

**ST. BERNARD VILLAGE COUNCIL MEETING
FEBRUARY 21, 2013**

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

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

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. Mr. Holt seconded the motion. Council agreed 6-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – Absent.

AUDITOR, Mrs. Brickweg – As requested at the COW the Auditor's Dept. has prepared Ordinance No. 8, 2013. In this you will see an additional appropriation of \$25,000.00 to Promotion in the General Fund 2-A, 3-A, \$210,000.00 in the General Fund 57 for Employee Accumulated Sick pay and \$75,000.00 in the Master Plan MP-9 Streets and Sewer Project \$75,000.00. The \$25,000.00 and the \$75,000.00 together, \$100,000.00 is what we will be receiving from the purchase of the garages behind Imwalle and Mr. Tobergte had suggested that he would like to put the \$25,000.00 in the Promotions for the video that they're discussing being made of the Village and then the Street and Sewer, the \$75,000.00, if at all possible we may go forward settling the Heger St. Project. The Accumulated Sick Pay, as I explained in the email that I sent out to all of Council, I originally had asked for the money but was told no because we had to have our budget for Moody's and our bond rating but this is an expense and I knew it was out there and you guys just decided to make it \$10,000.00 but I need to pay some of this out and this is an approximate number. If other additional people put in for retirement we'll have more but I don't know who's all going to be going out or not but I do have to pay some out tomorrow, that's why this is in the Ordinance. I didn't receive any questions from anybody. I'm just assuming nobody had any questions.

DIRECTOR OF LAW, Mr. Walden – I was asked by Council last week to look into the laws regarding transfer of property because there was an Ordinance being discussed regarding the back section of the Imwalle property at no cost to a business that's moving in there. I did get a chance to look at that and had reported back to Council by email. But in case anyone missed it, the ORC Section 721.28 allows Council to transfer property without competitive bidding if it is part of the Urban Renewal Plan. I talked to Gerry who had done this many times in the past, Gerry Wiedman, and Paul and what we have done in the past is amend the Urban Renewal Ordinance, which is from 1964, to include properties so that they could

be transferred in this matter. Paul told me that they submit it to the County, the request to partition the property, separating the lots, but the County has not completed that yet at the Recorder's Office. So Paul asked if I would ask Council to postpone hearing that Ordinance No. 7 tonight and give the County a chance to actually separate those two parcels since we can't convey them until they are separated so I will ask Council to wait until the COW next week.

TREASURER, Mr. Ungruhe – If the Auditor could forward the revenue report for January, when she gets a chance to, I would appreciate it and then I can report on it.

SAFETY DIRECTOR, Ms. Van Valkenberg – Absent.

SERVICE DIRECTOR, Mr. Stegman – Absent.

TAX COMMISSIONER, Mr. Geiser – The Resolution that you requested is not ready for tonight and that's why you don't have it in front of you. I'll work on that and still try to formulate some ideas and looking at other Ordinances around the State and hopefully have something for you at the next meeting in two weeks. Just a reminder, as was noted on the Call Command and our website, all residents 18 years of age or older are required to file a tax return unless you have retired and retained an approved disability waiver. The online tax tool is available, up and running. What you need to do is complete your tax form on line, print and sign it, send it in along with your W-2 and copies of your 1040 at least the first page, any Schedule C's or Schedule E's that would apply. As you get closer to April 15 the Tax Office obviously gets busier, therefore if you have any issues to address, please contact us before April 15, when we have time to address them because as I said it gets much busier as we get closer to April 15th.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Meier – We will schedule the next Finance Committee meeting and we will announce it at the COW meeting next Thursday so we can check with everybody's schedule. What we would like to do for the next meeting is for the Dept. Heads to review where they are year-to-date and if they've got anything unexpected coming up and then after we get the revenue reports for March. So basically it's our Finance Committee Meeting beginning in April and at that meeting we will have had three months worth of revenue so we will have an idea of where we're standing year-to-date and at that time we will begin working with Dept. Heads to come up with the budget for Hamilton County.

SAFETY, Mr. Asbach – The Safety Committee will have a meeting this coming Tuesday, at 7:00pm in Council Chambers with the Fire Dept. Rep. Also, this past Tuesday was the Block Watch Meeting and Jerry Shipp talked about HAM radios and emergency communications and gave an excellent presentation. His suggestion is to get a FRS (Family Radio Service) radio, available at Wal-Mart for about \$18.00 to \$30.00, just a good thing to have just in case. Another thing that came up during the meeting that I thought was important to all the residents, and I know Cincinnati Bell was in the area with the FiOptics system, if you do get that system installed in your house, ask for the battery back up to be installed. That is something you have to request.

SERVICE, Mr. Holt – There will be a Service Committee meeting, March 5th at 7:30pm in Council Chambers. Joe Lengerich, Bill Gierhart and Donnie Middendorf will be invited to participate. Also I will not be here next week, I will be in New York City for work.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – No report.

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

BUSINESS AND INDUSTRY, Mrs. Bedinghaus – Absent.

HIGHWAYS AND TRANSPORTATION, Mr. Tobergte – I want to apologize for my attire tonight. I was out pre-salting hopefully, scaring the ice away.

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

Committee of the Whole

Feb. 14, 2013

1. Council approved the minutes of the Feb 7th Council meeting.
2. Kim Fender, from the Hamilton County Library, told Council that the new library will finally be built next to Wendy's. St Bernard has had a library in operation since 1899, but this new one will be the first one that the library actually owns. There will be community meetings held for input and the completion date will be some time in 2015 if everything stays on plan.
3. Mayor, Bill Burkhardt
 - A. Discussed the letter from "Communities of Distinction". This will be used as a marketing tool to promote the Village and will run for a five minute segment on topics, trends and issues related to "Best Places to Work, Live and Play" in their "Rediscovering America" series. A motion was made and seconded, and voted 6-0, to place an Ordinance on the table to use the money from the sale of part of the Imwalle property for the project.
4. Auditor, Peggy Brickweg
 - A. Is working on paperwork for the State Auditor.
 - B. Said that 5/3rd should be giving us our rate on the bonds tomorrow.
 - C. Told Council that she is working with Curtis on the letters for OPERS and it looks like the only ones that need to be mailed are the ones for the vendors and they will go out tomorrow.
 - D. Thanked Phil for working with the insurance company to replace the turn out gear that was destroyed in the Vulcan Oil fire a while back.
 - E. Reported that we might need a new fixed asset list, but will wait until the new buildings are complete.
5. Law Director, Curtis Walden
 - A. Said that he and Peggy were getting questions from Moody's all week on the bonds and they should have all the answers now.
6. Service Director, Phil Stegman
 - A. Discussed an Ordinance to place Village items for sale on the Hamilton County website. Council voted 6-0 to put the Ordinance on the table.
 - B. Also asked for an Ordinance for the sale of the rear building on the Imwalle property. Council voted 6-0 to put the Ordinance on the table.
7. Tax Commissioner, Ed Geiser

- A. Discussed the new House Bill 5 that would reduce the local taxes that we would collect. Council voted 6-0 to put a Resolution on the table showing our opposition.
 - B. Reported that everyone should have received their notice for filing their taxes. He thanked Phil for his help in getting them mailed since our machine was down due to the snow storm on the east coast. If you have a Waiver of Retirement or Disability, you don't have to file. Anyone that was a resident of the Village during the year is required by law to file taxes. The most important things to include when filing are the front copy of your 1040 and a copy of your W-2.
8. Safety, Steve Asbach
- A. Reported that the committee met with representatives of the Fire Department to discuss the Terms of Employment. After much discussion another meeting was called for Tuesday February 26th at 7 PM in Council Chambers.
9. Service, Mike Holt
- A. Reminded everyone that Monday is a holiday, so trash collection will be backed up by one day.
10. Public Improvements, Diana Schildmeyer
- A. Reported that the CIC met last night. There were two issues that should be of special interest to everyone. First, at 4222 Tower Ave, the existing two family house is being remodeled into a spacious three bedroom, two and a half bathroom, single family residence. This house will have all new electrical, mechanical, and plumbing systems, new kitchen with granite counter top, all new windows, drywall and insulation. The property will also get off street parking added. Second, the CIC and the Kirtland Turner Group will be developing the Tower Town Homes directly across from the Eagles. The townhomes will feature two and a half bathrooms and up to four bedrooms, and a second floor laundry area. There will be an office located at 4712 Vine St. in the near future or for additional information, please call Gerry Weidmann at 242-7770.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

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

ORDINANCE NO. 6, 2013. AN ORDINANCE AUTHORIZING THE VILLAGE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH HAMILTON COUNTY TO DISPOSE OF UNNEEDED VILLAGE PROPERTY THROUGH HAMILTON COUNTY'S INTERNET AUCTION SYSTEM AND DECLARING AN EMERGENCY.

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

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

Motion by Mr. Asbach, seconded by Mr. Culbertson to postpone the reading of Ordinance No. 7, 2013 until the next Council Meeting. Motion passed 6-0.

ORDINANCE NO. 8, 2013. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Holt to suspend with the second and third reading of Ordinance No. 8, 2013.

REMARKS

Mr. Culbertson – Peggy, I do have one question. How much of the \$210,000.00 is needed at the moment?

Mrs. Brickweg – At the moment about \$68,000.00 but another one could come up in two weeks and we're going to be doing this again so I just went through the ones that I thought, I do this because I've had a few people and I heard some others were going to retire but I did not add them in yet.

Mr. Meier – I recognize that we're going to have to put money in for the accumulated sick pay, but on the other hand we're supposed to have opportunity to discuss Ordinances prior to a Council meeting. An email is not a substitute for a discussion at the COW. I think there has been a lot of discussion about things being done, secret meetings, or whatever. I think particularly in a year like this where we have a very tight budget, on this particular Ordinance where you've got \$210,000.00 that was not budgeted, it was not discussed, the Finance Committee did not discuss it at the COW. There's an additional \$25,000.00 for the promotion of the video, probably something we should do, and \$75,000.00 for streets and sewers if we can do, if could do. But that \$100,000.00 is coming from the sale of property, the Ordinance we just postponed prior to this, so I think the right thing to do is, up front would have been to discuss this ahead of time so that we could do the reading correctly. Because of right now, we're spending money that we don't have yet, we will get it, but technically we don't have it yet. We haven't discussed this prior to, and we've got it at \$210,000.00 and there is no explanation of where it's coming from or where it's going to or even following the correct protocol to discuss it ahead of time.

Mrs. Brickweg – OK, to say it didn't come up at the Finance Committee is not true at all. I asked for \$300,000.00 in that line item, but then the Finance Committee let Phil Stegman take over the budget and it was set at \$10,000.00. So in the original budget I did have that in there and I was told no in order to give Moody a good budget that they wanted to see. So to say it was never in there is not true at all. Secondly, you have contracts. I just found out about this on Friday. We were not here on Monday. I emailed you Tuesday. There's a phone call, there's email. Kevin if you had a problem with that you could have at least called me and discussed it with me and I would have explained it to you that it is in the contract and if it is not paid we'll have a grievance filed against us. This is nothing out of the clear blue. We've had it before. You've been on Council six years, you know what this is. It's when the employees enter the drop program or when they retire

they can cash out their accumulated sick pay. It is in a contract that I am still following. I would care not to have a grievance filed against the Village and have to pay an attorney to take care of that. If you would have originally put the money in there that I said we were going to need this year this wouldn't have happened. But to make the budget look good we made it only \$10,000.00 which I had said all along was very unrealistic and right now I'll tell you all right now another one that is unrealistic is Curtis' budget. Curtis is almost half way through his legal fees and it's only February. I guarantee you're going to get more there. When you make a budget that's unrealistic this is what's going to happen. That really bothers me that you said you had no idea about that because you did.

Mr. Meier – Peggy, an email is not appropriate. I didn't see any email. I read emails when I can at home. This week I have not had a chance to read emails. I don't expect to get Council business discussed on Thursday night to get notice of it on Tuesday. Whether this was discussed any time previously is beside the point. The point is you said a few minutes ago that you sent out an email on Tuesday and you didn't get a reply back so you assumed everybody agreed with it. I didn't get it. It may be in my inbox with 1,000 other emails. The point is whether anything else was discussed prior to the budget is beside the point. The appropriate way of notifying people is not on Tuesday sending out an email, assuming that everybody got it, read it, understood it, had any questions and get back to you prior to the meeting on Thursday.

Mr. Asbach – Just a question Peggy, I don't have the contract in front of me and I don't know it well enough to know. Is there any kind of notification that has to be given?

Mrs. Brickweg – No there is not. Bill is working on that for the new contracts but no there is not. Also Mr. Meier it would like to suggest in this day and age that you do check your emails a lot more frequently. I check them every day because that is the way a lot of people do business. I just found out about it and we were off on Monday so I couldn't get into my email from home. Elaine has been working on it so I sent it out as soon as I could on Tuesday. I just assumed that everybody checks their email every day, especially in this line of work, everyday. I'm sorry, next time I will personally call you. This is something I would have discussed on Thursday night but I didn't know about it Thursday night so I couldn't have brought it up Thursday night. I can't bring up something I don't know about. If you want a grievance then that will be a lot more money you'll be spending.

Mr. Holt – So there's one person that's available to cash out next week? We need \$68,000.00 for that one person?

Mrs. Brickweg – There's more that are able but only one that has requested.

Mr. Holt – OK.

Mr. Holt – So the one person can take out the \$68,000.00. Is that the accumulated amount?

Mrs. Brickweg – The \$105, plus.

Mr. Holt – Ok. So what do we have in Miscellaneous?

Mrs. Brickweg – We cut that down to \$20,000.00 something.

Mr. Holt – So there's not enough to cover the \$68,000.00?

Mrs. Brickweg – That got cut in the budget also.

Mr. Holt – So basically if we don't pass this tonight we have a grievance on our hands.

Mrs. Brickweg – That's what I'm saying, yes.

Mr. Holt – OK.

Mr. Meier – We keep coming back, and everybody keeps saying, it's because of the budget. We've got a balanced budget that matches our revenue, we worked off of that, we got revenue expectations from Ed, I got revenue expectations from you. We did the best that we can to match what we expected to spend this year which is what was projected to take in. It's very easy to point fingers and say, you cut this. We didn't have the options of not having a balanced budget. We did the best we could to balance that budget. Secondly, as far as it goes with emails, I don't know the Sunshine Laws as well as you do and I appreciate the dilemma that you are put in and you getting a notice that we have a bill that nobody is expecting and you got short notice. It's not fair to you and it's not fair to anybody else. The point is that email is not the appropriate notification or place for discussion whether it's this or anything else because nobody else in the Village has access to that. If you notice, when these emails come out you rarely ever get a reply from anybody because I don't want to subject my personal computer to somebody wants to do a records reply to. I appreciate the position you're put in. It's an unfair position that you're put in. Email is not the way to discuss this and I'm not sure how we fix this but what I would recommend that we just put in enough so that we can, amend this Ordinance, so we've got enough to pay out tomorrow, that you need to pay out. Then the balance of this we can put back into the discussion back into Finance to discuss at the COW. I think that's the appropriate way of handling this tonight.

Mrs. Brickweg – That's fine but it can happen again. I can say that right now. If it happens again I told the Finance Committee I have a liability of about \$300,000.00. A liability, it was cut to \$10,000.00. A liability, it's out there, I have to report it actually to the State Auditor every year about the accumulated sick time. So if you decide to cut it to \$10,000.00 what do you want me to do? If you want to cut another line item, I told you that I needed it. I can't do more than that, but I'm not, but I will if you're that concerned about email I will tell you all the bond issues coming this week, it's all going to be done on email, everyone of them. No human contact, no meetings and that's \$18.5 million in bonds between Moody's, Price and everything is done on emails. I do know a lot of people do business with emails.

Mr. Tobergte – Peggy, is there any other line item that was cut way back that you know that we're definitely going to need more money in besides Curtis'? I don't need an answer right now, I'm just saying, let's be realistic.

Mrs. Brickweg – With the tax refunds, it was at \$140,000.00 it was cut to \$100,000.00. So there's another one right there. And Ed's gone but it was cut to \$100,000.00.

Mr. Peck – Mrs. Kathman, please call the roll on suspension.

Mr. Meier – What is the appropriate way to amend this Ordinance because we're at the point where a suspension would be without any discussion.

Mr. Peck – Right now, all we need from you is whether you are going to vote Aye or Nay.

Mrs. Schildmeyer – Can we amend this after the roll has been called?

Mr. Peck – You can amend it all the way up until the second reading.

Mr. Walden – The other option for Council would be for the person who made the motion to suspend with the second and third reading to withdraw his motion.

Mr. Asbach – I withdraw my motion so that Mr. Meier can make a motion to amend.

Mr. Culbertson – I second that.

Motion passed 6-0.

Mr. Meier – Peggy, how much do we need for tomorrow?

Mrs. Brickweg - \$68,000.00.

Motion by Mr. Meier, seconded by Mr. Culbertson to amend Ordinance No. 8, 2013 to read \$68,000.00 for accumulated sick pay.

Mr. Tobergte – If we only put \$68,000.00 that will wipe it out completely. Shouldn't we put \$68,000.00 in or \$68,000.00 never mind.

Mrs. Brickweg – I'm not using that \$10,000.00.

The motion to amend Ordinance No. 8, 2013 passed 6-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 8, 2013 as amended.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of amended Ordinance No. 8, 2013. Motion passed 6-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 8, 2013 as amended. Motion passed 6-0.

Mr. Meier – For the people that are watching this, my hesitation to suspend with the second and third reading is because you need six votes and there are only six Council members up here tonight so in a normal situation I could have voted no and the other six members could have voted aye and the second and third readings

could have been suspended. But as it was, when it was brought up, it was my uncertainty on this and I appreciate Council taking the time to withdraw that motion and amending it and then passing it as amended.

OLD BUSINESS

None.

NEW BUSINESS

Mrs. Brickweg – I would just like to add one thing, the OPERS members, employees you will find in your mail boxes and the Service Dept. is going to distribute them, a letter that will tell you, basically this is something that OPERS would like everyone to know and the letter explains it but once you're a member of OPERS and you are there for a period of time you can buy years. This is what this is about. They changed the law, they changed some things but they wanted me to bring it up, certain places in the City, so everybody saw where they were hanging up, so I just wanted to give everybody their own copy. That's what it is, it might not even pertain but all the OPERS employees did get one.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Motion by Mr. Asbach, seconded by Mr. Meier to excuse the absent member.
Motion passed 6-0.

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

Motion by Mr. Tobergte, seconded by Mrs. Schildmeyer to adjourn. Motion passed 6-0.