

**ST. BERNARD VILLAGE COUNCIL MEETING
MAY 2, 2013**

The regular meeting of the St. Bernard Village Council was held Thursday, May 2, 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. Holt, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson and Mrs. Bedinghaus. Mr. Meier was absent.

Mayor Burkhardt – I would like to ask Council to go into Executive Session to discuss the purchase of property before the Ordinances are read.

Motion by Mr. Asbach, seconded by Mr. Holt to go into Executive Session to discuss the purchase of property. Motion passed 6-0.

Mr. Peck – We are back from regular session where we discussed the purchase of property.

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

REPORTS OF VILLAGE OFFICIALS

MAYOR, Mr. Burkhardt – The Mayor’s Monthly Court Report Receipts for April, 2013: Mayor’s Court Costs/Fines/Fees/Miscellaneous receipts were \$2,195.91, total to St. Bernard is \$2,195.91. Total to the County was \$15.00. Total to State was \$670.00. Total Disbursements were \$2,880.91.

Congratulations to Dr. John Anneken! He won \$18,911 on his first night as a contestant on Jeopardy. He competes again this evening. Keep watching and see if on continues winning! A little history: John received the call from Jeopardy on November 7, 2012 just after learning that he had completed his studies and would be receiving his doctorate degree from the University of Cincinnati. His final bid last night was a nod to his brother Sam and his birthday.

Good luck to Miss Lily Middendorf, daughter of Don and Sue Middendorf. She will be competing in the National American Miss Pageant over the next few weeks.

This Saturday, May 4th, the 6th Annual Michael Weidner Memorial Corn Hole Tournament will be held at the Vine Street Pavilion. There is a \$5.00 cover for children and \$10.00 cover for adults. The fee includes tournament entry, food and soda. Coolers are welcome. Please stop by even if you don’t play, remember Michael, and enjoy an evening with friends and family.

The 3rd Annual Block Party and 6th Annual Soap Box Derby will be held on Saturday, May 11th. Mark your calendars now for a full day of fun and the return of the Rusty Griswolds. The Soap Box Derby registration begins at 7:30am and races begin at 9:00am on Tower Avenue. Thanks to the generosity of local

residents and organizations a number of cars will be available for the Soap Box Derby at no charge. If you have a child between the ages of 7 and 17 that might be interested, please contact 3rd Ward Representative, Don Tobergte, at 242-9499 or newshoot@fuse.et.

The Block Party begins at 4:00pm with a “Walk for Awareness” for the South Western Ohio Deaf-Blind Association around Vine Street Park. If you are interested in participating, pledge forms are available at the Administrative offices. If you are interested in renting one of the two halls in the Municipal Building for July through December, rentals will begin on Tuesday, May 14th at 7:30am at the Administrative offices located at 110 Washington Avenue.

St. Bernard will be hosting a community wide yard sale on Saturday, May 18th. If you would like to have your address advertised on our website and Facebook page please call Elaine or Heidi at 242-7770 or email your name, address and phone number to mayorsec@cityofstbernard.org. We currently have over 25 participants. The Annual Memorial Day Parade, Program and Reception will again be held on Memorial Day, Monday, May 27th. If you or someone you know would like to participate in the parade, please contact the Recreation Department at 641-3137. Please leave your name and contact information.

AUDITOR, Mrs. Brickweg – As requested the Auditor’s office has prepared two Ordinances for tonight’s meeting. Ordinance 18, 2013 increases the pay rate over three years for the following part time positions:

	1 st	2 nd	3 rd
Service Dept. Park Guards	\$7.85	\$8.25	\$8.75
Lifeguards	\$10.11	\$11.14	\$12.17
Pool Attendants	\$7.85	\$8.25	\$8.75
Craft Assistant	\$7.85	\$8.25	\$8.75
Cashiers Vine St. Pool	\$9.00	\$9.50	\$10.00
Swim Lesson Assistants	\$7.85	\$8.25	\$8.75

The Ordinance also provides first year lifeguards of the St. Bernard Aquatic Center, who successfully complete the summer season and are recommended for rehire the following year, will be eligible for a one time reimbursement of their Red Cross certification fee up to \$350.00. Additionally lifeguards are to be re-certified every three years and upon successful completions of the summer season in which their re-certification was valid, they are eligible for reimbursement of their Red Cross fee up to \$200.00. Payment will be made at the close of the season and will be processed by the Recreation Director after a review of the guards’ performance.

Ordinance 19, 2013, provides an additional appropriation of \$386,173.01 to 05-MP-9 Streets and Sewers Projects to help pay the Villages required portion of the grant to the Chalet and Heger Road Improvement Project. \$326,173.01 is from an unexpected estate tax revenue the Village received from a 2012 estate. \$60,000 is from the savings the Village obtained from paying off the Shopping Center early. The Ordinance also provides for the transfers of money from the General Fund to the following Cash Accounts:

04-1000	Swimming Pool Cash Account.....	\$150,000.00
17-1000	Building Permit Fee Cash Account.....	\$ 1,000.00
51-1000	Employee Health Plan Cash Account.....	\$500,000.00

The Auditor Department provided Council and the Administration with the April revenue and expenditure reports. At the end of April the Village expenditures are \$5,973,724.90. These expenditures include paying off the shopping center for \$1,560,000.00 and Imwalle for \$600,000.00. With those expenses out the expenditure total is \$3,813,724.90. Also new to the expenditure report is the

Village's monthly Bond Debt payment. The April payment of \$73,276.67 was paid March 28th. The May payment was paid yesterday, so it will appear we did not have a payment in April but we did. We were able to set up an ACH payment so it can be taken out the first day of the month. At the end of April the revenues are \$1,710,986.07. The March revenues included the bond money \$13,512,3266.37, so when making yearly comparisons keep that in mind.

I provided a Quarterly Revenue Analysis report to Council and the Administration last week. Copies of all of these reports are available on the table near the door. I am currently working on a new expenditure report for 2013 which will show the additional, transfer and moving appropriations through ordinances. It will make it easier to see the impact of every appropriation Ordinance throughout the year on one spreadsheet. Instead of listing every month individually the spreadsheet will list the year to date totals for the current and past years. That will allow Council to have comparisons for the spending, the same as they do with the quarterly revenue analysis report.

I would like to remind Council that I will be having shoulder surgery next Wednesday. Most likely I will not be at the COW meeting. If you need anything for that meeting please let me know as soon as possible.

DIRECTOR OF LAW, Mr. Walden – Mayor's Court went very well again last night. More citizens were able to finish paying off their taxes, so they're not in trouble and money is coming in. We appreciate their good work. On behalf of the Village I would like to wish Peggy good luck on her upcoming surgery.

TREASURER, Mr. Ungruhe – I prepared the securities report. I apologize for the small print. I did this at home and I normally do this here at City Hall. The book value at the end of April is \$3,495,000.00.

SAFETY DIRECTOR, Ms. VanValkenburg – (read by Mr. Walden) The HIP program has started back up last week. The first two streets chosen at random were Sullivan and Church.

SERVICE DIRECTOR, Mr. Stegman – The village received a Block Grant this year to restore the restrooms at Ross Park and make them handicap accessible. The grant is for \$140,000.00 with no matching funds from the Village. We will go out for bids in June of this year and the work will start in late September. The second quarter newsletter will be going out in a couple of weeks. Ordinance No. 20, 2013 was discussed at the COW to do the Chalet and Heger Project. I recommend passage of this Ordinance.

TAX COMMISSIONER, Mr. Geiser – I gave each member of Council and the Administration a copy of the annual receipt comparisons for the month of April. The Tax Dept. for the month of April brought in \$912,000.00. Obviously that is one of our busiest months of the year for processing tax returns. Total for the year is \$3.3 million.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Meier – (read by Mrs. Schildmeyer) First of all I'd like to apologize for not being at the meeting tonight. I have a family conflict that makes it impossible to make the meeting time.

The Finance Committee recommends passage of:

Ordinance No. 18, 2013, seasonal employee pay rates. The increase to the minimum wage to \$7.85/hr. affected the pay scales of the entry level employees. It was also recommended that the pay scales for cashiers and lifeguards also be adjusted to be more reflective of their responsibilities.

Ordinance No. 19, 2013, the transfer of monies from the General Fund to Cash Accounts. This Ordinance also will fund the line item to pay for repairs to Chalet and Heger.

Ordinance No. 20, 2013, the repairs to be made to Chalet & Heger have been the first priority to be funded, provided revenues come in higher than projected. With the first quarter revenues recorded, it is highly probable that by year end we will have received enough revenue to pay for this project.

At the Finance Committee meeting it was also discussed the purchase of additional properties for the Public Safety Building. This would allow for optimal entry of fire equipment to the building and also provide requested additional parking for police and fire employees. There will not be any additional appropriation needed to acquire the property. The discussion of the additional property was to have been in the COW. With the discussions last week over Contracts vs. Ordinance and who should or should not be involved with negotiations, the property discussion however, was overlooked. Paul needs Council's approval to move forward with the contracts. And Ordinance can be prepared for passage at the next Council meeting.

SAFETY, Mr. Asbach – The Police Department report for April. During the month of April, officers were involved in 689 calls for service. Of those calls, officers responded to 29 accident reports and took 25 offense reports. Officers cleared a total of 20 offenses. Officers made 70 misdemeanor arrests and 4 felony arrests. Officers responded to 19 parking complaints and issued 6 citations for parking violations. Officers issued 30 traffic citations, 0 DUI arrests and 45 warnings. Officers responded to 93 calls for suspicious activity, vehicles or persons.

At this time I would like to make a motion, as Mrs. Schildmeyer just stated in the Finance Committee report, we had discussed the purchase of additional property for the Safety Center and I would like to make the motion that Ordinance No. 21, 2013 be placed on the table this evening.

Mrs. Schildmeyer seconded the motion. Motion passed 6-0.

SERVICE, Mr. Holt – Tonight I have the Service Dept. report for April, 2013. There were 28 trucks, 21 dumpsters and 134 special pick-ups at residents' homes. There was 189.06 tons of garbage taken to the landfill. There was 21.84 tons of recycling material, 6.38 tons of cardboard, 41 pounds of scrap aluminum and 7292 pounds of scrap metal.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – No report.

LAWS, CONTRACTS AND CLAIMS, Mr. Culbertson – I would like to remind the residents about the Waste and Recycling Ordinance and more specifically about your grass clippings and trimmings and that. Please do not blow them out into the street or Phil will be coming after you.

BUSINESS AND INDUSTRY, Mrs. Bedinghaus – Wiedemann's Fine Beer is back, revived by St. Bernard residents Jon and Betsy Newberry. Jon and Betsy Newberry, long-time residents of St. Bernard, are pleased to announce that

Wiedemann's Fine Beer is back and will soon be available for your refreshment and enjoyment at many fine dining and drinking establishments in Ohio.

The Newberrys have founded the new Geo. Wiedemann Brewing Co. to revive the legendary Newport, Ky., beer brand. They worked with owner Dan Listermann and head brewer Kevin Moreland at the Listermann Brewing Co., opposite Xavier University on Dana Avenue, to develop a new recipe in the tradition of Wiedemann's Bohemian Special Beer and the great Bohemian pilsners they enjoyed when they lived in Prague 20 years ago. The result is Wiedemann's Special Lager – a cold and crisp, light-bodied brew with lots of flavor, made with 100% American ingredients. Try a cold one and you'll want another, and at a relatively low 4.2% alcohol, you can have several. Wiedeman's Special Lager will soon be available at all of the best St. Bernard restaurants, taverns and night spots. Stop in and ask for one!

Find out more at WiedemannBeer.com and on the Wiedemann Beer Facebook page.

To get on the Wiedemann email list and keep up with the many Wiedemann beer tastings, keg tapings and other promotional events this summer, send an email to wiedemann@wiedemannbeer.com and type "add to email list" in the subject line.

HIGHWAYS AND TRANSPORTATION, Mr. Tobergte – I would like to thank Mr. and Mrs. Gerry Wiedmann, the St. Bernard Service Department, The St. Bernard Police Department and the St. Bernard Fire Department for sponsoring Soap Box Derby cars for next Saturday's race. If any resident has a youngster that would like to race down Tower hill on May 11th contact me at 242-9499 or newshoot@fuse.net to register for a drawing to determine the drivers. The winning drivers will be notified on Wednesday May 8th.

I will be holding a Town Hall meeting on Tuesday May 14th at 7:00pm in the lower level of City Hall. All are invited to attend.

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

Committee of the Whole
April 25, 2013

1. Council approved the minutes of the April 18th Council meeting.
2. Christa Criddle and Max Uhl, from the State Auditor's office, gave Council an overview of a performance audit. It would take 6-9 months, use best practices from other cities and villages to come up with savings and get input from employees and administration. There is a Senate Bill that allows for a loan to be taken for the audit and the interest rate as of February of this year was .08%. The cost of the audit ranges from \$40,000.00 to \$120,000.00, depending on the scope of the audit. The Mayor will be in contact with them and bring a proposal back to Council.
3. Mayor, Bill Burkhardt
 - A. Told Council that St Bernard resident Sam Anneken will be on Jeopardy this coming Wednesday, May 1st, on Channel 19 at 7:30 PM.
 - B. Reported that the Hamilton County Library held a meeting tonight to get input on what people would like to see in the new library.
4. Auditor, Peggy Brickweg
 - A. Gave Council a copy of the revenue for the first three months of the year.
 - B. Explained to Council the need for an Ordinance to increase the pay for part-time employees at the pool. This is because of the increase in the minimum wage. Council voted 7-0 to put an Ordinance on the table.

- C. Also asked for a transfer Ordinance, moving money to the swimming pool line items because she will be out for a while after her surgery. Council voted 7-0 to put the Ordinance on the table.
5. Law Director, Curtis Walden
 - A. Reported that he and the Police Chief are reviewing the Ordinances that the Chief asked to be updated. When the corrections are made, they will be given to the Laws, Contracts & Claims Committee for review.
 - B. Will set the date for the public records training for Council and other Village officials and give the date at the next meeting.
 - C. A question was asked about recognizing the Employee Health Committee that is mentioned in the Fire Department contract. It will be looked into.
 6. Tax Commissioner, Ed Geiser
 - A. Said that the State Legislators were putting things from HB 5 into the State budget, but a couple of other legislators are trying to stop it.
 7. Treasurer, John Ungrhue
 - A. Said that Huntington Bank has asked for the payment on the pool and fire truck bond.
 8. Finance, Kevin Meier
 - A. Recommended that since the law required the minimum wage increase, that we pass the Ordinance that was talked about earlier for the part-time pool employees.
 - B. Said that the committee recommended a reimbursement of \$350.00, which is the cost for lifeguard certification, if the pool manager recommends that they be hired as a lifeguard for the following year. Council agreed and left it up to the Mayor to work out the details with the Recreation Director.
 - C. Reported that the committee recommended that because of the revenues being up and a collection of over \$300,000.00 from an estate tax collection from 2012, that the Chalet and Heger Street Project should be done. Council voted 7-0 to put an Ordinance on the table if needed.
 9. Service, Mike Holt
 - A. Said that he would like the Mayor to sit in on the meetings with the Service Department representatives on the contract. It was decided that the Mayor would be the one negotiating the Service and Police contracts if needed.
 10. Laws, Contracts & Claims, Ray Culbertson
 - A. Said that the committee will meet when the corrections are made to the Ordinances that the Law Director and Police Chief are making.
 11. Business & Industry, Cindi Bedinghaus
 - A. Reported that Jon and Betsy Newberry, long-time residents of St Bernard, have announced that Wiedemann's Fine Beer is back and will soon be available for your refreshment and enjoyment at many fine dining and drinking establishments in Ohio. More info will be given at the next Council meeting.
 12. Highways & Transportation, Don Tobergte
 - A. Reported that there will be a prescription drug drop off at the Norwood Health Department on Saturday April 27th from 10 AM- 2 PM.

There was a question about the number (12) behind the Laborers on the Ordinance for the part-time employees and it was stated that 12 was the limit of people that could be hired, but only about 6 were figured into the budget.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

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

Mrs. Schildmeyer – I would like to make a motion to amend Ordinance No. 17, 2013, the Firefighters contract, to reflect the removal of the two days in question. This does not change the contract, these are just extra days that have not been removed.

Mr. Holt seconded the motion.

REMARKS

Mrs. Schildmeyer – Just so everybody knows, this is the lump sum terminal leave section of the Firefighters contract.

Mr. Tobergte – I assume the Fire Dept. is okay with these changes.

Mayor Burkhardt – Yes.

The motion to amend passed 6-0.

Mr. Peck – Could we have the second reading of Ordinance No. 17, 2013.

ORDINANCE NO. 17, 2013. ACCEPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT MADE BY AND BETWEEN THE VILLAGE OF ST. BERNARD AND LOCAL NO. 450, ST. BERNARD FIRE FIGHTERS UNION, I.A.F.F., AND DECLARING AN EMERGENCY.

Motion by Mrs. Schildmeyer, seconded by Mr. Culbertson to suspend with the third reading of Ordinance No. 17, 2013.

REMARKS

Mrs. Bedinghaus – I don't know if this is the appropriate time but I would like to make a motion that Ordinance No. 17, 2013 be tabled.

Mr. Asbach – There's already a motion on the table so we can't make another motion.

Mr. Walden – If I may, the rules of Council do specify in what order a motion can be made. I don't have it in front of me but I know it's in there.

Mr. Peck – I'm looking at Rule D-1 and a motion to lay on the table is in order at this time.

Mrs. Schildmeyer – I would like to know why Mrs. Bedinghaus, do you have a reason for wanting to table this?

Mr. Peck – Before we do that is there a second?

Mr. Asbach – I'll second that.

REMARKS

Mrs. Schildmeyer – We have been working on this for so long. Everybody up here knows how they're going to vote. I think it's time that we move on and get this done with and move on to other Village business. The Firefighters deserve a vote tonight. Kevin is not here. We do not need him for this. I urge everyone to vote to give these guys a vote tonight.

Mrs. Bedinghaus – The reason for wanting to table this Ordinance is I feel that we need to let the public vote on this.

Mrs. Schildmeyer – Can I respond to that? We have been working on this for over a year. It has been very, very public. Mr. Culbertson didn't vote to go emergency two weeks ago because he wanted to give citizens an opportunity to come down here and respond. We still don't have anybody down here responding to us. I received two emails since this began. I urge that we get this over and done with.

Mr. Walden – As Law Director, I fully support the motion of letting the citizens vote on whether to sign contracts or pass Ordinances regarding the terms of employment for the Village's employees.

As I've stated over and over, the law of Ohio gives the citizens of this Village the right to decide those terms of employment through Ordinances enacted by the people they elected to Council and that's how it is done in pretty much every Village in Ohio. The economy goes up and down. Village Councils adjust the terms of employment through Ordinances to reflect that. That right belongs to the people that elected you. They should be the ones that decide whether their rights should be given away by approving a contract with binding mediation. Maybe they'll vote for contracts, maybe they'll vote for Ordinances. But at least they will get the opportunity to tell us all what they do want and not just have their rights given away by four people.

The motion to table Ordinance No. 17, 2013 failed 4-2. Mr. Asbach and Mrs. Bedinghaus voted aye.

REMARKS (on the motion to suspend with the third reading of Ordinance No. 17, 2013)

Mr. Culbertson – Back to what Diana said, I did want to give residents ample opportunity. It's been two weeks now to contact me or anybody else up here or come down and go to the podium and speak. I had a few people contact me but again I wanted to give them that opportunity two weeks out to communicate with us that's been achieved. And with the third reading there's no public participation anyway so I'm in favor of this tonight.

Mr. Tobergte – In my workings throughout town, a lot of people have come up and talked to me about this Ordinance. One of the residents the other night told me that he didn't want it to go, he didn't want it to pass, he wanted to go by Ordinances instead of contracts and he said he thought about doing what Cindi said and ask to

have it on the ballot. But it's our job to vote. That's why they voted us into Council.

So the ultimate vote will come next November. Whoever runs for election the people will vote the way they vote for the person if they liked the contract or not, I guess.

Mrs. Bedinghaus – I would just like to believe that the citizens should have a right to vote for this. There aren't many people that like to come out in public and voice their opinion at the podium. So I think that it was, it's a disservice not to give the citizens the right to vote on such a critical issue. This will have a long term affect on the Village. This is a serious business decision for the City and I really think they should have the right to do that.

Mrs. Schildmeyer – Nobody is saying the citizens of St. Bernard don't have a right, a voice, and that we want to take their voice away. Nobody is saying that. They don't have to come down here and talk in front of that podium. Our phone numbers are readily available, our emails are readily available. I got two emails from the 4th Ward asking me not to vote for this. It's overwhelmingly people are supporting the Fire Fighters.

Mr. Walden – Just for clarification, are we voting now on the motion for the Ordinance to go emergency?

Mr. Peck – Yes.

John Metz, 4419 Kemper Ave. – Obviously I support Cindi and ask you to table this and give the voters a chance to vote on this. I think we have wonderful services here. We have wonderful employees here, but as Curtis has told you, as the HR people told you, who are specialists in this area, they recommend not passing this. I think the Fire Fighters in particular right now have a concern that if there are Ordinances that a later Council could change things before the end of the agreement. I can understand that. Prior to the mid eighties this town did everything by Ordinance and when unions came around they started doing the contracts and that was required as a City to do that. I think that sometimes we need to be slow to react to the post too quickly if you were to give it a chance by Ordinance and then if something happened where Council changed things in the future you could then say we tried not doing contracts so we need to do contracts. I really think that people are saying a lot of people don't want to come up here and talk. Some people are like me and they don't care about that. Still I think that with the changes that occurred with Michael Holt coming off his parents' insurance just so he could vote on this, I think he was pressured unnecessarily to do that. I don't know that for a fact, Michael, and I haven't spoken, I can imagine the pressure on him to take care of the fireman, because his father has been a fireman for as long as Michael has been alive. I think those are all things that need to be concerned and I think this would never have been brought to a vote in the first place had they expected Michael to change his opinion or if he had changed it prior to that. Then it would have passed anyway, to come to the floor, but I think the way it came to the floor to allow it to go to vote it would have three to three with President of Council making the decision. But you now need to give this back to the citizens to make the choice of having contracts or not having contracts. We have wonderful employees. I think we can be a fair employer. We can make agreements and through Ordinances to cover these things. I would just recommend that you not rush this, that you give people a chance to vote on it.

Bob Hausfeld – You know John and everybody else, I think you’re forgetting the citizens did have a vote. They had the right to vote on this when they voted for the Charter. So some of you remember what you want to remember. It’s just funny how the only thing that you find different in the Charter is contracts with the employees.

Mrs. Schildmeyer – Mr. Metz, with all due respect I think that was very, very unfair of you to accuse these firefighters and Michael of that. By standing up there and not anybody being able to react to you I don’t know that this is a fact but this is what I think. That was very unfair to do and I think you owe an apology to Michael.

John Metz – Thank you Dianna for your opinion. My intent is not to in any way denigrate Michael. I think that a young man in a situation where he has his insurance paid for, for him, who has probably debts from schooling I would think or other debts, would

Mrs. Schildmeyer – Point of order Mr. President, whether or not Michael has debt is completely irrelevant.

John Metz – May I finish please.

Mrs. Schildmeyer – No if you’re going to take that line again. I don’t trust you.

John Metz – All right, thank you.

Mr. Walden – I guess it’s time for me to weigh in. Council has certainly heard from me before on this issue and knows my position. But I’ve received many, many calls asking me to address Council once again before they vote. I was elected Law Director to be the lawyer for the citizens. It is my duty to protect their legal rights. When we became a Village, Ohio law held that we no longer had to sign contracts with our employees. When the Ohio legislature passed the law requiring cities to do that, they specifically stated that Villages did not have to because Villages are smaller and therefore have less income. Mr. Young brought up one Village that is doing that, and one thinking about it but out of the hundreds and hundreds of other Villages in Ohio no others are signing contracts because it makes zero financial sense for a Village to do that. They all set the terms of employment for their employees through Ordinances. I thought St. Bernard was going to do the same until Council was presented with a contract for the Firefighters which would take away the right the citizens of St. Bernard now have to decide their terms of employment for the employees whose salary and benefits are paid by those St. Bernard citizens. Now I think we have a great group of employees and they work hard to provide this Village with their services. But not only would signing the Fireman’s contract take away the citizens right to control the employees terms of employment, it gives that right to a mediator who doesn’t live here and doesn’t know St. Bernard. It’s bad enough that Council people are considering giving away the rights of the citizens who elected them but this contract gives those rights to a stranger, a mediator with the power to bind St. Bernard to anything he decides. Right now you the citizens have that right. Why would you take that right away to give it to a stranger? That very question was discussed on Council floor a few months ago as I recall, six Council people stated that they would never support a contract that contained binding arbitration

language. But now that we're spelling it different and calling it binding mediation that stated intent to protect the citizen's rights seems to have evaporated. It doesn't matter how you spell it. It is still a stranger making the decisions instead of Council on behalf of the citizens. It's the same thing you said you would not agree to. It's an all lose position for the Village and a win-win for the Firemen. Here's a quick example of the difference between how things are now, and how things would be after a contract with binding mediation is signed.

Say in two years the Firemen ask for 3% raise and Council reviews the financial and doesn't believe there is enough money to pay for that. Under the current law, council could just say "no" the decision is made and it's over. But if Council approves this contract, and tries to say no, the process is just beginning. The Village has to spend money to go through the steps in the contract, and ends up in front of a mediator with binding decision power. The mediator can order the Village to give the Firefighters the 3% raise whether it can afford it or not. He can split the difference and order the Village to give a 1 ½% raise which is a 1 ½% raise St. Bernard would not have to pay if it had not agreed to a contract with binding mediation so it's still a loss for the Village. And again, St. Bernard and its citizens can only end up in this situation if Council gives up the rights of the people and approves this contract. Don't do that to the people that elected you. You were put here to protect them.

Mayor Burkhardt – As head of the City, head of everything here in St. Bernard, I've got one email on this subject from a former employee against the contract. I've got zero phone calls. In my opinion the citizens have spoken. It's time to give these guys a contract.

Mrs. Brickweg – First of all I'd like Councilman Michael, can I speak on your behalf.

Mr. Holt – Yes, you may.

Mr. Peck – I know there was a point of order, I just want to be very cognizant to protect his personal information or anything.

Mrs. Brickweg – I'm glad you're doing that now, that's why I'm trying to speak in general here. Firstly Mr. Metz you were wrong. The only time I ever brought up anything personal, they always shoot me down, and it probably should have been then too. To insinuate that he was pushed or whatever to give up his health care, 100% the complete opposite. I talked to Michael. I told Michael that he should stay on the insurance but he made the decision. He made the decision with his heart and he gave up the health care. But in no way was anybody pushing him to do anything. Like I said it was the complete opposite. He thought about this for months. It wasn't an overnight decision and trust me it was just him and I communicating with each other. So I just think that's it's so wrong for you to insinuate something like that.

Mr. Holt – I mean I talked about this with the Mayor, Peggy, even my dad and most of them said don't even vote, just stay out of it. So I'm doing this because it's what I feel is right. It's been on my mind for months, it's been driving me crazy and now we're here and I need to do what I think is right. That's why I got off his insurance. There was an open enrollment at my job so I got on my job's insurance if people would like to know that. I got promoted at my job, so I'm not in a financial crisis. I'm doing very well so people if you have any other questions

feel free to let me know. I've been working with Curtis as well, he's been very great to work with. I'm just completely backing you up with how I did everything. I spoke with the ethics committee. I told them my situation. There's nothing unethical here so again, I'm ready to do this.

Mr. Walden – Michael, I was going to save this for new business but it seems like a better time to address it. I do want to assure the citizens that Michael has been very forthcoming and open with me. We have both talked to the Ohio Ethics Commission repeatedly to make sure it was ethically sound that he's not going to get into any trouble because the much bigger issue than this is a young man getting in trouble. Michael has done everything above board. I was very pleased to learn that he had contacted the ethics commission on his own, taken all the steps necessary to put himself in the position to vote and to vote without any ethical difficulty and I commend him for doing that.

Dave Holt, 529 Church St. – I'm Michael's dad. I wish this town didn't have to play politics. I grew up in politics. My mom was a life time member of the green party. She was the Mayor's secretary for years. I've been an employee for this town for 27 years now. I always voted for the green party until eight years ago when they decided we were broke and decided to lay firemen off. My family doesn't support the green party anymore because of that and I don't either and that was hard for my mom and that was hard for my dad. If anybody in this room thinks I pressured my son, they don't know me. I take offense to that. They don't know my family. If people knew me like these guys do and a lot of you guys do, you know I wouldn't say a word to Michael. I talk to him. Matter of fact the day before he dropped it, I told him, don't do it. I wish this town didn't have to play politics. This is just a contract. I worked 27 years with a contract and we've gotten along good with the City. We never did wrong to the City. The City never did wrong to us. And it's not going to go wrong. Except eight years ago, it did go wrong and we don't want people to come into our way of life and say hey, too bad, you guys got it. We're going to do this to you just because politics changed. There is, I feel there is a vendetta against us from a certain party. I feel, I pretty much tell you that those guys down there supported the green party at that time. When you laid them off they lost their support. They know why they got voted out and they're taking it out on us, they're taking it out on the Service Dept., they're taking it out on the Police Dept. We just want to come to work and do our job. We don't want to be scared of losing our jobs. That's all we want and I wish you guys would understand that. I salute Dianna, Ray, Michael, all you guys. Thank you for your support and wang chung. So thank you and I just want to say, if you know me and you know my family, I didn't pressure anybody and I didn't need to hear that.

Mrs. Schildmeyer – Curtis and I are going to have this fight yet again and I'm sure you all know what I'm going to say. I was never in support of binding arbitration. There is a difference between arbitration and mediation. With arbitration, whoever, the arbitrator has to be on one side or the other. They cannot pick anywhere in the middle. With mediation they can say you're both wrong, it can be somewhere in between. Once again I was never for binding arbitration. I would like to read something to you because I think this is so personal, it is very personal right now. I think everyone that has spoken so far, except for Mr. Holt of course, has been pretty down on the firefighters. I would like to read a couple of facts about this contract. First off, getting binding arbitration off the table, was my number one priority. I have always stated I would not vote for a contract with

arbitration. Secondly, we were able to negotiate no pay raises for the firefighters for the duration of the contract, not one cent. They have also been working under the old contract for a year which translates into no pay raise for the past year as well. We also were able to take away from each firefighter a paid holiday off. They also gave up an additional 1 or 2 days of vacation time (depending what level of seniority they have). They have also agreed to relinquish their 3 for 1 sick time buy back. We are also decreasing their longevity pay. The new hires have also agreed to give up their lump sum terminal leave, this is not a decrease, it is completely gone. Lastly, they have agreed to start contributing for their healthcare. Before now they never paid premiums. All of this they have willingly agreed to in order to help make St. Bernard a great place. They are also very aware that if the need arises, we will open back up the contract. These are fiscally responsible moves for the Village to make to help ensure the vitality of St. Bernard. And once again, the six of us know what we're going to do. Putting it off another two weeks is ridiculous. The Village of St. Bernard deserves for us to do more of their business and less of the contract.

Butch Baur, 150 Delmar – I'm going to clarify a couple of things regarding how contract negotiations work. It seems to get said over and over again that by having a contract with the firefighters that the Village gives up their rights to make changes to our terms of employment, to our benefits, to our salaries for all those things. That's not the case. At the end of the term of the contract, at the end of the Term of Employment as we're calling it, the Village and the firefighters will sit down and every item, and I mean every item that's in that terms of employment, is open for discussion and change. Everything can be changed at that point. The whole purpose for mediation in there is that "if" in the event that we can't come together and see eye to eye to figure out a solution to one or more of those issues we need to bring somebody in to tell us how we're going to solve our problem. Otherwise we'll go on for years and years and years like we are now trying to figure out how to settle this. We've demonstrated over and over that when it comes time to cut things out, when the City needs to save money, that we're sitting at the table and we're ready to do the talk and we're ready to do what needs to be done. It's demonstrated in that contract, it was demonstrated in prior contracts from this department in the 23 years that I've been here.

The other thing that is said is that, as Dianna has said, about the binding mediation. Arbitration was what we originally talked about. The idea of going to mediation originated from the Village side. The other thing that originated on the Village side was the ability of the mediator to make that in between choice like she said. That does exactly what she said. If the mediator thinks the Village is off their rocker and thinks the firefighters are off their rocker he's going to derive a solution and put it down on paper. But that makes both of us come to the table with him with a realistic choice and a realistic solution to the problem. Hopefully, we'll never get to that point. On a regular basis I don't see it happening, I really don't. In the 23 years we've been here I think I've only been to any kind of mediation, arbitration, twice.

Mr. Walden – If I could just briefly respond to Dianna and Butch. I think Dianna laid it out pretty well. This Council and the two year contract to do mediation, the mediator has the power under the contract to decide what gets done with the City's, the Village's money. That is not the way it is as of right this minute. The law is that it is entirely Council's call on behalf of the power they represent for the citizens to make that decision. Nobody can sit down as of this moment and tell how to spend the citizens' money. The moment this Ordinance passes, that's gone

and you do have someone who can sit down and tell the City how it's going to spend its money. Again, the fact that they can take some middle position doesn't make any difference to me because he's still telling the City how to spend its money. Again, I think I'm friends with most of the people that work for this Village. This has not been an easy position for me to take. But I take very seriously my duty to represent the people of St. Bernard. To have this power right now and in a few minutes you no longer have it.

Mrs. Schildmeyer – Curtis, I think that you just brought up a very good point in that we are all friends. We all know each other very well. We are a very tight knit community. We are very political party driven in many respects. That is a very good point in why maybe somebody that's impartial to come in here and help us figure things out because we are so close knit and it takes the political process completely out of it. And I can't help my sons out and somebody else can't do something completely backward if we have somebody completely impartial come in here. Also, we all get to pick who that person gets to be. They get to say who they want. We get to say who we want. If somebody is always voting for the Village or somebody's always voting for the firefighters, they're never going to get a job anyway. I think that's a very good reason to have an impartial person come in here.

Laura Schmitt – I just wanted to take a minute and just, I'm not expressing my personal opinion on this contract one way or the other because I admire our firefighters for standing up for their rights. I think it's unfortunate that we're even here discussing this, this far out. The Charter was put into place for a reason and I think that should have been upheld with everybody with what we were being told it was going to do. Unfortunately that wasn't. Some of you may recall, a good year and a half, two years ago before the census, well before the census took place, I expressed over and over again my concern that, relating to the Health Dept., that it would not stay the same. There would be changes that needed to be looked into because of the way it was stated in the Charter, I knew well enough to know what was coming. Things were going to change. It wasn't going to be as it was. Everybody kept saying over and over and over again, oh no it will be fine. Everything is going to be exactly the way it was. We're going to operate exactly the way we did and guess what. We didn't. I tried to tell them that over and over and over again. I think it's unfortunate that we've got a Charter in place to protect your employees and you can't blame them, you can't blame them for standing up and fighting for what is right and expecting that they are going to be treated fairly if it doesn't go because I can tell you firsthand, as an employee, things don't go fair around here. You have to watch your back and you have to cover your tracks and you have to fight for what you believe in. Otherwise you get nowhere. Prime example; you have a lot of us out there who have been put on five year pay freezes, whatever it was. Some of us who make less than other people without the education that we have. But yet, we're still handing out pay raises other places. It makes no sense to me. I don't understand it and I don't understand why we're still here discussing this when if the Charter would have been put into place and upheld the way it was supposed to be, we wouldn't be discussing this. You can't blame them and I admire them for doing what they're doing, I think the rest of the departments should do the same. I absolutely do. You shouldn't still be having to argue this with them and taking a vote on this if things would have been held to the standards they were supposed to in accordance with that Charter. Instead of picking and choosing what you want to pull out of it for the benefit and I think that's a shame.

Mrs. Schildmeyer – Ordinance No. 18, 2013 does increase pay for the part time employees. Most of it is summer work. Not all of it. Only because the minimum wage was raised. This wasn't something we just talked about to give everybody a raise, since the minimum raise was raised.

Mr. Peck – Could we discuss this under Ordinance 18?

Mrs. Schildmeyer – Sure but that's what Laura is referring to.

Mr. Peck – That would be great, we could discuss that under Ordinance 18 if that's okay.

Laura Schmitt – I understand that. I'm not in argument with you bringing the minimum wage up to where it needs to be and adjusting. But then what happens to the rest of your employees? You've got cashiers and lifeguards that are going to be making darn near what I'm making as the Director of Nursing for seven years. That's crazy if you ask me. But yet I'm on a pay freeze. I just think it's a shame. It think it's a shame that it has to come to this type of discussion between your employees that do a darn good job for the City, trying to fight for their rights when if everything would have been done the way it should have been, the way it was put in place to do, we wouldn't be discussing it.

Mr. Peck – At this point Mrs. Kathman would you please call the roll on suspension.

The motion to suspend with the third reading failed 4-2. Mr. Asbach and Mrs. Bedinghaus voted no.

Mr. Peck – This Ordinance will not go emergency. At this point I believe we will have a third reading next regularly scheduled Council meeting. My understanding is that given the failure of this motion we do not need another motion for it to go. It automatically goes.

ORDINANCE NO. 18, 2013. FIXING THE COMPENSATION OF THOSE PART-TIME EMPLOYEES OF THE VILLAGE OF ST. BERNARD WHOSE FIRST DATE OF SERVICE IN THE POSITION IS AFTER 1/1/2005, AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 18, 2013.

REMARKS

Mrs. Brickweg – I would like to say thank you for hopefully suspending the second and third reading because the employees will be starting to work, but I have to add in, it's kind of pathetic, you slide this one through, but all, but you're going to put this City, this Village through another session like this, a third time, when you all know what you're voting on. I, that's ludicrous, but I would like to say thank you for doing State law.

Mrs. Schildmeyer – Laura, I wasn't saying you were wrong, I was trying to explain to people who aren't sitting here why those raises had to happen. It's because minimum wage was raised.

The motion to suspend passed 6-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 18, 2013 as read. Motion passed 6-0.

ORDINANCE NO. 19, 2013. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER AND APPROPRIATE ADDITIONAL FUNDS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 19, 2013.

REMARKS

Mrs. Brickweg – I just wanted to add another thing to this Ordinance. I just wanted the public to know this is not an additional appropriation. It is basically just money from the General Fund into the different Cash Accounts so we can pay bills out of the correct Cash Account. Just so everybody knows that the employees that are having premiums deducted from their pay checks, it is automatically going into the Employee Health Plan which is 51-51-01. It also includes when we go into Stop Loss, we go over \$50,000.00 we get reimbursed, but to date we've collected in that line item \$123,619.00

The motion to suspend passed 6-0.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to adopt Ordinance No. 19, 2013 as read. Motion passed 6-0.

ORDINANCE NO. 20, 2013. AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A PROPER CONTRACT FOR CHALET AND HEGER DRIVE IMPROVEMENTS PROJECT IN THE VILLAGE OF ST. BERNARD AND DECLARING AN EMERGENCY.

Motion by Mr. Culbertson, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 20, 2013.

REMARKS

Mr. Tobergte – Peggy, have we ever gotten the money from the CIC for Imwalle's?

Mrs. Brickweg – No we haven't. I do know we closed on the property Monday. I think it was finalized on Monday, but no I have not received the check yet.

Mr. Culbertson – I would like to thank Kevin Meier and the Finance Committee for getting this pushed forward and I'd just like to let all the residents know that we will be going out for bids hopefully upon this passage and we'll get the streets repaved hopefully by the end of this year.

Mr. Stegman – Just one comment. This is the grant money we will be receiving 50% of. This is the entire total so our portion is half of this. It will, by the Administration, we are putting black top up there and not concrete. I know there was some controversy over black top and concrete. We just don't have the money for the concrete and with our engineer and everybody telling us that the age of concrete the street is no longer deemed to be the best to go with. It will be bid out in black top.

The motion to suspend passed 6-0.

Motion by Mr. Culbertson, seconded by Mr. Holt to adopt Ordinance No. 20, 2013 as read. Motion passed 6-0.

ORDINANCE NO. 21, 2013. DECLARING THE PROPERTIES KNOWN AS PARCEL NUMBERS 582-0013-0188-00, 582-0013-0178-00, 582-0013-0244-00, 582-0013-0177-00 AND 582-0013-0258-00 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 PARCELS; AUTHORIZING PAYMENT THEREFORE, APPROPRIATING THE NECESSARY FUNDS FROM LINE ITEM 07-06; AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 21, 2013.

REMARKS

Mr. Tobergte – I'm just disappointed this Ordinance was dropped off today. It was not discussed at COW. After discussion, Executive Session, the middle of the meeting, discussed part of it. We still don't know how much these properties are going to cost. I just don't like doing business that way.

Mr. Asbach – I take some blame for this. I don't recall if Kevin brought it up and I missed it on the COW. It was discussed at the Finance Committee meeting and I thought that Kevin mentioned it but maybe not and maybe that's why since I'm on the Finance Committee and met with him and that's why it was fresh to me but it was discussed and it was approved by the Finance Committee to do this. So if he did say it I didn't have it on my notes so maybe he didn't say it but I just wanted to make that clear.

Mrs. Bedinghaus – Can this come out of the bonds?

Mrs. Brickweg – From what Paul says it can't. I'm going to be honest with you, when we went and talked to committees, am I a little uncomfortable, yes, I am but according to Paul we really need the property to build the building on there. I just think the proper way would have been to figure that out before we said we were going to use the bond for this entire building. I can check with 5th/3rd bank or excuse me, U.S. Bank as of now. I can check with them but I'm assuming they are just going to say what they did with that fire truck.

Mr. Asbach – We did pass Ordinance No. 2, 2013 which was for the Safety Center and it is listed in there that it includes acquisition of real estate and interest in real estate, construction and reconstruction, relocation, remodeling, enlargement and

improvements. It's covered in the Ordinance. I wasn't on Moody's call so I can't answer that part but it is covered in the Ordinance.

Mrs. Brickweg – And I will agree with that. I'm just uncomfortable when we go and we tell somebody exactly what we're going to do and get a credit rating and we start doing different things. That's my point but yeah, you can do it, but I don't think that's the way that it started or the way the project was sold to everybody.

Mayor Burkhardt – As far as the one property on Mitchell in question, that property wasn't available at the time. It just happened to come available and that's why we're in the situation we're in. We always knew we needed it but at the time they weren't willing to even talk. They did approach us. Paul has worked very hard to keep that business in St. Bernard.

The motion to suspend passed 6-0.

Motion by Mr. Asbach, seconded by Mr. Holt to adopt Ordinance No. 21, 2013 as read. Motion passed 6-0.

OLD BUSINESS

Mayor Burkhardt – I would like to be put on the COW agenda to discuss the performance audit and Council's wishes.

NEW BUSINESS

Mr. Tobergte – About 45 minutes ago I did get a text message from my wife. Mr. Anneken did win big tonight.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

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

Mr. Asbach – The next COW meeting will be Thursday, May 9th, at 7:30pm.

Motion by Mr. Tobergte seconded by Mr. Holt to adjourn. Motion passes 6-0.