday May 18th. If you would like to have your address advertized on our website and Facebook page, please call Elaine at 242-7770 or email your name, address and phone number to mayorsec@cityofstbernard.org.
4. Auditor, Peggy Brickweg
 - A. Reported that Council should have received the revenue report but there was a problem with the expenditures report, but it should be corrected and distributed soon.
 - B. Reported that she is looking into software for City Hall workers to clock in and out, but it might be too costly. She will also look into a time clock.
 - C. Said that the bonds were closed today.
 - D. Talked to Council about Bricker & Eckler being our bond council. They will make sure that we are in compliance with everything about the bonds.
 - E. Said that she and John Ungrhue will meet with 5/3rd on investing the remainder of the bond money.
 - F. Gave Council a copy of Ordinance #13, 2013 that will decrease certain line items dealing with the bonds. Council voted 7-0 to put the Ordinance on the table.
 - G. Said that the State Auditor asked who the point of contact was for records requests. Each department head usually handles request for their department, but the Law Director will be the point of contact.
 - H. Said that there is no policy on payroll checks. There are a few old checks that haven't been cashed. She will work with the law director on a policy.
5. Law Director, Curtis Walden
 - A. Said that he, Bill and Peggy met with the bond council to make sure that we are in compliance.
 - B. Met with the Laws, Contracts & Claims committee on three topics.
 - C. Mr. Tobergte asked about the health committee by-laws and was told that they are still being worked on.

6. Service Director, Phil Stegman
 - A. Said that he is still waiting on the paperwork for the parking, spaces at the shopping center, from ODOT.
 - B. Said that Emery and Cognis used to pay for the call command service and now that BASF has taken over they will continue to pay for this.
 - C. Said that the composting meeting is Monday March 18th at 6:30 PM in the main level.
 - D. Reported that Hamilton County Recycling will give us a dumpster for tires the week of April 15th thru the 19th. If you have old tires, please put them out on your regular trash pickup day.
 - E. Gave Council a copy of a letter from JMA on the Chalet and Heger project and said that if we don't use the grant money it might be hard to get any in the future.
 - F. Said that the Clerk of Council received a letter from the State Liquor Control stating that all the liquor permits in the Village will expire on June 1, 2013.

7. Tax Commissioner, Ed Geiser
 - A. Distributed the earned income tax report to Council.
 - B. Told Council that he is still working on a resolution to oppose HB 5.
 - C. Told Council about a new law that requires all Resolutions and Ordinances to be published. He will give what he has to the law director to see if everything can be placed on the website or listed in the quarterly newsletter.

8. Treasurer, John Ungrhue
 - A. Reported that there is \$5,611.34 in the 4th of July fund.
 - B. Said he is working with the Auditor on the revenues issue and will do a summary report of 2012.

9. Finance, Kevin Meier
 - A. Said that the committee met with the department heads on Tuesday to see where we were with the budget as well as other items. It was stated that the Fire Department training might need more money, but will see where we are in a few months. The street project at Chalet and Heger was discussed and the committee recommended that the project be done, but wants to wait until the April meeting to see where the revenues are trending. The Bank Ave Litigation line item is low and needs a Then & Now resolution for a bill. Council voted 7-0 to put the Resolution on the table. The Law Director will see how much more money needs to be put into that line item and Council voted 7-0 that the amount will be added to Ord. # 13, 2013. This money is needed because a couple of the residents will not allow the Village onto their property to correct items that the EPA has told us to correct. The law director was given the okay to do what he had to do the try to recover the money spent on the matter.

10. Safety, Steve Asbach
 - A. Reported that the next Block Watch meeting will be Tuesday March 19th at 6:30 in the lower level of City Hall. Kevin Robinson, from Channel 5, will talk about the weather since tornado season is right around the corner.

11. Public Improvements, Diana Schildmeyer
 - A. Reported that the committee met on March 12th to discuss the re-paving of Chalet & Heger. The committee has recommended moving forth with the project by moving the project into the finance committee to look into whether we have the financial ability to pay for the project. We agree that it would be detrimental to the Village to turn away the \$615, 000 matching grant currently on the table. She also congratulated the Roger Bacon boys' basketball team on their success this year and wished them good luck in the rest of the tournament.

12. Laws, Contracts & Claims, Ray Culbertson
 - A. Reported that the committee met this evening to discuss several legal issues with the Law Director. One of the items was raising the expenditure limit without Council's approval. Currently our limit is \$10,000 and we are recommending

raising that amount to \$25,000. Curtis will prepare an Ordinance and the committee will bring it to the next COW meeting.

13. Highways & Transportation, Don Tobergte

- A. Asked about the hall rental procedure for political groups. The law director stated that there has been an opinion from Hamilton County Auditor, Dusty Rhodes, but hasn't been and probably will not be any court opinions for about a year.

Respectfully submitted,
Steve Asbach
President of Council, Pro-Tem

RESOLUTIONS AND ORDINANCES

Motion by Mr. Asbach, seconded by Mr. Culbertson to read tonight's Resolution and Ordinance by title only. Motion passed 6-0.

RESOLUTION NO. 3, 2013. A RESOLUTION PROVIDING FOR THE PAYMENT OF TWO (2) INVOICES COVERED BY "THEN AND NOW" CERTIFICATION OF PURCHASE ORDER EXCEEDING \$3,000.00, AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Holt to suspend with the second and third reading of Resolution No. 3, 2013. Motion passed 6-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Resolution No. 3, 2013 as read. Motion passed 6-0.

ORDINANCE NO. 13, 2013. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND TO DECREASE CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 13, 2013. Motion passed 6-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 13, 2013 as read. Motion passed 6-0.

OLD BUSINESS

Mr. Asbach – I now consider it Old since I forgot to do it under my report. I would like to announce that the Safety Committee will be meeting next Thursday, March 28th at 6:30pm before COW.

Mr. Tobergte – I know that Kevin has brought it up a couple of times about the CIC money being accounted for. I got an earful down in Paul's office today. I don't know if Kevin can do it or if we have to bring Paul in to the next COW or a meeting in the near future to explain all about all the money that's ear-marked, where it's going to or stuff or whether I'm going to get another earful.

Mrs. Schildmeyer – Bill do you want dates that we're not going to be here for the COW?

Mayor Burkhardt – Well yes, if you can. We are looking for a date for any COW from here out that you can't be at, so what I'd like to do is try to get it done in April, have her come in April. If you have any dates in April?

Mrs. Schildmeyer – April 4th, I will not be here.

Mayor Burkhardt – Okay , there are two meetings, April 11th, and April 25th. So if either one of those is good with everybody? Is everybody good with bringing her in to see what she has to say? She has no cost on it or anything because she has to do some pre-work to figure out what the audit would be for the City, but she will explain all that. There is money from the State that you can get and pay for it and then a year after the audit is finished you would then have to pay it back.

Mrs. Schildmeyer – I don't know if I would have to be there, I may have surgery that day.

Mayor Burkhardt – Oh, Ok, the 11th or the 25th?

Mrs. Schildmeyer – The 11th.

Mr. Tobergte – Bill, can you explain what's she's looking at, the books or what.

Mayor Burkhardt – Everything. How the City's run, how it operates, all the Dept.'s , the City Hall, they will look at everything. And they will come back on recommendations on how to save money or ways of doing things better and try to make things operate better. I think, you know, coming from a City to a Village, I think it would be very helpful for this group to know that. It might give us a little direction.

Mrs. Brickweg – What it is, is a performance audit, and they actually did do one and it was on the internet and they said how much money we could save as a municipality and through the Auditor's office. They could come in and look at everything.

NEW BUSINESS

None.

AUDIENCE WISHING TO ADDRESS COUNCIL

Laura Schmitt, Shroeder Ln. – (inaudible)

Mr. Asbach – The next COW meeting will be Thursday, March 28, at 7:30pm.

Motion by Mr. Tobergte, seconded by Mr. Holt to adjourn. Motion passed 7-0.