

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

The St. Bernard Village Council meeting was held Thursday, March 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 all members were present: Mr. Tobergte, Ms. Hausfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson, and Mrs. Bedinghaus.

Mr. Asbach made a motion to dispense with the reading of the minutes. Mrs. Schildmeyer seconded the motion. Council agreed 7-0.

REPORTS OF VILLAGE OFFICIALS

MAYOR, Mr. Burkhardt – Elaine received an email from the Bussard family with an update on Julia's Luge journey. Julia has been invited back to the Olympic training center in April to train with the Junior Development Team. This will be the last training session before possibly receiving an invitation to become a permanent member of the team. Congratulations again and we all wish you the best!

The Police Contract Ordinance is on the table this evening. This contract expired in August, 2012 and I believe it has been discussed more than enough. I strongly recommend passage of Ordinance No. 13, 2014.

After reviewing fees for many Village services, the cost for hall rental will be increasing to \$100.00 beginning the second Tuesday in May for July – December reservations (the deposit will remain \$50.00). We have had to install surveillance cameras to monitor hall activity and due to the expected need to repair/replace equipment, we have no other option.

Lastly, I would like to request for myself, Mr. Stegman and Council meet in Executive Session to discuss the Service Department contract negotiations.

AUDITOR, Mrs. Brickweg – Ordinance No. 14, 2014 has been prepared by the Auditor's office. Most of this was discussed at the COW meeting but one of them has not. What this Ordinance is asking for is additional appropriations; the first one to General Fund 01-2-E-3 in the amount of \$75,000.00. This was due to a large refund that came into the Tax Dept. last week and also because the line item had been reduced so much in the beginning of the budget. The other two are in the Master Plan 05-MP-16-CIC in the amount of \$28,880.92. This is the amount of the January and February rent that the Village collected for the CIC so we're just appropriating the money so they can spend it. The final one is 05-MP-4, Property Management. This one was not discussed at the COW. I'm asking for an additional appropriation of \$30,000.00. This line item pays for Duke, the water, property tax and any repairs, if necessary, to all the Village owned properties. Last year it was funded out of the \$160,000.00. This year we moved it down to \$30,000.00 because the City no longer owns the shopping center. It's very hard to figure out what it should be since all of our Duke and water bills are pretty much

done by account numbers. So I'm asking for an additional \$30,000.00 and we'll keep an eye on that as it goes.

Finally, the State Auditor contacted me today and they're trying to work on a schedule and they'll be coming in next week. I'll let you know how all that proceeds.

DIRECTOR OF LAW, Mr. Walden – I am currently working with the Service Director, the Police Department and the Laws, Contracts and Claims Committee on projects this week and next. I will defer to Cindi for an update on that last one. Also before Council tonight is Ordinance No. 12, 2014 amending Codified Ordinances to conform with changes in State Law as we do each year.

TREASURER, Mr. Ungruhe – I prepared the monthly Treasurer's report to Village Council. Receipts for the month of February 2014: \$ 1,004,815.10
Receipts for the year through February 2014: \$ 1,774,078.35
Copies have been distributed to Council Members, Clerk of Council and the Administration.

SAFETY DIRECTOR, Ms. Van Valkenburg – No report.

SERVICE DIRECTOR, Mr. Stegeman – I'd like to thank Mike Ahrens for his last 11 years of service in the Service Dept. He also had 14 years of service with the St. Bernard School District. Mike's last day will be March 31st. Mike is the guy who does all the painting for the Village. He will truly be missed.

Also, I'd like to be put on the agenda at the next COW to discuss an Ordinance for salaries in a line item that we created for a full time/part time employee. At the COW a couple of things were asked. Cindi I did go and call TEC and also JMA about the studies, any studies that were done on Greenlee Ave. No study has been done but the TEC representative did come down at some point, through Rodney, and talked about doing it and Council did not proceed with the cost of the study. So it was a big discussion, talked about, but never proceeded on. So there was no study done for Greenlee.

Also Mr. Tobergte had brought up about the zoning and planning being put on our website. We have that in place now and every zoning and planning will be put on our Village website.

TAX COMMISSIONER, Mr. Geiser – Just a follow up to what Peggy said, first I want to thank her for bringing this up last week, the fact that the Tax Dept. needs money for refunds that were unexpected. Also to remind Council that we have to pay refunds within 90 days or we have to pay interest. So I hope this passes tonight and I urge Council to pass this in light of the fact that this is our busy time of year I just heard now that the State Auditors will be here. Why they don't come in August, I have no idea, but they always come here in March and April. So just a little bit more work for us this time of year.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Tobergte – I would like to thank Mr. Ed Grimm from the Ohio Department of Public Safety for speaking at our Block Watch meeting this past Tuesday. He taught us the requirements that are needed to issue the different alerts in Ohio.

Also, at this meeting was a lady from Avondale that spoke to Officer Setters and I after the meeting about the Transitional Home for juveniles on Alaska Ave. It is

back on the fast track again. She will let Officer Setters know when her group is meeting and he and I will try to sit in and gather information that we will share with Council and the Administration.

I would also like to thank Mr. Ahrens and Mr. Edwards for their years of service to our Village.

SAFETY, Mr. Culbertson – I have the February Fire Dept. report. The Fire Dept. had 26 fire runs, 63 emergency medical response runs and 26 inspections. I also like to wish Coach Brian Neal and the Roger Bacon Spartans good luck as they head up to Columbus for the State Final Four.

SERVICE, Mr. Asbach – I have a report from the Hamilton County Recycling and Solid Waste District part of the Residential Recycling Incentive Program. **THE VILLAGE OF ST. BERNARD RECYCLED 184.35 TONS AND ACHIEVED A 14.60% RECYCLING RATE FOR THE SECOND PERIOD OF 2013. ST. BERNARD SHOULD SOON RECEIVE A DIRECT DEPOSIT IN THE AMOUNT OF \$4,127.78.**

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – It's come to my attention that there are rumors flying around and I don't know where they came from, they couldn't be more unfounded, that I'm moving. I am not moving. Nothing could be further from the truth. My kids are enrolled in St. Clement School for next year, end of story.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – Laws, Contracts and Claims Committee will be meeting at 6:00pm on April 3rd. That is an hour before next Council meeting. There will be two topics of discussion. The first one will be to discuss the portable basketball hoops that are on some right-of-way streets and potential liability for our City. And the other discussion will be to look at our waste and garbage collection Ordinance to see if that Ordinance covers what some people have brought to our attention is that the owners of residences that do not live there but perhaps that when they have a tenant that they have evicted and other such garbage that is put out. So we'll be looking at both of those items on that night.

BUSINESS AND INDUSTRY, Mr. Kalb – No report.

HIGHWAYS AND TRANSPORTATION, Ms. Hausfeld – Because of the topic coming up about Greenlee Ave. and going one way, the Highways and Transportation will have a meeting next Thursday, the 27th of March at 6:00pm and I'm going to talk with Chief Moeller to see if he could come and any of the officials that would like to be there because I'm sure this is going to be a nice hot topic. But I would like to get everybody's input one way or the other.

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

Committee of the Whole
Mar 13, 2014

1. Council approved the minutes of the Mar 6th Council meeting.
2. John Goedde, of JMA, discussed a Ross Ave street project. He discussed a 0% loan that was payable over 30 years. The Ross project is projected to be about \$434,000.00

and Council voted 7-0 to apply for the loan, which can be rejected before signing the work agreement if we wish to do so.

3. Paul Myers reported that the Planning Commission had a hearing and approved a zone change for the new townhouses on Tower Avenue. Council will hold a Public Hearing on Thursday April 24th at the beginning of the COW meeting.
4. Mayor, Bill Burkhardt
 - A. Reported that the Police Department Terms of Employment Ordinance will be on the table. Council voted 7-0 to have it on the table.
 - B. Said that he is working on the Terms of Employment with the Service Department.
 - C. Said that the library construction bids will be opened on March 25th.
 - D. Reported that he, Phil and Curtis met with an Elmwood Place Councilperson to discuss certain items.
5. Auditor, Peggy Brickweg
 - A. Said that the 2014 budget was approved by the County.
 - B. Asked for an Ordinance to move money to the CIC line item, as well as \$75,000.00 for the Tax Department for refunds. Council voted 7-0 to put the Ordinance on the table.
 - C. Gave Council the monthly auditor's and revenue reports.
6. Law Director, Curtis Walden
 - A. Told Council that a lawsuit, from a lady on the Cincinnati side of Mitchell Ave, had been dismissed.
 - B. Received a letter from the Ohio Department of Commerce saying that all liquor permits in town will expire on June 1, 2014. If the Village wants to object to the renewal of any of the permits, we need to pass a Resolution on the objection by May 2, 2014. He'll check with the Police Chief to see if we have any problems that need to be addressed and get back to Council.
 - C. There was an update for the Codified Ordinances in Council's mailboxes that was not brought up at the meeting. I talked to Curtis after the meeting and he asked me to put it on the table for passage.
7. Safety Director, Valerie Van Valkenburg
 - A. Reported that our insurance company recommended that we address the portable basketball hoops around town. If there is an issue, coverage might be denied with nothing on the books. The matter was placed in the Laws, Contracts & Claims committee for review.
8. Service Director, Phil Stegman
 - A. Received an email from Mr. Phil Jones, thanking him for the snow removal in St Bernard. He drives a taxi around Cincinnati and our streets are among the best.
 - B. Asked for overtime to be moved from one line item to another within the budget. Council voted 7-0 to add it to the Ordinance that Peggy was preparing.
 - C. Thanked BASF for paying for the Call Command bill that the Village received.
 - D. Said that he was working with the Service Department to keep Bill Gerhardt as the City Hall custodian.
 - E. Said he would work on the trash problem at the shopping center as well as the construction debris that Mr. Tobergte talked about at the last Council meeting.
9. Finance, Don Tobergte
 - A. Discussed the garbage and construction material for businesses. It was also mentioned that when a resident has work done on their house, the contractor, not the Village, is responsible for the removal of the items from the job. This matter was placed in the Laws, Contracts & Claims Committee for review also.
 - B. Thanked Elaine, Phil and Bill for their help with items for his talk at the Woman's Club meeting last week.
10. Safety, Ray Culbertson

- A. Reported that the next Block Watch meeting will be Tuesday March 18th at 6:30pm downstairs.
11. Laws, Contracts & Claims, Cindi Bedinghaus
- A. Asked Curtis to pull the Ordinance dealing with the garbage issue. She will announce a meeting in the near future.
 - B. Had residents of Greenlee Avenue ask to have the issue of pass thru traffic looked into. The matter was placed in the Highways & Transportation committee.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

Motion by Mr. Asbach, seconded by Mr. Culbertson to read this evening’s Resolutions and Ordinances by title only. Motion passed 7-0.

ORDINANCE NO. 12, 2014. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF ST. BERNARD, OHIO, REVISING THE TRAFFIC AND GENERAL OFFENSES CODES TO COMPLY WITH STATE LAW, AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Ordinance No. 12, 2014. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to adopt Ordinance No. 12, 2012 as read. Motion passed 7-0.

ORDINANCE NO. 13, 2014. ACCEPTING AND APPROVING THE TERMS OF EMPLOYMENT MADE BY AND BETWEEN THE VILLAGE OF ST. BERNARD AND ST. BERNARD POLICE DEPARTMENT OFFICERS AND LIEUTENANTS, AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Tobergte to suspend with the second and third reading of Ordinance No. 13, 2014. Motion passed 7-0.

REMARKS

Mr. Asbach – As I have done with the Fire Contract, I will be voting no on this Ordinance. I was against it. I kind of listened to our Law Director and he suggested at the time that we do not do this. I realize that the one is done and there’s no turning back now but I will be voting no on the Ordinance.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 13, 2014 as read. Motion passed 5-2. Mr. Asbach and Mrs. Bedinghaus voted no.

Mrs. Brickweg – Before you read Ordinance No. 14, 2014 I'd like to suggest to Council. Phil just reminded me that I missed the move of the Service Dept. overtime so you can either amend it or vote on it and I'll go print up a new one right away but I need to add to this from the Service Dept. overtime in the amount of \$2,500.00 to the end of the Street Dept. into their overtime for \$2,500.00. I'd like to ask if we could add that to it.

Motion by Mr. Tobergte, seconded by Mr. Asbach to add that information to this Ordinance. Motion passed 7-0.

Mrs. Brickweg – Thank you. I'll type a new one so everybody has a clean copy of the new one after the meeting.

ORDINANCE NO. 14, 2014. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 14, 2014.

REMARKS

Mr. Kalb – Ordinance No. 14, 2014 this evening is an additional appropriation Ordinance. At the COW meeting we discussed additionally appropriating \$75,000.00 for the Tax Return line item as we had a rather large return that was submitted and that cannot be planned for. Also this Ordinance is a transfer of money for the CIC as we collected the rent at the shopping center and then we additionally appropriated it and transferred it to the CIC. Finally this Ordinance appropriates \$30,000.00 for property maintenance. This appropriation was not discussed at the COW last week. As I currently understand it, this line item pays for the property taxes, utility bills and any needed repairs for the Village owned properties. This line item was cut down to \$30,000.00 this year as it was mentioned that we would have to watch this line item as the year went on. We are only in the month of March though and this line item is almost out of money. Unlike other line items that come up like unforeseen tax returns and a really bad winter that would have to require additional money, this line item should have been and could have been better planned out and calculated. The Village knows which properties we own, we know the property taxes owed on those, and we should have an idea of what the utilities should cost roughly. With this information the Administration should have been able to come up with a more realistic number that would have been able to get us through most of the year. The only wild card in this line item would be any property repairs that could not have been planned for. I believe that it is ridiculous that this line item is almost spent already and we're only in the month of March. I request that we remove the additional appropriations from this Ordinance as it was not discussed at the COW last week and put it on the agenda for the COW meeting.

Mrs. Schildmeyer – Peggy, can you help me out here, are these, this is money that we owe? It's not....

Mrs. Brickweg – This was discussed in great detail at the Budget Committee hearings in order to balance the budget so everybody would vote for it. It was taken down to that low. I explained at that meeting, and you were at that meeting, that it was way too low and we would need additional appropriations. I also sent out an email and then a second email asking for everybody's opinion and yet you decided to wait for this meeting. I sent you two emails asking for your opinion if you had any problems but yet you decided not to send it. I explained at the Budget Committee meeting that all of our CG&E bills, all of our water bills and everything was done by the account number. I went into great detail trying to work it out to figure it out and at that budget meeting it was decided to only put \$30,000.00 in. Like I said before, to balance the budget. So you cannot blame the Administration for this one. You wanted a balanced budget, you got a balanced budget. You can go ahead and take that out, but then it's going to be on your back when I can't pay the water bills and the CG&E bills and if anything would happen. I explained it over and over. Like I said, once again, I asked you and I asked all of Council if anybody had any problems. But yet I didn't hear anything until tonight. So if you have any questions go ahead and feel free to ask me now but in the future it would make it a lot easier if when I send out emails that you either call me up on the phone like a couple of Council people do and a couple stopped in to ask me questions. But our property taxes went up, we also paid the property taxes for the shopping center, if you remember and we've been paying the bills and I judged the water bills and the CG&E bills and we have had some monthly repairs that came out of that line item. It is what it is but I want to be able to pay the bills for the City.

Mr. Culbertson – Peggy, do we, by doing what he suggests, do we run the chance of running into late penalties and paying more than we're going to pay.

Mrs. Brickweg – Absolutely.

Mrs. Schildmeyer – In my opinion, we owe the money, we have to pay the money. This is not a judgment call. We owe the money, we have to pay it.

Mr. Asbach – That was going to be my question. Is this stuff due?

Mrs. Brickweg – We did some checks today for the water and Duke. But different water bills and different Duke bills come at different times. So yes, we are going to have additional bills most likely next week and the week after. It's awful low, it's up to you guys if you want to take the risk but like I said, I had explained back in November and December that that line item was way too low and I was going to need additional appropriations so nobody should be blindsided by this.

Mr. Asbach – I understand that part. The part that I agree with Andy on is these items that don't come up at COW. You know we're going to do it because we owe the money but, and the email, I had a busy day yesterday and I didn't look at emails yesterday. I looked at it before I came down tonight which did no good at that point. I understand Andy's frustration on that. We have full time jobs. I don't look at emails until I get a chance to look at them. I know that shouldn't be the case but life happens sometimes. That's the only thing, not having it discussed at COW. You know we're going to vote for it so I will go along with it tonight because we owe on it, but I agree, I'd like to see it come up at COW so we can discuss it then instead of on the floor here.

Mrs. Brickweg – The Treasurer has the bills sitting in front of him and as you can see we just received quite a lot of Duke Energy bills and water bills and that's what put it over. We usually don't get that many at one time but we did this time and I understand the one from yesterday but I also sent one out the day before. I do try to let everybody know.

Mr. Kalb – I'm with Steve on this one. I actually didn't check my email today until about 4:00pm. I understand, again, as Steve was saying, I probably should have checked it yesterday but two hours notice about an Ordinance on the table tonight isn't enough information and maybe Curtis can help me out with this one, should we even be discussing legislation through email and not being in a public forum as far as the Sunshine Law goes.

Mr. Walden – The Sunshine Law, Andy, I know that Don has requested a couple of times, the Sunshine Law requires that either S&H our service hold those emails or they have to be held on our personal computers if they're discussing Village business. I've put in a request to find out how long S&H has been retaining those because we have to have those included in the record retention schedule. I'm not sure if they've gotten back with Elaine yet.

Mayor Burkhardt – I think one of the things Andy's asking, are they are public record. All emails are public record, anybody can get those emails. One of the things you might want to do, everybody has cell phones, is to get your emails forwarded to your cell phone. You get them immediately. That's the way I do mine. I get all my emails sent to my phone. I get them immediately. That's the age we're in people, you know. On Peggy's behalf, we did cut back on that line item to balance the budget, we knew it was going to be short. Being short this quick was a surprise but like she said she got a bunch of bills that normally don't come in all at once. The Administration will just have to do a better job in the future making sure of those line items.

Mrs. Bedinghaus – There were two things I was going to comment about. First, Peggy I was just going to ask you for some clarification about the accounts. When you said the accounts, they're not really separated? So you have a hard time.

Mrs. Brickweg – When the, and this was something that we took over from Walt and Judy, on all the accounts for Duke Energy and for the water bills their description in the software setup is account numbers and not addresses. I tried to go in and look up every single account number, match it to an address and then I have to go in to each line item for every single month and we probably have about 40 water and easily 40 Duke. It would have been a good two week major project. That's why I did my best to try to figure it out but I thought I don't want to waste about 80 hours on something like that and that's what I brought up in November and December and asked if you wanted it I would do it but I was told "no" don't waste your time doing that, but that is a the way it is recorded in the system.

Mrs. Bedinghaus – OK, so maybe along the line we can get that brought up to date. My only other comment was going to be, I remember this discussion and taking this down purposely was to balance the budget, I wasn't in agreement doing that knowing that there would have to be money put in there so this is no surprise to me but I just don't like how this is done because we knew we were going to need the money so it should have been allocated at the very beginning with the budget.

Mrs. Schildmeyer – I completely agree that this is not a surprise to any of us so I don't know why we're making a big deal about it but Mr. Mayor, are you actually suggesting that I should move into the 21st century and like start texting and stuff. I'm not really sure I'm ready for all this yet.

Mrs. Brickweg – I would like to note, I'm hearing two hours and things like that, it was well over 48 hours. I sent out two emails. I got quite a lot of phone calls and visits so sorry that you don't have a chance to check your email more regularly but there were two emails sent out over a 48 hour period. So I did my best to try to get a hold of everybody. I can't do more than that. I personally don't want to have any late fees so that's why this is on the Ordinance.

Mrs. Schildmeyer – I don't want to suggest that I don't check emails, I do email, I just hate cell phones. You can email me all you like.

Mr. Stegman – Just to chime in a little bit, I can think of two things that happened that normally don't happen. We had an elevator issue over at Imwalle, that was to the tune of about \$800.00 to \$1,000.00 that's not in the norm. Then we did have a couple of water main breaks down at the shopping center that needed to be paid for. There has been some things out of the norm that we had to use this money a little quicker than normal to get a better handle on. That's two that I remember and I think there's another but I can't remember it this quick.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 14, 2014 as read. Motion passed 6-1. Mr. Kalb voted no.

OLD BUSINESS

Motion by Mr. Tobergte, seconded by Ms. Hausfeld to go into Executive Session with Mayor Burkhardt, Mr. Stegman and the members of Council to discuss the Service Dept. contract. Motion passed 7-0.

Mrs. Schildmeyer – I would like to remind everyone that the Super Bingo at St. Clement is on April 5th.

NEW BUSINESS

Mr. Tobergte – Phil, we talked in the office last week about the yard waste being comingled this year with the regular garbage. Can people do that now, can you put it out anytime on garbage days or are you just still wanting it on Mondays and Tuesdays only.

Mr. Stegman – We're letting people that call or want to know about yard waste to go ahead and put it out on their regular trash day. Any time they have yard waste they can comingle it with their garbage. And when I say comingle people I don't mean take your garbage and mix it in with your grass cuttings and leaves and stuff. Our garbage still needs to be maintained in a brown bag. Comingle means that we're going to put it in the same truck with the garbage. It will be mixed in with the garbage so we don't have to have a special time. We still do have people out there that are putting raw garbage in garbage cans without being in bags. We're trying to work on those residents to stop doing that and I don't want them

comingling the grass with that also. On your normal trash days we will be taking your yard waste.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Council went into Executive Session to discuss contract negotiations.

Council is back in regular session.

Mr. Asbach – The next COW meeting will be March 27, 2014 at 7:00pm.

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