

**ST. BERNARD CITY COUNCIL MEETING
SEPTEMBER 4, 2008**

The regular meeting of the St. Bernard City Council was held Thursday, September 4, 2008 in Council Chambers.

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

Roll call showed that all members were present: Mr. Tobergte, Mr. Peck, Mrs. Bedinghaus, Mrs. Brickweg, Ms. Hausfeld, Mr. Meier and Mr. Zix.

Mrs. Brickweg made a motion to dispense with the reading of the minutes. Ms. Hausfeld seconded the motion. Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – On August 29th the Law Director, Kate Bedinghaus introduced our new City attorneys. Millikin and Fittin Law Firm, after which Walt St. Clair, Ray Schrand and myself met with two of the attorneys to discuss our VEVA Trust and our C-9.

On Sept. 2nd we held our August Board of Health meeting, due to me being out of town we moved it. Everything seems to be going real good with the Board of Health at this point.

Sept 8th I will meet with Ed Geiser to discuss the direction for the Tax Department, after which at the next COW we will bring forth our recommendation.

Sept. 9th is the Historical Tour put together by Marge Niesen. If anybody can be here it would be greatly appreciated.

Sept. 13th City Hall will be opened from 10:00 until 1:00 and it is also Soap Box Derby Day in St. Bernard. It is open to boys and girls ages 8 to 17 years old. There are cars available for new people, I guess to rent and I believe the rental fee to run those cars is \$40.00 for the day. If you have anybody that would be interested in trying it out, they do, I believe, have four to rent. Saturday, Sept. 13th, 2008, the race begins at 10:00am and finish at approximately 6:00pm. There will be some street closings and tonight a flier went out to all the residents and on Sat. another flier will go out to those residents. Hopefully we will catch everybody and I will also do a Call Command to inform all the residents along Tower Ave. that they will be affected by that closing of the street.

AUDITOR, Mr. St. Clair – The August Auditor’s reports for the cash balances in our various funds and for the expenditures from those funds are prepared for tonight’s meeting. The receipts report and the summary report of revenue, and expense by fund were also distributed to Council and the Treasurer.

Expenditures for the month of August:	\$ 1,159,131.75
Expenditures for the year through August 31 st :	\$ 8,421,223.83

For budget review purposes, we are through 8 months of the year. If you would take each line item in the Auditor’s report of expenditures and divide the year to date expenditures in half and compare that to the balance left in the line item, you can get an idea of possible additional appropriations needed in the next 4 months.

Before Council tonight is Ordinance No. 43, 2008. This Ordinance provides for a new line item, entitled CIC Loan, and an additional appropriation to that line item of \$1,500,000. This Ordinance also provides for appropriation adjustments. Increasing regular police Comp time by \$50,000 and decreasing regular police wages by the same amount, also increasing Mayor's Court by \$500 and decreasing Mayor's Secretary wages by the same amount. All these items were discussed at the COW.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Absent.

TREASURER, Mr. Sipe –

Receipts for the month of August: \$ 1,062,209.35

Receipts for the year through August 31st: \$ 8,785,368.43

That will show that we are approximately \$350,000.00 into the black.

SAFETY DIRECTOR, Mr. Chatman – Good evening. I have five items: First of all, I am hoping for support in the extension of the Fire Fighter recall list as it will be presented in ordinance form. This is the last extension of this list. I agree with Kevin Meier that most retirements occur at the beginning of the year and this would allow us to recall one of the trained and proven firefighter/paramedics that was lost to layoffs without the time and expense of testing should a retirement occur at the beginning of the year. Secondly, I will have finalized any and all changes to rank structure and or promotions or re-assignments in the fire department as a result of gaining the inspector position back by the next COW and will make the appropriate announcements at that time.

Third, St. Bernard Fire Dept. training report for the month includes 4 training sessions with each member receiving 8 hours of instruction in the areas of Train Rail Cars and Medical.

Fourth, there have been several brainstorming meetings, and I believe Gerry and Ray and just about everybody has been a part of these, about issues related to the Skate Park in Ross Park. Chief Moeller has recently made great strides in developing a plan to improve the esthetics of the area as well as improvements in the area of safety for the skaters and keeping them out of the way of vehicular traffic.

Lastly, as an update of the police hiring process, Civil Service has received all but four of the test results of candidates who have been selected to take polygraph tests. I anticipate that we are only days away from scheduling the first round of interviews.

SERVICE DIRECTOR, Mr. Schrand – The Service Dept. along with all their other duties has begun shutting down and winterizing the swimming pool.

They are also preparing the vacuum and leaf truck for the upcoming fall season.

We have completed cleaning up our compost site at Sakrete. For the time being we are sending our compost to Rumpke.

TAX COMMISSIONER, Mr. Geiser – Absent.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee recommends passage of Ordinance No. 43 and also Resolution No. 8 tonight. Also I would like to ask that we go into Executive Session this evening, Council and the Administration and Gerry Wiedmann to discuss personnel issues and property acquisitions.

Ms. Hausfeld – I'll second that.

Motion by Mr. Zix, seconded by Ms. Hausfeld to go into Executive Session after the regular meeting tonight. Motion passed 7-0.

SAFETY, Ms. Hausfeld – The Safety Committee also recommends passing Ordinance No. 44 tonight.

SERVICE, Mr. Tobergte – The Service Dept. report for August 2008 is as follows. There were 39 trucks and 29 dumpsters placed at residences along with 152 special pickups. 215 tons of garbage made its way to the landfill. There were 16 tons of recycling material, 5 tons of cardboard, 156 pounds of scrap aluminum, 8740 pounds of scrap metal along with 32 appliances. The City received \$1164.35 for recycling in July 2008. I would like to be put on the COW agenda to discuss the fuel line item and salt line item. The price for bulk salt has risen from \$45.00 a ton to over \$120,00 a ton.

PUBLIC IMPROVEMENTS, Mr. Meier – The Public Improvements Committee and members of Council have been working these last couple of weeks on, the President signed the House Bill No. 3221 on the 30th of July. Part of that bill is an appropriation of four billion dollars that will be used by municipalities for the acquisition of foreclosed or abandoned properties. There are a lot of details on that, we've been working on that so that the City of St. Bernard will be able to partake of that. We're looking at several different options. One is the acquisition of properties. There are some other nuances of that where we can use funds for down payment assistance and for mortgage buy downs. Some of those funds can be used for the acquisition and demolitions of properties. I'd like to be put on the agenda for the COW next week to update Council on what I found out with them. My best understanding at this point is that the mechanisms for the distribution of those funds is supposed to be in place by Oct. 1st so as I get time I've been working on that during the day and I will provide an update to Council next Thursday.

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

BUSINESS AND INDUSTRY, Mrs. Brickweg – I attended an I-75 Implementation Committee Meeting where we discussed the new alternatives to the Hopple Street Exit and we were updated on the current status of the expansion project. The Hopple Street Exit has come under a lot of scrutiny based on how it will work with safety, business and residential issues. A committee was formed to come up with alternatives which the Implementation Committee will work on.

I met with Stefan Spinoza to get an update on the impact for St. Bernard. I asked him about the impact for Ludlow Grove Park, the Post Office and the Fire Department Building. Stefan informed me that the highway project is

currently being held up because of the environmental testing at Ludlow Grove Park. Since this was a previous dump they are not sure the ground can hold the highway piers. ODOT is continuing to work to come up with a solution for this problem. I also learned that the Post Office building will stay intact but it will lose three parking spaces. The alternative for the Post Office building was building over a one million dollar wall so it was decided to slope the land off the highway and for the Post Office parking lot to lose three parking spaces.

The Fire Department building will lose a corner of the basement. There are a few scenarios for the Fire Department building. One scenario is the City would get a new Fire House built in St. Bernard along with relocation cost. A second scenario would be the City would receive money to replace the basement wall and then extra money for the City's General Fund. I think if the City can receive brand new Fire and Service Dept. buildings for free we would be nuts not to do that. Everything would be brand new which would save the City a lot of money.

At the COW meeting Gerry Wiedmann informed Council that ODOT plans to meet with Council with their real estate personnel to discuss the City's alternatives. I will let everyone know when this meeting will take place.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – I also would like to be put on the COW agenda for next week. The TEC will be coming to present their findings on the Ross Ave. federal safety study and the preliminary engineering concept of the corridor. We invite all citizens to attend and hear that presentation.

It was also suggested that the Dial-A-Ride buses get a face lift. The Highway and Transportation Committee will look into how this may get accomplished. Don Tobergte, one of the committee members will have St. Bernard High School and Roger Bacon High School art depts. look into this. I will report back on this in the future.

Mrs. Brickweg – The COW report has been submitted to the Clerk.

AUGUST 28, 2008 COMMITTEE OF THE WHOLE

NEW OR REFERRED ITEMS:

1. Council approved the minutes of the August 21st council meeting.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt: absent

Auditor, Walt St. Clair: Walt asked council for an ordinance to be on the table at the next council meeting for an appropriation adjustment of \$50,000.00 from the Police regular pay to Police Comp time. Elaine Sipe requested that \$500.00 from her salary line item be used for her to attend a conference on running Mayors Court. Currently the Mayor Secretary line item has too much money in it.

Walt also asked for the following additional appropriations

\$500.00 to court expenses

\$4,000.00 to parking lots

\$4,000.00 to swimming pool utilities (heating the swimming pool)

1,500,000.00 to a new line item called "CIC Loan" – this new line item is for the bond money that council passed an ordinance for. Kevin was informed by Walt that the money will be put in the line item until council releases it to the CIC.

Don suggested that the court expenses, parking lot and swimming pool additional expenses not be included in the ordinance and that the department heads of these line items first look at their budgets and see if they can transfer money from other line items in their budget. Council voted 7 to 0 to have an ordinance for the Police and Mayor's Secretary transfer and for a new line item, CIC Loan.

Law Director, Kate Bedinghaus: absent

Peggy will ask Kate to please look into the following:

How to change the City Charter

If council should prepare an ordinance to wipe out balances from 1999 and back tax returns (see Tax Commissioner report) and/or who has the authority to do this

What does the city need to do if they hire a new position in the Tax

Department for a Tax Deputy and this position would be Civil Service

Can a current employee be "grandfathered" into a Civil Service Position

Bertus Street Park – if it is legal to build homes there

Safety Director, Rodney Chatman: absent

Service Director, Ray Schrand:

Ray informed council that he will need to go out for bids for new packer. He will be replacing a 1992 Packer that has over 85,500 miles and over 17,000 hours on it. The approximate price is \$105,000.00. This money is in the budget for 2009. If he goes out for bids in September, he will order it in October and the city will not be billed until 2009.

Ray informed council that he needs to purchase new recycling bins. He will be ordering 500 green bins (they are no longer available in brown). It will cost \$3875.00, which includes shipping of the bins.

Ray informed council that he talked with the Norfolk Southern Railroad about the condition of the tracks at Vine and Spring Grove and they will be fixing them shortly.

Tax Commissioner, Ed Geiser:

Ed informed council that the Tax Review Board met for the second time that afternoon. They will be bringing their requests for changes to the City's Tax Ordinance in the next few weeks.

Ed gave council two reports from the MIT Tax Software showing outstanding money that the city may owe (\$157,772.38) and money that may be owed to the city (249,871.87). The problem is these balances are for returns that have been destroyed and are dated 1999 and back and there is no proof these numbers are correct. Ed would like to write these amounts in the

tax system so it will balance. Ed asked council to pass an ordinance allowing him to do this. Greg stated he did not think it was council's authority to do this. Peggy stated that the Record Retention Committee should not have approved the destruction of any returns until the returns were reconciled with the city books. Patty stated she would like to hear what the state examiner thinks we should do. Kevin questioned how the city knows what people owe or do not owe before the city started mandatory filing. Cindi and Mike both expressed they would like to get an expert opinion on how to handle this. Peggy explained that the city would not be writing off the money but they would be taking it out of the computer system so it could balance, similar to balancing a check book. The city would still have the record of what the system said is owed. Ed agreed with Peggy. Ed and council will wait to hear from Kate.

Ed informed council that he is currently working on updating the database for people that may have moved out of town. The tax software showed that 1500 people did not file tax returns this year and after Ed started reviewing the names he pulled out between 60% and 70% of them that no longer live in the city.

Ed gave council an updated Earned Income – Annual Receipt Comparison. As of the end of July the city has collected \$6,300,928 in earned income.

Ed gave council an updated report on his budget for temporary assistants. He only has \$1,889.72 left for temporary help. Ed asked council if they would like him to start looking for a full time employee to be a new Tax Deputy. Peggy, Don and Patty stated that they felt when they voted to give the Tax Department \$9,000.00 in June that it would be enough to finish out this year. Cindi stated that she wants to look at the overall staffing of the department and she would not support an additional full time employee. Cindi stated that she feels a deputy tax commissioner would do what the clerk does now, working with individual returns and that the Tax Commissioner would work on business returns so she would support only two full time employees.

Kevin stated that he would like Ed to give council a job description and salary detail of what he feels he needs. Peggy stated that Ed gave council this report a few months back and she suggested that Ed give council it again. Don stated that he was not in favor of making a new position in the Tax Department a political appointed position and Peggy agreed. Don stated he would be in favor of two full time employees with additional part time help during tax season. Walt St. Clair stated that he thinks the city should have a full time Tax Deputy that is not elected and that the elected position of Tax Commissioner could be part time.

From the audience Joan Rodenberg asked if this position would require residency and she was informed that residency was declared unconstitutional by the state. Lou Steiner (who is on the Tax Review Board) stated that Tax Department needs to be staffed by people that do not lose their jobs when there is a new Mayor elected. He stated this type of change is dysfunctional.

Treasurer, Jamie Sipe: no report

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck: Mike gave council sample ordinances banning the use of cell phone usage that other cities have passed. He will set up a future meeting with his committee and Rodney Chatman to discuss this. Mike will present the committees recommendations at a future COW meeting.

Public Improvements, Kevin Meier: Kevin reported that he Patty and Peggy met that night and he passed out information on what was discussed at the meeting. Kevin explained ways he thinks the city can purchase bank owned, foreclosed, and/or run down property to fix up and re-sell. Kevin gave council information on two builders he talked to that would be interested in rehabbing between 6 and 10 homes this winter. Kevin explained that city could also use local home builders and Cincinnati Housing Partners to do the same. The city (through the CIC) would purchase the property and then give it to the builder to fix it up with the city having a lien on the property to get back the price of the purchase.

Kevin also explained how the city can use future money from an Ohio House Bill which will give communities money to fix up their housing stock. Kevin stated that 75% of the money has to be used for up to 125% of the median income (a family of 4 would be \$76,000.00 a year). 25% would have to be used for below 50% of median income (a family of 2 would be \$20,000.00 a year). Kevin suggested building senior accessible smaller homes that could be used for the 25% portion. Kevin also explained that some money could be used to offset the price of a home. For example the city could use \$20,000.00 from the bill money to lower the price of a home as long as the home owner stays in the home for at least 10 years. The money can also be used for and demolition and construction costs.

Kevin asked council if they would like the committee to move forward with this idea. Don stated that he liked the idea of such a program but he was feels Kevin may have a conflict of interest since he has a working relationship with some of the suggested builders. Cindi stated she wants to get something going. Mike asked how it would be funded and Kevin explained that we could use any left over money from the 1.5 million dollar bond and/or the city's reserves. The city will be reimbursed the price for the purchase of property. Peggy stated that she is 100% in favor of the city purchasing run down and foreclosed homes and then fixing them up for resale. She does not want to see the city drag their feet and have slum lords buying up the properties. Kevin will get with Gerry and come up with a list of proposed properties and an estimate on what it would cost to start buying them. Council will discuss this at the next COW.

Business & Industry, Peggy Brickweg: Peggy stated that she attended a meeting regarding the Highway expansion and she was disappointed to hear that some of our city leaders meet weeks back and had not informed council on what was going on. Peggy informed council that she learned that the Post Office building will stay intact but they will loose three parking spaces. The Fire Department building will loose a corner of the basement. There a few scenarios for this, one being the government will pay for a new Fire House and relocation of it. A second scenario would be the government would give

the city money to replace the wall and then some extra money for the general fund. Peggy stated that the highway project is currently being held up because of the environmental testing at Ludlow Grove Park. Since this was a previous dump they are not sure the ground can hold the highway piers. Gerry Wiedmann informed council that ODOT plans to meet with council with their real estate personnel to discuss the city's alternatives.

Peggy stated that she feels if the government will come in and build the city brand new Fire and Service Department buildings we should do that. Everything would be brand new which would save the city a lot of money. Cindi stated she thinks a feasibility study needs to be done before anything is decided. Peggy stated that the government would most likely pay for a study of the building. Cindi stated a study should be done to include the running/staffing of the departments to determine what we will need in the future. She stated we may not need as many beds and equipment that we have now.

Safety, Patty Hausfeld: Patty informed council that she had some residents ask her if there was a way some of the city owned property could be sold to residents to build on. Gerry Wiedmann explained that on vacant lots the city owns the city puts a "scattered site urban renewal plan" on them through a resolution. What this does is it sets up standards for what is built on the property so it will blend in with other homes in the area. For example when the Angels Way Subdivision was built there were standards such as a full basement, a first floor brick wrap, two car garage, etc. that home builders had to follow. If there are multiple bids on a lot all the bids go to the Zoning Commission and they chose the plan. The reason the city uses this process is so it can have some control over what is being built.

Highways & Transportation, Cindi Bedinghaus: Cindi asked council for a resolution to go for SCIP grants. The applications are due September 19th. Cindi handed out the projects and their costs. The city would have to match some of the cost so if the city applies for the grants we need to be sure we can cover our part of the expenses. The following are the proposed projects:

Jefferson Avenue Road Improvements – total cost of project \$870,000.00, city match portion \$522,000.00

Church Street Road Improvement - total cost of project \$775,000.00, city match portion \$464,500.00

Fisher Place Road Improvement - total cost of project \$590,000.00, city match portion \$354,000.00

If the city would receive the grants for all three projects the city would need to put \$1,340,500.00 in the 2009 budget for these projects.

Peggy asked Gerry that if council failed to pass future ordinances paying the city's share of the cost would it hurt the city's chances for future grants and Gerry said it would. Cindi stated that she believes the roads are a very important to infrastructure of our city and that the city needs to spend the money for the roads. Cindi suggested in order to find the money that the department heads may need to take the fluff out of their budgets. Council voted 7 to 0 in favor of the resolution.

Service, Don Tobergte:

Don suggested that city start a contest with the local high schools to come up with a new design/paint scheme for Dial A Ride buses. Both Don and Lou Steiner said they would each contribute \$100.00 to a contest. This idea will be placed in the Highway and Transportation Committee to work along with the Mayor and the schools.

Don informed council that the City of St. Bernard will host a Soap Box Derby on September 13th. They will do a trial run Saturday, August 30th at 7:00 AM.

Finance, Greg Zix:

Greg reminded all of council to give their thoughts on the roles of the CIC and their Administrator. Council and the Mayor will work on a letter to send to the CIC and then set up a future meeting with them. The idea of the letter is to open up communication between city council and administration with the CIC.

Greg announced that the committee will start meeting with Department Heads in the fall to start going over the 2009 budget. Greg also stated that the committee will be discussing raises for elected and appointed positions.

Audience Participation:

Lou Steiner informed council that committee meetings are not being posted on the city's web site. Peggy stated that it is the job of committee heads to inform the Mayor's Secretary, Elaine Sipe, of their meetings and that does not appear to be happening. Peggy will inform the Clerk of Court that when meetings are announced at Council Meetings that she should inform Elaine. Peggy will inform the Elaine when meetings are announced at COW meetings.

Ordinances and Resolutions for the next council meeting:

Appropriation Adjustment and Additional Appropriation Ordinance
Resolution for SCIP Grants

Next Council Meeting: September 4th 7:30 P.M.
Next C.O.W. Meeting: September 11th 7:30 P.M.

Respectfully Submitted,

Peggy Brickweg
President Pro Tem

COMMUNICATIONS

Sept. 3, 2008

On behalf of the Stingray Swim Team Family, I would like to thank the City of St. Bernard for all their support this year. We have a unique program in that, for little cost, our swimmers are able to get in shape in the early spring. This spring conditioning dynamic enables us to be more than prepared come the first swim meet of the summer season once school lets out.

Everyone's work obviously paid off this year considering the Stingrays Small Team Division win at the championship meet held by Norwood and the success of the First Annual Stingray Swim-a-thon to benefit the Family Nurturing Center.

Much thanks needs to go to these friends of the Stingray's:

The St. Bernard Pool Management, guards & pool staff

Paul Strotman and the Recreation Department

Elaine Sipe and Mayor Bill Burkhardt

The Service Department

No swim season would be possible without all of your help and cooperation.

Until next season.....GO STINGRAYS!!

Sincerely,

Chrissy Lipp

Stingray Swim Team

Coordinator

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to receive and file the communications and distribute copies to the Recreation, Service and Mayor's office. Motion passed 7-0.

RESOLUTIONS AND ORDINANCES

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to read this evening's Resolutions and Ordinances by title only. Motion passed 7-0.

RESOLUTION NO. 8, 2008. A RESOLUTION AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR FISCAL YEAR 2009, STATE CAPITAL IMPROVEMENT PROGRAM FUNDS, AND IF FUNDS ARE AWARDED TO EXECUTE GRANT AGREEMENTS ON BEHALF OF THE CITY AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to suspend with the second and third reading of Resolution No. 8, 2008.

REMARKS

Mrs. Brickweg – Just so the citizens know, this is to go out and get Grants and we had to discussed this at the meeting last week at the COW and we could use a lot of this money to do some major road repair in our City.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to adopt Resolution No. 8, 2009 as read. Motion passed 7-0.

ORDINANCE NO. 43, 2008. AUTHORIZING AND DIRECTING THE AUDITOR TO ESTABLISH A NEW LINE ITEM, TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Peck to suspend with the second and third reading of Ordinance No. 43, 2008.

REMARKS

Mr. Meier – This Ordinance is, a few weeks ago the City went out to secure bond funding, and at one point thought it would be 1.5 million dollars. What this loan would be, would be to the CIC for the acquisition of properties. There have been some questions. I did ask the City Attorney to get an opinion from the Attorney General whether or not the City could give money to the CIC for the purposes of multi-family housing and we've not gotten that opinion back. Secondly, what my understanding is, neither of the properties that we were originally talking about are under contract yet. This Ordinance would be to authorize, to establish a line item. My understanding is that we're not going to fund this until we know what we're going to use this money for. I think there is some question about, on at least one of the properties, whether or not it would be the prudent thing to do to acquire that property. The money on this bond would be paid out of the City's non-taxable revenues if we were to acquire property or the CIC were to acquire property and then sell that property and the proceeds would be less than the amount that we loaned them for the purchase of the property. The balance of that would be paid for through the non-taxable revenue. Until we know exactly what the funds will be used for and how they would be repaid, I am in favor of establishing the line item but I'm not in favor of funding this until we know exactly how it's going to be used.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Meier to adopt Ordinance No. 43, 2008 as read. Motion passed 7-0.

ORDINANCE NO. 44, 2008. AN ORDINANCE EXTENDING THE RECALL LIST FOR THE CITY OF ST. BERNARD FIRE FIGHTERS AND DECLARING A EMERGENCY.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 44, 2008.

REMARKS

Mrs. Bedinghaus – I just have a question about this ordinance. I wasn't aware that it was going to be coming on the table tonight as an ordinance. I know we somewhat discussed it at the COW about doing the recall list. I also recall a conversation about extending it for another six months might be putting the City in some liability. I just want to make sure, did we look into that, what the resolution is, because this is the last thing this City needs.

Mr. Tobergte – I have the same question for Rodney. When we first extended the list it was for six months and I asked why not do it for a year and my recollection was that we can only do it for six months and be legally safe. I think if we're doing it for another six months, if we couldn't do it back then, why can we do it now?

Mr. Chatman – The recommendation that I made with six months, I thought that was a fair amount of time for the purposes of what we were trying to do. I didn't want to extend it too far out. Upon discussion that, and the suggestion of Kevin Meier about resignations or retirements occurring at the beginning of the year, I would much rather have that other six months so that should a retirement occur we can bring back someone who we've trained and been in our homes and cared for our kids and family members etc. The assessment or the belief of about a possible law suit, that's my thoughts. I didn't want to extend this and that came about because an audience member made the recommendation that we just keep the list going to infinity and I didn't want to do that because I said at some point a young person would want to or should have the ability to apply for one of these positions and I thought that that would put us in a situation where someone could challenge it. I thought six months was a fair amount of time and with it expiring in Sept., I like the idea of being able to carry us past Jan. so that we could accommodate a retirement opening at that time.

Mr. Peck – Rodney, wasn't there an indication that Berninger or somebody give an opinion on this, saying that extending it beyond six months we would get into some questionable territory about bringing back somebody? That's something I think I specifically remember was discussed when we first extended it. When asked if we could do it, we were looking for a reasonable amount of time and just as a compromise between one year, nine months, six months or three months. We just thought six months would be a fair amount of time. We don't have any further legal opinion as to what kind of ramifications this might have legally for the City?

Mr. Chatman – No, we're well within our rights my understanding is, doing this.

Mr. Peck – We don't have a legal opinion to that affect?

Mr. Chatman – I'm not aware of one specifically saying x amount of days, x amount of months.

Mr. Peck – OK.

Ms. Hausfeld – I was not here at that COW where we had discussed this but it's my understanding that the original recall list expires today? Is that correct?

Mr. Chatman – Yes.

Ms. Hausfeld – In order to do that, that's why this ordinance had to come on the table tonight, so we could vote either yes or no for it. I do believe that it's a great thing to do to be able to as long as like you guys are saying that we don't get in any legal ramifications for it.

Mr. Meier – In the COW, one of the reasons that I brought it up was, in particular, as our Fire Dept. gains seniority, and we are getting to the point where we're probably going to be looking at some people who are seriously thinking about retiring, by extending this it's going to do two things, if somebody were to retire, based on the last contract, when we bring

somebody back in we'll be bringing a person back in at the entry level into a two tiered system so that we would actually be saving money versus what we have now. Secondly, if nobody retires, this can expire and we don't have to renew it. That should satisfy the obligation or the right of somebody new to be able to take the test. Obviously if nobody retires then there is not going to be any injury to the City because there wouldn't be any position. If somebody were to retire, then we would be able to replace them with somebody who is already trained and knows the City and basically we're taking care of our own people by doing this. I don't think we should extend it forever. I think this should be the last extension. I think that it is all to the good of the City for us to be able to do this. I don't see where there's any down side to this. I'm definitely in favor of passing this. I think it's the right thing to do.

Mr. Zix – I remember this being discussed but I don't remember it being voted on and it bothers me that this ordinance is up on the table. It's just sort of similar to what happened in the past. I think Council really needs to OK ordinances before they come to the table and before they're comprised so all these questions wouldn't come up. I think in the future we have to OK ordinances before we even think about entertaining a vote for them.

Mrs. Bedinghaus – I guess from that point of view I'm just not comfortable passing this not knowing where all the ramifications might lead as far as liability. I did vote for the last recall for the six months and I'm fine with that. I understand what Kevin is saying but I am not in favor of doing this because I was kind of taken by surprise with this tonight. Again, it wasn't really discussed that it was becoming an ordinance. I won't be voting for this tonight because I really didn't have time to really think through this as well as getting an opinion.

Mr. Chatman – Two items, first of all I think the proper recourse for someone who is in that position, that they are a 21 year old man or woman wanting to become a firefighter in the City, I think the proper recourse would be to file an appeal and ask the City to offer an open examination as opposed to a law suit. There is no injury done to a particular person but they do have that right to ask. The law suit issue came about as result, as I mentioned, of an audience member wanting this to go on into infinity and I'm not in favor of that.

The second item is in relation to this. I do apologize about not having this brought up at the COW. I did have a family medical emergency at the last minute and could not make the COW where this would have been properly discussed by me and brought to the table by me so I do apologize about that. The reason, as Patty mentioned, that it is coming to you tonight is due to the expiration of that list tonight.

Mrs. Brickweg – I did want to comment, yes, it was not discussed at the COW because you were not there but it was discussed two weeks ago so everybody did know it was out there. Everybody did know that it would be expiring because I even said it would be expiring on this date. I know we talked about it at length in the past and I think you've answered all of our questions about the legality of it and I just think it would be a shame that if somebody does retire we cannot even hire back Marty Gruenwald or Eric

Scherpenberg, the men that we lost during the lay off. I just think that would be an outright shame for no reason.

Mr. Tobergte – Just thinking out loud here, I remember, Mr. Peck remembers about the legal ramifications why at six months versus a year, I'm wondering if it might be possible to extend the list for two weeks so it keeps it going for now until we get a legal opinion from Kate as to whether or not we can extend it for six months. I would like to make a motion to amend this ordinance to only extend it for two weeks instead of six months or maybe a month, maybe until Kate can get a legal opinion whether six months is legal or not.

Mrs. Brickweg – What we can do, I mean it's up to you Don, we can always amend it. Either way what I'm saying is if we pass it for six months and it ended up being OK then we don't have to worry about it.

Mr. Tobergte – The legal ramifications to me with what we originally heard, six months is the only length we could do it for it to be legal or fair or whatever you want to call it. Now we're doing it for another six months. It's just, I'm concerned about the legality of doing this.

Mr. Meier – I think that the right thing to do is pass this tonight. Nothing is going to happen before Jan. We have between now and Jan. if we need it, if there would be an appeal or if somebody were to feel like this was, that we had some legal liability. We've got a long time between now and then to change this and we'll probably know before Jan. if somebody's planning on retiring anyhow. The other thing is, at some point, we have to be adults and make up our own minds on things without asking for a legal opinion on every single thing that we do. Kate's already backed up on opinions and things coming back to us. We can pass this tonight and if there is, if Kate does come back and say no you can't do this, we can always amend it if we need to. Nothing is going to happen. Today is Sept. 4th. Nothing is going to happen before the 1st of Jan. anyhow. There is no urgency. The down side to us is to not pass this and then we're bringing harm to somebody who is one of our own citizens. That's just the wrong thing to do. I think morally that is just the wrong thing to do. We could pass this tonight and we could have four more months to decide whether it's the right thing or the wrong thing to do or if legally it's something we can't do, we can change it. To not pass this tonight would be the wrong thing to do.

Mrs. Brickweg – Correct me if I'm wrong but I remember back when we were discussing this and Rodney I won't reiterate what you said about the ramifications were by extending it to indefinitely. The reason that we really went with the six months to begin with was because it was in the plans or in the works to hopefully hire back the Fire Inspector. That part of it would be in six months because Bill had already planned and was working on hiring a person to assume that position would be hired within six months. Now the other six months, that would be a totally different issue because there is a possibility of people retiring. I don't remember getting a legal opinion saying we could not do it for more than six months or that we could do it for six months. I just remember choosing the six months for the Fire Inspector. That's just my personal recollection, but I could be wrong.

Mr. Chatman – She is correct. Again, I want to reiterate the legal opinion aspect of this. I did not want to go to infinity with this. I am very much in favor of hiring people and having them commit a career to the City of St. Bernard. I'm very much in favor of that. I was not, that was my response to the audience member. I don't want to go into infinity with this. We have members here who have some Civil Service experience and they can correct me if I'm wrong, the only recourse someone would have, since there has been no damage done to anyone would be to come to the City and ask the City, I would like a chance to be a firefighter, could you please give a test. I think that is the only, the extent of where we are with risk to the City. I did not delete the whole conversation about legal ramifications were in response to IF we went into infinity. I would think in the year 2012 if someone wanted to take the test to be a firefighter in the City and we keep extending the list that they would have some sort of, I don't know what it is because that's not my ball field, but I would think that they would have some sort of argument against the City about just keeping this going. That's the only issue. That's the only aspect of a legal challenge that is on the table or that I brought up.

Mr. Zix – Can I make a suggestion since there's so many opinions that are out there, there's so much doubt out there, that we extend it for a few weeks like Mr. Tobergte said, get the opinion and then come back and address it again. We still have it on the table, we don't lose the list, we continue on. I think if we continue the battle, to be honest, it'll go down.

Mr. Peck – I agree with Mr. Zix and Mr. Tobergte. I would second his motion.

Mrs. Brickweg – I'll have to withdraw my motion first.

Mr. Burkhardt – One more thing, in the Ordinance, Section I, if you read it, it does read “as an exercise of it's home rule authority granted by the Constitution of the State of Ohio in an extension of and not in conflict with the ORC Section 12437 and Chapter 151 of the Civil Service Rule 14 of the St. Bernard Municipal Code, both of which provide for a three year recall rights the City of St. Bernard hereby extends”. To me the State and the Civil Service have three year minimum recall rights. Extending it I don't believe in any way shape or form is in violation of that. The State always does give you a minimum and I just believe that by extending it is not a big deal. I do agree that if everybody is in agreement two weeks is fine. If Kate can't get to it I will make the call myself to the attorneys and we'll get an answer in two weeks. I do believe that the two men left on that list do deserve a right especially come Jan. if somebody decides to retire, they have a right to come back if they so desire.

Mr. Sipe – Mr. Chatman, you said you have not made the promotions effective yet for the laid off personnel, for the reduced personnel?

Mr. Chatman – That is correct.

Mr. Sipe – If this ordinance is not passed, those people do not get promoted also because it is all connected with the recall. That is the same three year and extension so your Captain, Lt. Mirick would not be able to be promoted,

Fireman Lipp would not be able to be promoted to Lt. because this list would then have expired if that has not been done yet.

Mrs. Brickweg – I'm going to keep my motion on the table especially because of that because I don't think it's fair to those employees to wait until we make up our mind. I would like to still go ahead and get the legal opinion and we can always amend it. I would like to keep my motion on the table.

Mr. Walden – The motion currently on the table is the motion to suspend with the second and third reading of Ordinance No. 44, 2008. Would there be any further comments from Council or the Administration?

Ms. Hausfeld – I also would like to thank Mr. Sipe for explaining that a little bit better to us.

John Metz, 4402 Kemper Ave. – I think that ram-rodging this through Council at this time is the wrong choice. Kevin talked about getting an opinion on the CIC loan but on this he doesn't want to wait two weeks or a month. Why doesn't it have the same way where we can extend it for two weeks or a month for those promotions to be done. Those gentlemen are not harmed, it gives you time to research this properly and not just ram-rod it through Council. I think that is what you're trying to do. I don't necessarily disagree with extending it. I think if people are going to retire, there are people that we can bring back. Whatever we think is right, the more fair is Council was not expected to vote on this resolution tonight. I think if you extend it two weeks or a month that gives you plenty of time for Kate to research it without spending money on other lawyers. Kate can do it in a month. Rodney could do the promotions he talked about because the list would still be in affect. I think it's your responsibility as Council members to allow the rest of the community to hear about this and not push it through in one meeting for six months without looking into it first.

Mrs. Brickweg – Mr. Metz, I do not agree with you. We had discussed this. It was in my COW minutes that went out to the citizens. It has been discussed in great detail and like I said, nothing is being ram-rodged. Any time any ordinance can be amended.

John Metz, 4402 Kemper Ave. – So who made this resolution?

Mrs. Brickweg – This resolution that we have here was the one basically that was voted on six months ago. I had brought it up, no actually Kevin, it was discussed at the COW not last week but two weeks ago because we knew it was expiring tonight at midnight. At any time anything can be amended. Nobody at any time was trying to ram-rod anything. But no, hold on one second, please, at the same point I think we owe it to these men that were laid off for a lack of no financial situation. If we can bring them back because in the Ordinance it says, these men were trained at \$70,000.00 for paramedic training and stuff. If Kate comes back and says that we can't, and if I recall we were never told we couldn't, so that's why I don't have a problem doing this because we weren't ever told that. There is some confusion but I know what I remember.....

John Metz, 4402 Kemper Ave. – This ordinance coming tonight, who else knew?

Mrs. Brickweg – We discussed it two weeks ago, excuse me, we discussed it at the COW two weeks ago and as Rodney said he had a family emergency and that's why it wasn't on. I will tell you this is not the first time that an ordinance has been on the table. But for everybody to say they had no idea, yes, they did not have an idea in case they forgot that we would be voting on it tonight, I assumed we probably would be because I remembered that it expired. This is not the first time that anything, and it's not the first time people have heard about it either.

John Metz, 4402 Kemper Ave. – What I'm saying that if you set up the workings of this Council at the COW and say you adopt this resolution at the next meeting. I understand the Rodney's situation. I understand that you assumed it would be up here. I understand that it was brought up three weeks in the COW, that you talked about it but when it was brought up about two weeks ago at COW what was talked about, I don't know. It doesn't sound like Don knew it was coming up, Mike didn't know it was coming up, Cindi didn't know, doesn't sound like Greg knew it was coming up or even Kevin who was on the tape that night. Whether you used email to tell him, look, hey this is going to be on here, think about what's going to happen when you know this is coming up or it's the way it's sitting here tonight. I don't think its right. By extending it one month you succeed in doing what everybody said. There is my point.

Mrs. Brickweg – I don't know why they didn't remember, sorry that I did remember but I knew it was expired September 4th and I had said that at the COW three weeks ago. That's why I knew. Nobody gave me an email or a phone call. I knew I had brought it up then and I knew it was expired, so I just remembered that.

John Metz, 4402 Kemper Ave. – So who wrote the resolution? Ordinance?

Mrs. Brickweg – I didn't.

Mr. Burkhardt – My secretary wrote it at Rodney's request.

Mr. Meier – Mr. Metz, just to be clear, the Attorney General opinion that I had requested to get an opinion from our City attorney, that was requested back in June.

John Metz, 4402 Kemper Ave. – OK.

Mr. Meier – The reason I brought that up was that I know that she's backed up with some things and to add one more thing to her plate, it's just a lot. I think that at some point, this was discussed, people knew that this list was expiring today, whether or not it was brought to the table correctly, that's a valid point but the bottom line is the answer of what was trying to be done is to extend the list whether it's one month, one week, two weeks, six months. The main thing is we've got to do something to not allow this list to expire tonight.

John Metz, 4402 Kemper Ave. – So give it one month's wait, research it for a whole week with her. So there's what I suggest you do.

Mr. Zix – I would just like to reiterate what John said. I think it would be a good compromise among all of us to do one month and then we would research it so people would see what it is, we would know more about it. Yes, I don't think by passing it and doing it wrong, maybe like shooting somebody and saying oh, that's a mistake I made and then pulling it back. That can't happen. It's sort of like, well we passed it and now we're going to amend it because we're in trouble. We can't do that. Let's just do it this way. I just ask that we do it this way so it goes through. If it doesn't it's more than likely going to go down I think. I don't want to see that either, for the sake of the two men.

Mr. Peck – I'll agree with that. I would second or even offer the motion again for the one month. I just think it's the safest way to do it.

Mrs. Brickweg – I'll have to withdraw my motion first. Even though I don't agree and I know we were doing it the right way, fine. If that's what we're going to do, put it back on the COW to discuss things, we can hopefully get this in there and it can be on in two weeks at the Council meeting. I guess I'll go ahead and withdraw the second and third reading because we're going to need to amend it.

Mr. Walden – The motion to suspend with the second and third reading of Ordinance No. 44, 2008 has been withdrawn. Mr. Stegman, you were at the microphone before the motion was withdrawn if you would like to comment.

Phil Stegman, 19 Orchard – I wanted to get up here and say that it would be for the betterment of the City to recall these guys after you spent all that money training them and they are all home town boys and I'd like see them brought back if possible. I would hope you would pass this tonight for a month or the six months just to keep that life line open and try to bring those guys back. Also, is there a list out there now? I know there is a list that is good for two years after they take their test. It's good for two years and since you would extend the recall list is there a way you could extend the live list that you do have?

Mr. Burkhardt – Because there is a lay off list, there is no active list. The lay off list is all we have.

Mr. Meier – I'd like to make a motion that we amend Ordinance No. 44, 2008 in Section I that we change or delete the additional six month period and change that up to and including Oct. 16, 2009 to that will give us one additional Council meeting before we would have to vote on this and for some reason if there is a delay in getting that opinion back we won't have to revote on this a second time.

Ms. Hausfeld – I'll second that Mr. President.

Motion by Mr. Meier, seconded by Ms. Hausfeld to amend Ordinance No. 44, 2008 to change from a six month recall to a recall up to and including Oct. 16, 2008.

Mr. Tobergte – Do I have to reset my motion because I made a motion for extending the recall for two weeks?

Mr. Walden – There was no second to that motion, so that won't be necessary. Does anyone in the audience want to speak on the motion to amend Ordinance No. 44, 2008?

The motion to amend Ordinance No. 44, 2008 passed 7-0.

Motion by Mr. Meier, seconded by Mrs. Brickweg to suspend with the second and third reading of Ordinance No. 44, 2008 as amended. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt amended Ordinance No. 44, 2008 as read. Motion passed 7-0.

OLD BUSINESS

Mr. Tobergte – I would like to ask the Administration, going through the PO list, the Campus Cyclery repaired two police bicycles, I wonder if we plan to bring the bicycle police back?

Mr. Chatman – To answer that question, we do have several officers who are training police mount bike riders. We're doing everything we can to increase our visibility and save on gas. We did have the bicycles in our possession. They did need some work in order to make them road worthy again and that's where that came from.

Mr. Tobergte – Is there any ideas to bring the motorcycles back?

Mr. Chatman – That's in the works.

Mr. Meier – I just wanted to thank the people that came out to the Coney Island Day. I know it wasn't a huge turnout but I know I did see some familiar faces out there and spoke with some people and the people that were there seemed to have really enjoyed it. When we originally talked about it we talked about doing it at the Zoo the same type thing at the Zoo. This fall when the weather cools off, I think what we'll try to do a little bit better job of promoting it to everybody so that people know exactly what's going on. I think it was a good event. I think it's something that is well worthwhile doing and like I said the people I spoke to all seemed to really enjoy themselves.

Mrs. Bedinghaus – I was, people asked me again, Mayor Burkhardt, about Centennial Hall and what the plans are for that.

Mr. Burkhardt – I met with Mr. Wiedmann and with Walt and we are still looking at possibly renovating that down there. As soon as I have a final conclusion I'll let you know. At this time it will still be closed.

Mr. Tobergte – If we do, Walt, renovate the hall down there, should that be a separate line item since we're renovating we're not doing building

maintenance or anything or can that come out of any line item that the Mayor wishes to take money out of?

Mr. Burkhardt – I know that in the next year's budget if we do decide to renovate it will be in its own line item.

Mrs. Brickweg – I just wanted to remind everybody, Rodney had brought it up last week that next Tuesday at 9:00 am is when Marge Niesen is going to be having the historical tour here in St. Bernard and she will be coming into Council with her group and have the Council members say what we do and then when it goes they'll be driving around town. If you see the Dial-A-Ride out there, that's what it's all about next Tuesday.

Ms. Hausfeld – I just have a question on that museum tour, I know Marge has a group of people coming in a bus and stuff, can you just, I mean can everyday residents come in and just as far as the tours here at City Hall, can they take part in that if they want to?

Mr. Schrand – I don't think so Patty, that's all paid for.

Ms. Hausfeld – OK.

Mr. Schrand – Come in anytime you want Patty, we'll show you around.

Ms. Hausfeld – I did understand that but I did have a couple residents ask, they were here at the last meeting and they said, what's that all about and I would tell them and they knew the bus was filled up already but they were saying could just anybody sit in on the talking and I wasn't sure so that's why I asked that.

Mr. Moeller – I guess this would fall into the old business, Eddie Geiser brought up a couple weeks ago that myself and Ed were going to meet with ProSource about alchemy which is a file document storage solution for the City. We had a meeting today, we talked to ProSource about it. They would like to ask Council if they could come to the next COW at 7:00 and meet with you and give a demonstration of their software and do a presentation on what it could do for the City. They also have several other cities that they're going to try to be able to show you what the cost and turn around of savings are for this. That's why I'm asking Council if they would like to have ProSource come to this next Thursday at 7:00 to do a presentation on the alchemy software.

Mrs. Brickweg – I'm OK with that but are we OK if Council agrees to that to go ahead and just say it tonight, we won't have to advertise anything special to say we're going to be starting our meeting at 7:00?

Mr. Moeller – I don't know that it would have to be a meeting. It's just a presentation before the meeting starts.

Mrs. Brickweg – It will be here.

Mr. Moeller – We can have it during the meeting if you want to, we just thought maybe you would want

Mrs. Brickweg – Right, that’s what I’m asking, would it be OK if we did agree to that, if we just said it tonight or did we have to do special advertisement?

Mr. Burkhardt – We’ll just put it on the website.

Mr. St. Clair – I think the Clerk just has to post that in the usual places where she posts minutes and so on that there’s a meeting at 7:00 for all of Council and the subject of it is.

Mrs. Brickweg – It was also discussed at the COW and I wanted to tell Sue and that just reminded me of it, and I’m going to try to work on it too. That somebody in the audience did explain that we weren’t doing a good job updating the website and I explained that a lot, some of the problems with the committee’s had members not telling me or not telling Elaine to put it on there so we decided at that meeting if somebody at a Council meeting was saying they were going to have a special meeting, like a Public Improvement meeting that you could tell Elaine to put it on the website and I will do the same thing for the COW meeting.

NEW BUSINESS

Gerry Wiedmann, Planning and Development Director – It’s just come to our attention that there is a gentleman in St. Bernard that is in need of a wheelchair for a short period of time. The family asked us through another gentleman that if anybody has access to a wheelchair that they can spare for a, I don’t know exactly how long but for a period of time, they’re waiting for an electronic wheelchair to come in and they need one in the meantime. The one they had, the people had to take back. If anybody has any access to a wheelchair please contact me. They can contact me at City Hall or at home. The City Hall number is 242-7770, ext. 22 or my home phone is 641-1002. Anything anybody could do to help these folks we’d appreciate it.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mrs. Brickweg – The next COW meeting will be Sept. 11, at 7:00p.m.

Mr. Walden – Pursuant to the earlier motion that was passed, we will now go into Executive Session to discuss personnel matters and property acquisition.

Council went into Executive Session.

Mr. Walden – The Sept. 4, 2008 regular meeting of the St. Bernard City Council is back in session. Council was in Executive Session discussing personnel matters and the acquisition of property.

Motion by Mr. Tobergte, seconded by Mrs. Brickweg to adjourn. Motion passed 6-1. Mr. Zix voted no.

