

**ST. BERNARD VILLAGE COUNCIL MEETING
FEBRUARY 20, 2014**

The regular meeting of the St. Bernard Village Council was held Thursday, February 20, 2014 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, Ms. Hausfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, and Mr. Culbertson.

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

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – The Mayor had to stay over at work because of the storm that was coming in tonight so he has no report.

AUDITOR, Mrs. Brickweg – Tonight on the agenda is Ordinance No. 7, 2014. I also wanted to let Council know when you get the February report there will be a big jump in the employees' Health Care Benefits. We received a check for over \$120,000.00 today which had to do with what I was telling you at the end of last year with some of the Stop Gap coming back to us. I also received, just now, I don't know, maybe Phil has this, but I will send it to him, the AC district 2, integration is now offering zero percent (inaudible)

DIRECTOR OF LAW, Mr. Walden – We have before Council tonight Ordinance No. 8, 2014 which Council requested last week. No. 8 amends codified Ordinances to list the new 7:00pm start time for Council and COW meetings from the 7:30pm time that was listed last year and has since been changed. Also we have before Council Ordinance No. 9, 2014 which authorizes Mr. McClure's employment to be Magistrate for Mayor's Court and it reflects the rate from \$250.00 per night for his services as Court Magistrate. Last night we went to about 7:30pm and were set for five trials and when I informed Mr. McClure this was up for a vote he asked me to thank the Finance Committee and Council for putting the increase before Council in the Ordinance tonight. I would also like to thank Heidi for locating two previous Ordinances which I was able to use as models for 8 and 9 tonight. And, I would like to thank Peggy for adding the money to increase the magistrates salary to Ordinance No. 7 tonight.

TREASURER, Mr. Ungruhe – I have prepared the monthly Treasurer's report for Village Council.

Receipts for the month of January, 2014:	\$ 769,263.25
Receipts for the year through January 2014:	\$ 769,263.25

SAFETY DIRECTOR, Ms. VanValkenburg – Absent

SERVICE DIRECTOR, Mr. Stegman – Thank God for the warm air out there. It's melting all the white death that we had out there. We have been receiving salt every other day so we're gradually filling the bin back up to where we're good with the salt. Hopefully next week there is a false story that there will be some snow next week. The thing with the AC and integration, that's something that you might want to go ahead and do a whole project on. We always apply for matching funds, a 50% match or 30% or whatever the project may lend. We're not in the market for to go out and do a whole project on. It's nice that they do that but we try to get matching funds.

TAX COMMISSIONER, Mr. Geiser – No report.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Tobergte – Due to a scheduling conflict with the CIC the Finance Committee meeting scheduled for this past Tuesday was cancelled. The Finance Committee will meet on Thursday, Feb. 27th at 6:00pm.

I met with Mr. Stegman Wednesday morning and discussed the overtime line item in the Service Department. For some strange reason there has been a lot of overtime recently. The reason given was a substance falling from the sky. We will keep an eye on the usage and will need to put more money in that line item in the future.

Congratulation to Andy Gruenwald. He was honored at the state house today for his achievements with the soap box derby.

SAFETY,, Mr. Culbertson – I have the January Fire Dept. report. The Fire Dept. had 73 total calls pertaining to fire activity. They had 88 emergency medical response runs and they had 28 logs for inspection activity.

SERVICE, Mr. Asbach – No. report.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer –No report.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – Absent.

BUSINESS AND INDUSTRY, Mr. Kalb – No report.

HIGHWAYS AND TRANSPORTATION, Ms. Hausfeld – No report.

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

Committee of the Whole
Feb. 13, 2014

1. Council approved the minutes of the Feb. 6th Council meeting.
2. There was a discussion about the raise request from Deputy Auditor, Nick Hendricks, as well as comments from Auditor Peggy Brickweg and former Auditor Walt St. Clair. While it was said that the starting salary might have been too low, starting salary was made the same as a clerks position, the matter was placed back into the Finance Committee. There was a meeting set for Tuesday Feb. 18th at 5:45 to discuss further and bring a recommendation back to Council.
3. There was a discussion about the request to raise the magistrates pay for Mayors Court from \$250.00 a night to \$325.00. After some discussion a motion was made

and seconded to increase the pay to \$300.00 per night. Council voted 5-0-1 to place the Ordinance on the table. Mr. Tobergte abstained.

4. There was a discussion and a motion with a second to change the meeting time, in the Rules of Council, to 7PM to match the new start time of the meetings. Council voted 6-0 to place an Ordinance on the table to change the times by Ordinance.
5. Mayor, Bill Burkhardt
 - A. Reported that the Medical Bus service was suspended as of Feb. 1st. He thanked Laura Schmidt and Phil Stegman for doing a great job of providing information for alternative transportation options. Soft billing was looked into for this service, but it was not available.
 - B. Said that after a meeting to discuss pool utilization with the Recreation Director, Paul Strotman, Pool Manager Jen Spears, Elaine and Phil, the following changes will be made: To provide savings on staff payroll we will scale down each day to one shift, not opening until school is out (June 7) and discontinuing the weekend hours as soon as school is back in session (August 17). One shift would consist of a seven hour day, six of that being open and a half hour on each end to clean. New hours will be noon-6PM (except for swim meet nights 12-5). The estimated savings will be approximately \$14,000.00 for the season. The shorter season will save approximately \$1,000.00 a day. Between the two, the total cost savings would be close to \$25,000.00. The pool hours might be extended during extreme heat days. He believes that these changes will not impact the majority of our residents.
 - C. Arts & Crafts will be moved to the Pavilion to provide easier access and more space.
 - D. The Library Board held its regular meeting on Feb. 11th and they approved bidding for the Clifton, St. Bernard and Reading branch projects. St. Bernard and Reading will go out for bids on Feb. 28th with bids due on Mar. 25th. The Board also approved a budget increase of up to 5% for the combined projects, if necessary, when bids are received.
6. Auditor, Peggy Brickweg
 - A. Said the department has started preparing for the State Auditor. The State Auditor also said the Ordinance #12, 2013 was okay and a new one was not needed.
7. Law Director, Curtis Walden
 - A. Reported that he will begin working on the two new Ordinances for next week.
8. Safety Director, Valerie Van Valkenburg
 - A. Said that she was asked by Mrs. Bedinghaus to look into parking on Ross Ave near Greenlee since she said that some mirrors have been knocked off of cars there. The police have no formal records of mirrors being knocked off, but she will continue to look into the matter.
9. Service Director, Phil Stegman
 - A. Reported that Cincinnati Bell Fiopics has our Council and COW meetings on channel 838. The meeting times are Sunday 9:30 AM, Wednesday 10:00 PM, and Friday 7:00 PM.
 - B. Bids are back on our insurance and they are over budget. The reason is that the three year pollution policy is due this year. A one year premium is \$12,587.00 and to renew a three year one is \$12,209.00.
 - C. Bids for the landfill came in \$10 lower per ton. This is about a \$15,000.00 to \$20,000.00 savings based on last year's tonnage. Council voted 6-0 to place a transfer Ordinance, for the pollution policy, on the table.
 - D. Met with Duke on construction projects for gas lines this year. Residents will be notified if their street is affected.
 - E. Reported that he received two letters from Service Department workers that will retire this year. There is money budgeted for their accumulated sick pay out.
10. Tax Commissioner, Ed Geiser
 - A. Reported that there are extra tables in the walkway between the two buildings for the increased traffic during tax season.

- B. Thanked Phil for various items that he has fixed in the Tax Department.
- 11. Treasurer, John Ungrhue
 - A. Reported that the 4th of July fund has \$5,616.96.
- 12. Finance, Don Tobergte
 - A. Reported that he talked to Paul Meyers about the rental program. He is overwhelmed by the number of rental properties in our Village. They are still trying to get thru the first round of inspections. If you have a rental unit you can call the building department and they will get you inspected as soon as possible. If you paid your first year fee, at this time there will be no other cost.
 - B. This Saturday, our library will be hosting the Cincinnati Dulcimer Society for a concert starting at 12PM. All ages are invited and children will have a chance to play the instruments and see lumberjack puppets dance.
- 13. Safety, Ray Culbertson
 - A. Reported that the next Block Watch meeting is Tuesday Feb. 18th at 6:30 in the Centennial Hall.
- 14. A member of the audience thanked Mr. Tobergte for his town hall meetings.
- 15. A motion was made, seconded and voted on 6-0 to excuse the absent member.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

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

ORDINANCE NO. 7, 2014. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND MOVE FUNDS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 7, 2014.

REMARKS

Mr. Tobergte – As I stated at the COW meeting due to my business relationship with the magistrate, John McClure, I'll be abstaining from voting on Ordinance No. 7 and 9.

Mr. Kalb – Ordinance No. 7 this evening additionally appropriates \$1,000.00 for our magistrate that runs our Mayor’s Court. The magistrate’s last raise was in 2009 and the work load has increased due to the increased enforcement from our Tax Dept. that brings a lot of cases to Mayor’s Court for collections. Though I agree with the Finance Committee’s recommendation for the increase which was less than what was asked for by the magistrate, I do not agree with the additionally appropriating the money to do it. I would have brought this up at the COW but it was an oversight on my part because I am still learning the ropes here on Council. I believe that we should find the money in the current budget to transfer to the new line item. The line item will not need additional money until probably October or November of this year which gives us plenty of time to find where we can transfer the money from. The budget that was voted on in January was already over budget and it does not include the encumbered money that will be spent in addition to what was budgeted for. The Village simply does not have the money to additionally appropriate this year. Unless the additional appropriations were brought up during budget talks or an emergency, I’m going to hold the Administration to the 2014 budget. Therefore, I will be voting no on Ordinance No. 7 this evening.

Mrs. Brickweg – Andy I don’t know if you were involved in the beginning of the year but I have heard that you don’t plan on voting on any additional appropriations. I just wanted to let you know that that budget that we presented, yes it was over, but it was at dire straights at what we had said in the last two years. It has nothing to do with the magistrate line item. But we polled the Dept. Heads to take it as close as they can go and then the Council would appropriate additional funds if they had a good enough reason. I do know, I’ve been hearing a few rumblings from Depts. that really went down to the bare minimum so I hope that you’ll be open minded when, I’m not saying just this, but some other ones because you can’t do that, you have to keep an open mind and look at everything and each issue and the Fire and the Police are at the very bottom. Just for example, fire hydrants started at \$12,000.00, now it’s \$5,000.00 and the Fire Chief was told that if something happens to a fire hydrant, it breaks, you could fix it. I pretty much compare to, I can say I don’t want to spend any money this year at all but if I have a wreck, I’m going to fix my car so I can get to work. I just wanted to pass that on that I don’t know if you were involved in the beginning because you weren’t on Council but when we did give the budget they are at the bone.

Mr. Kalb – I really appreciate your advice on that one, but as I said, there will be times for the emergencies and there were things discussed during the budget that might need to be additionally appropriated and I do have that disclaimer in there.

Mr. Asbach – Just a question to Mr. Stegman on this insurance, is there a time frame that we have to pay that?

Mr. Stegman – We have to pay that by the end of the month. That’s why we put it on here. I was just going to ask Curtis, with Mr. Kalb it’s going to go down tonight and won’t pass, with the magistrate, could we pull the magistrate off of this and have it pass without, I mean with number 9 being on there would you need to have it funded?

Mr. Walden – Peggy, I guess I’ll have to defer to you about how much money is in that line item right now.

Mrs. Brickweg – There would be enough money in the line item and then I guess we'll have to do a different, extra Ordinance then with just that in it.

Mr. Stegman – Well, I'd wait until the next time that we'd transfer appropriations or something like that to do it then. I mean, I don't think that the insurance is going to come back and get us if we waited another two weeks but if he's voting no and you need 5 so, I can't drag it out six to eight weeks for it to pass.

Mrs. Schildmeyer – The only other thing I could ask Andy if he would consider is if he's knowing in August we're are going to use extra money, why would you wait until August to say you'll pass. Why not, if you know it now, why don't we say right now we're going to pay our bills?

Mr. Asbach – Just a question and I don't mean to put anybody on the spot, I don't know how Ms. Hausfeld is planning on voting. I know Mr. Tobergte has to abstain, my request would be that if Mr. Kalb votes to suspend he can still vote no, it's going to pass potentially 4-1-1 but until that happens we'll just have to deal with it when that happens I think.

Mr. Walden – I believe if it did pass 4-1-1 it would be effective in 30 days. But that doesn't help the insurance situation. If you take that out that's probably the answer right now.

Mrs. Brickweg – Then take that part out?

Mr. Stegman – Do you want to hold it and pay it in two weeks? Change it in two weeks if it doesn't pass? Like I said, it's going to go down tonight.

Mrs. Brickweg – So we're saying we're going to take that out so we can pay the insurance by the end it would be in March.

Mr. Stegman – The 27th is when it's due. February 27th.

Mrs. Brickweg – Yes, and we won't have another Council meeting before the 27th.

Mr. Stegman – It's not like we have to have it in the mail by the 27th. We could wait a week but that's still not going to pass, I don't know what it's going to do when Cindi gets back, if it's going to pass emergency.

Mrs. Brickweg – I think at this point I would just amend it and take it out.

Mr. Kalb – I will be voting in favor of it to go emergency due to that reason and I have no problem with transferring the \$15,000.00 for the land fill and insurance. As I stated, it was my oversight, I should have brought it up on COW and we could have hashed this out at the COW. It was an oversight on my part and I do apologize for that.

Mr. Walden – I guess, Don contacted me the other day, I did talk to the Ohio Ethics Commission, they have no problem with him voting to go emergency so I don't know if Don's comfortable with that but we can get six votes tonight, potentially. I think Don will abstain from voting on the Ordinance itself no matter what he does.

Mr. Tobergte – I can vote on the procedure of it but not the actual Ordinance. That still only gives you 5 votes to pass the Ordinance, or 4 votes for the Ordinance. So it's going to take another 30 days for the Ordinance to take effect.

Mr. Walden – Yes. I just wanted to let Council know because everyone could vote for the emergency provision. There were enough votes there to have it go emergency.

Mr. Culbertson – Can we just take off Section 2 and amend this Ordinance like we said, add it at a later time, the money is going to be there until August. I'm not saying push it off until August, like lets do it at the next transfer of appropriations whenever that comes up, instead of going in circles here let's just eliminate Section 2 and get on with this.

Mr. Stegman – I only have one more suggestion and it's what Andy said that at the end of October if we have the money transferred. How about if we do a \$14,000.00 land fill and insurance transfer and do a transfer for the \$1,000.00. That way the \$1,000.00 wouldn't be additional it would be a transfer between the funds.

Mr. Kalb – You saying that in the insurance line item that we have is a high number and that we have an extra amount of money in there.

Mr. Stegman – As I stated at the COW with us moving to, reduce it to \$34.00 a ton we will have extra money in that line item, that's why we're taking and moving that over to the insurance. At that point you could wait and do it at the end of the year and see if you need any more money in there since you're having a problem with the \$1,000.00, I'd rather see this pass. Because the other thing, like Peggy said, we've talked about this in the past, we need to start advertising these and putting them in the paper and we can't just keep on making Ordinances. We need to start combining them as much as we can because we're supposed to be putting them on paper or the internet or somewhere as a publication. I mean, if it's easier to take it all the way off and do it at a later time or make some adjustments here to make it a transfer to make it pass tonight.

Mr. Kalb – My only statement as far as the money not being needed until August or October or November would be that we could take that out and we'd still have time to figure out where that money's coming from. Obviously we haven't passed his wage yet so we're not even getting to that portion. But I'm saying is that that money does not necessarily be an immediate reasoning. Because we have, down the road, there's already money in that line item to carry us and we don't need an additional \$1,000.00 but this payment is probably about two months of what their paying.

Mr. Stegman – Andy I understand that but you're going to pass an Ordinance to increase his salary so there's got to be money at the end of the year so it has to be appropriated. It's not something that you can wait until October and then say, OK he's out of money and I'm still not going to do it because it's an additional appropriation, so what's the difference if you say you'll put it in now, you're possibly going to pass this Ordinance, two Ordinances down to give the increase.

Mr. Kalb – We have not gotten to Ordinance No. 9 yet this evening.

Mrs. Schildmeyer – I think this also helps us to get more realistic earlier in the year, rather than get to the end of the year and we're all looking surprised like what has happened. Realistically this is going to happen and we need to know in February, not in August.

Mrs. Brickweg – As the Auditor I would like to suggest to do, I agree with Phil. You guys can vote and see how it goes. I would say out of 01-2-O-18 Landfill and Composting, it's still going to be moving \$15,000.00 put \$14,000.00 in 01-2-K-6 Insurance and put \$1,000.00 in 01-2-A-7 Magistrate.

Mr. Asbach – I make a motion that we amend this Ordinance to basically eliminate the wording in Section 2 and the magistrate line item will be a transfer as suggested.

Ms. Hausfeld – I'll second that.

REMARKS

Mr. Tobergte – Steve, so you're saying insurance is going to \$14,000.00?

Mr. Asbach – That's what Phil suggested.

Mr. Tobergte – If we only needed \$14,000.00 in there why are we putting \$15,000.00 in there?

Mrs. Brickweg – It was from the land fill and we still haven't got some of our final bids. We have some other things coming up and that was the \$15,000.00 that he told you at the COW that he was saving money from but since we're not, and it comes from the money that we're saving from the land fill.

Mr. Tobergte – I understand that but he said he needed \$15,000.00 in the insurance line item.

Mrs. Brickweg – No he did not. He said \$12,000.00.

Mr. Stegman - \$12,416. and some odd cents that was rounded to \$15,000.00

Mr. Tobergte – Boy I like your math. Do you round everything up that high?

Mrs. Brickweg – We still need to pay an additional insurance policy later on in the year for our cyber policy, that's why he was doing that.

The motion to amend passed 4-2. Mr. Tobergte and Mr. Kalb voted no.

The motion to suspend passed 6-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 7, 2014 as amended as read. Motion passed 5-0-1. Mr. Tobergte abstained.

ORDINANCE NO. 8, 2014. AMENDING CERTAIN SECTIONS IN CHAPTER 121 OF ST. BERNARDS'S CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 8, 2014.

REMARKS

Ms. Hausfeld – Just to let the public know this is an Ordinance to change our meeting times from 7:30pm that we did have down to 7:00pm that we have now and we were informed, I think it was last week that we had to do it by an Ordinance to be legit so that’s what we’re doing.

The motion to suspend passed 6-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 8, 2014 as read. Motion passed 6-0.

ORDINANCE NO. 9, 2014. AUTHORIZING THE EMPLOYMENT OF JOHN MCCLURE, ATTORNEY-AT-LAW, TO BE THE MAGISTRATE FOR THE VILLAGE OF ST. BERNARD IN MAYOR’S COURT AND SETTING NIGHTLY RATES AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 9, 2014.

REMARKS

Mr. Kalb – I know we just had a little bit of discussion about the pay raise for him in the Ordinance but I will be voting yes now on this Ordinance because the money is transferred instead of money appropriated.

The motion to suspend passed 6-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 9, 2014 as read. Motion passed 5-0-1. Mr. Tobergte abstained.

OLD BUSINESS

None.

NEW BUSINESS

None.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

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

Mr. Asbach – The next COW meeting will be Thursday, February 27th at 7:00pm.

Motion by Mr. Tobergte, seconded by Ms. Hausfeld to adjourn. Motion passed 6-0.