

**ST. BERNARD CITY COUNCIL MEETING
OCTOBER 2, 2008**

The regular meeting of the St. Bernard City Council was held Thursday, October 2, 2008 in Council Chambers.

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

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

Mr. Zix made a motion to dispense with the reading of the minutes. Mr. Tobergte seconded the motion. Council agreed 5-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – The Mayor’s Monthly Court Report Receipts for August 2008: Mayor’s Court fines were \$4,210.00 and costs of \$288.00. Parking fines of \$315.00 Police Reports \$7.10. Mayor’s Court Comp. \$186.00 and Clerk of Court Comp. was \$620.00. Total to the City was \$5,626.10. State fees: Victims of Crime \$576.00 and General Revenue \$960.00. Total to State was \$1,536.00. Total Disbursements were \$7,162.10.

Since the remnants of Hurricane Ike blew through our City I have taken some time and driven through other communities to observe the clean up efforts and St. Bernard is head and shoulders above other local communities. Other than the changed streetscapes from damaged or lost trees our sidewalks are clear and we have returned to our normal day to day routine. This, along with the setup for the yearly St. Clement festival, was a task that was taken on by our Service Department staff and completed successfully. Once again, our City shines bright! We should all be very proud! A big thank you for the extra work Stevie Tempel has put in and around City Hall. The fall decorations add a special, personal touch and it is very much appreciated.

I am sure all you noticed the new ladder truck when you came in. We are very excited to have this new piece of equipment and currently conducting training sessions daily.

Also, October is Breast Cancer Awareness Month and I would like to remind residents, employees, friends and family members that the Jewish Hospital mobile mammography van will be in St. Bernard on Wednesday, October 22nd. They still have many appointments available, so please call 686-3300 to make your appointment now.

AUDITOR, Mr. St. Clair – The September 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 September:	\$ 1,384,448.23
Expenditures for the year through Sept. 30 th	\$ 9,805,672.06

For budget review purposes, we are through 9 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 by 3 and compare that to the balance left in the line item, you can get an idea of possible additional appropriations needed in the next 3 months.

Before Council tonight is Resolution No. 10, 2008 and Ordinance Nos. 50 and 51, 2008. The resolution seeks Council's acceptance of the property tax amounts and rates as determined by the county budget commission and authorizing the necessary tax levies and certifying them to the county Auditor. Ordinance No. 50 provides for appropriation adjustments: increasing the Bureau of inspection line item in the Auditor's office by \$800, firefighter OT by \$8,000, fire hydrants by \$1,000, unemployment compensation by \$5,500 and equipment maintenance in the street fund by \$1,000. Corresponding decreases are to the financial reporting line item in the Auditor's office, radio equipment and repair in the fire department, employee accumulated sick pay, and street contract. Ordinance No. 51 provides for a decrease in the CIC loan line item of \$1,000,000. All these items were discussed at the COW.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Absent.

TREASURER, Mr. Sipe – Receipts for the month of September:

\$3,071,400.07

Receipts for the year through September:

\$11,856,768.50

A portion of this revenue is the bond money we received this month for distribution to the CIC for property acquisitions.

SAFETY DIRECTOR, Mr. Chatman – A couple of items. First we have received a communication from Colerain Township to our Fire Dept. and if I may I would like to read that in its entirety if you don't mind.

Dear Chief Scherpenberg,

Earlier this year the Colerain Board of Trustees adopted the enclosed resolution recognizing the extraordinary service provided by the St. Bernard Fire Department to Colerain immediately following the tragic deaths of Captain Robin Broxterman and Firefighter Brian Schira. Please accept this small token of appreciation along with my personal thanks for everything you and your organization has done for us in the subsequent months. We will be forever indebted to you and the members of your department for that assistance.

Sincerely,

Chief G. Bruce Smith

Accompanying that is Resolution No: 31-08 and it reads.

Be It Resolved by the Township Trustees of Colerain Township, that WHEREAS, on April 4, 2008, Colerain Township Fire Captain Robin Broxterman and Firefighter Brian Schira were killed while fighting a residential structure fire, the first line of duty deaths of firefighters in Colerain Township in more than thirty years; and WHEREAS, in order to allow Colerain Township Fire Department personnel time off to grieve the tragic loss of their beloved colleagues and to attend their funerals, the St. Bernard Fire Department along with other

Departments in Greater Cincinnati, generously and without hesitation, offered its apparatus and personnel to provide coverage for fire and EMS services in Colerain Township; and

WHEREAS, it is fitting and proper that the Board of Trustees recognize such kindness and extraordinary service on the permanent record of its proceedings.

NOW, THEREFORE, be it RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that the board of Trustees does hereby declare its sincere gratitude to the St. Bernard Fire Department for providing coverage for fire and EMS services to the citizens of Colerain Township in the period immediately following the deaths of Captain Robin Broxterman and Firefighter Brian Schira; and

Be it further RESOLVED, that the Board of Trustees, on behalf of the firefighters and officers of the Colerain Township Fire Department, gratefully acknowledges the support given by the St. Bernard Fire Department to Colerain Township in its time of need, to be in the finest tradition of the Fire Service.

I wanted to add my comments, at the time I gave my condolences to the fire fighter families and I want to reiterate that at this time.

Secondly, as we discussed in Council, the reestablishment of the Fire Inspector position, I just wanted to announce that that position has been filled with the promotion of William Driscoll as Captain and subsequently to the office of Fire Inspector.

SERVICE DIRECTOR, Mr. Schrand – I received a letter from a certified arborist informing me that the blackberry tree damaged by the recent storm was in no danger of falling. I was told to check on the decaying process over the next few years and I would be able to determine when the tree should be taken down.

Mike Weidmann and I attended a snow summit meeting this morning. It was very informative and also an eye opening experience. Hamilton County has to get by on the salt they have in their storage bins. They said they intend to make their roads passable not clean like they have in the past. They will do mainly hills and intersections.

We also found out that a brine mix not only works on the streets but if you wet down your salt with the mix it could save you about 26% of the salt you use. Another interesting fact, one pound of salt will melt 46.3 pounds of ice at 30 degrees and at 0 degrees that same pound of salt will only melt 3.7 pounds of ice.

I also met with the cities insurance adjuster on Tuesday. We are working on a damage estimate from the storm.

TAX COMMISSIONER, Mr. Geiser – (Read by Mr. Burkhardt) Now entering October, we are at the end of the third quarter of the fiscal year. Each member of council has received a copy of the monthly cash receipts for the month of September.

For September the tax department took in \$1,073,343. for a current yearly total of \$7,387,832.

Each member has been given an annual receipts comparison chart comparing the annual receipts for the past ten years. For the third quarter we

are trending at highest level of tax receipts income when compared to the last ten years.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee will meet before the next COW meeting at 6:30 in Council Conference Room to discuss non-contractual employees' pay increases for 2009. We hope to bring a recommendation to council by the 10/16 meeting.

We have distributed letters to all Dept. heads to prepare their budgets for 2009 plus a 3 year projection of expenses. The Finance committee will start preparing an Ordinance and meet with Dept. heads on Oct. 28th and 29th starting at 6:30 again in the Council Conference Room.

We hope to bring a recommendation to the Nov. 13th meeting, the COW meeting, and an Ordinance on the table for the Nov. 20th meeting so we can get the three readings before the 1st day of 2009.

SAFETY, Ms. Hausfeld – No report.

SERVICE, Mr. Tobergte – The service department report for September 2008 is as follows: There were 17 trucks and 25 dumpsters placed at residences along with 359 special pickups. 276 tons of garbage made its way to the landfill. There were 16 tons of recycling material, 3 ½ tons of cardboard, 1720 pounds of scrap metal along with 19 appliances. The city received \$559.80 for recycling in August, which brings the total for the first half of 2008 to \$5,518.17.

PUBLIC IMPROVEMENTS, Mr. Meier – I just want to quickly let people know that if you saw in the paper this morning that there were funds distributed from the Neighborhood Stability Act. That's the one that was passed by Congress and the amounts, those amounts were determined by the number of the proportionate foreclosures in individual municipalities and nobody knew how much they were going to get until they were published. In Hamilton County they got \$7.9 million and so we will investigate how we can apply for a portion of that.

The Public Improvements Committee will continue to work on investigating the ability to acquire some properties and work with the CIC to run that program through the CIC and as I get additional updates I will bring the reports back to Council.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – The Laws, Contracts and Claims (totally inaudible)

BUSINESS AND INDUSTRY, Mrs. Brickweg – Absent

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – Absent

The COW report has been submitted to the Clerk.

COMMITTEE OF THE WHOLE September 25, 2008

NEW OR REFERRED ITEMS:

Approved the minutes of the September 25th council meeting.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt: Bill discussed extending the Fire Department Recall list to March 5th. At the last council meeting Kate Bedinghaus informed council that this can be done. Council voted 7-0 to put the ordinance on the table at the next council meeting.

Bill asked for a motion to go into Executive Session at the end of the meeting to discuss the purchase of property. Council voted in favor 7-0.

Auditor, Walt St. Clair:

1. Walt requested a resolution be put on the table for the next council meeting regarding the city approving the 2009 amounts and rates received back from Hamilton County. These numbers are based on the budget the city sent the county this summer. Council voted in favor 7-0.
2. Walt requested the following appropriations be put in an ordinance and on the table at the next council meeting, council voted in favor 7-0.
 - A. \$800.00 from GAP line item to Bureau of Inspections (to pay for city audit)
 - B. \$8,000.00 from Fire Department radio equipment to Overtime
 - C. \$1,000.00 from Fire Department radio equipment to fire hydrants
 - D. \$5,500.00 from employee accumulated sick time to unemployment. Kevin required why this line item was running low and Walt informed him that seasonal employees and employees laid off at the end of last year have received it. Kevin and Peggy both agreed seasonal workers should not be receiving unemployment. They were informed that this is the way it has always been done. Walt Moeller informed council that employees that work more than 20 weeks are eligible for unemployment, seasonal or not.
 - E. \$1,000.00 from Equipment Maintenance to Street Contracts

Law Director, Kate Bedinghaus: absent

Safety Director, Rodney Chatman: no report

Service Director, Ray Schrand: Ray informed council he is working with the city's insurance company and an arborist to determine if the remaining part of a tree that fell on city property at Ross Park will need to be cut down. The tree damaged the net, fence and back stop of the Upper Ross Park ball field.

Tax Commissioner, Ed Geiser: absent

Treasurer, Jamie Sipe: absent

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck: no report

Public Improvements, Kevin Meier: Kevin reported that the CIC met Wednesday night and they discussed the city purchasing residential property through the CIC. Gerry Weidmann, Bill Burkhardt and Kevin Meier will be the committee in the CIC that run this program. Kevin stated that we need to start this real soon. From the list of 20 residential properties council was given last week only 4 remain available to purchase. Kevin also announced that he drove through the city this past week with Ron Singleton, another contractor that is interested in helping fix up some of these properties.

Business & Industry, Peggy Brickweg:

1. Peggy informed council that she requested Gerry Weidmann and Al Kanters inform the Business and Industry committee of any new and potential businesses. It was done in the past but has not happened lately.
2. Peggy also stated that at the CIC meeting Al Kanters said he contacted Graeter's and is preparing a packet for them. They are looking for space of 60,000 square

Safety, Patty Hausfeld: no report

Highways & Transportation, Cindi Bedinghaus: no report

Service, Don Tobergte: no report

Finance, Greg Zix: Greg informed council that the Finance Committee will be meeting after Executive Session to discuss a letter they will be sending to Department Heads regarding their 2009 budget and a schedule for the budget preparations.

Audience Participation: Rodney Chatman asked if the city has a marketing packet that they provide to future potential businesses. The only packet the city currently uses is from the Tax Department, which is given to new residents. Peggy suggested that the Business and Industry Committee work to prepare a marketing packet.

After Executive Session a motion was made for an ordinance to decrease \$1,000,000.00 appropriations in MP 21 CIC line item. Council voted 7-0 in favor of this ordinance to be on the table for the next council meeting.

Ordinances and Resolutions for the next council meeting:

1. Resolution approving the 2009 amounts and rates received back from Hamilton County.
2. Ordinance extending the Fire Department Recall list to March 5th
3. Ordinance for appropriations
4. Ordinance to decrease \$1,000,000.00 appropriations in MP 21 CIC line item

Next Council Meeting: October 2nd 7:30 P.M.

Next C.O.W. Meeting: October 9th 7:30 P.M.

Respectfully submitted,
Peggy Brickweg,
President of Council Pro-Tem

COMMUNICATIONS

Thinking of your kindness and sending many thanks, and prayers and asking God's blessing on all of you.

Thanks for the City clean up and the St. Clement Festival set up and clean up.

Pat Ballard

Sept. 29, 2008

Mayor Wm. Burkhardt
City of St. Bernard
110 Washington Avenue
St. Bernard, OH 45217

Dear Mr. Burkhardt

On behalf of all the parishioners and friends of St. Clement Church, as well as the Festival Committee, I would like to express our gratitude to you and the City of St. Bernard for all the assistance and support you gave us in preparing, setting up, running, and cleaning up after our festival this year. We appreciate the use of Vine Street Park, the pavilion, the portable booths, the electricity and the sound system.

It is especially appreciated this year when the employees had their hands full and already worked long hours to respond to the problems caused by the storm and power failure. Please thank all of them for us.

Your help and assistance certainly contributed to the success of our festival again this year, and continues to remind us of the advantages and benefits of living in this generous city. The cooperation and assistance of the city officials and workers is an example to all communities of what can be accomplished when people work together.

May God continue to bless you and our fine city.

Sincerely,

Fr. Bruno Kremp OFM, Pastor

Motion by Ms. Hausfeld, seconded by Mr. Zix to receive and file the communication and give a copy to the service dept. and also to give a copy of Mr. Chatman's communication from Colerain Township to the Fire Dept. Motion passed 5-0.

RESOLUTIONS AND ORDINANCES

Motion by Mr. Zix, seconded by Mr. Tobergte to read tonight's Resolutions and Ordinances by title only. Motion passed 5-0.

RESOLUTION NO. 10, 2008 RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE OCUNTY AUDITOR.

Motion by Mr. Zix, seconded by Ms. Hausfeld to suspend with the second and third reading of Resolution No. 10, 2008. Motion passed 5-0.

Motion by Mr. Zix, seconded by Mr. Peck to adopt Resolution No. 10, 2008 as read. Motion passed 5-0.

ORDINANCE NO. 49, 2008. AN ORDINANCE EXTENDING THE RECALL LIST FOR THE CITY OF ST. BERNARD FIREFIGHTERS, AND DECLARING AN EMERGENCY.

Motion by Mr. Zix, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 49, 2008.

REMARKS

Mr. Tobergte – I'm a little confused here. I thought it took 2/3 of Council to pass an Ordinance or to go emergency.

Mr. Burkhardt – It takes five votes to go emergency. Six votes to purchase property.

The motion to suspend passed 5-0.

Motion by Ms. Hausfeld seconded by Mr. Peck to adopt Ordinance No. 49, 2008 as read. Motion passed 5-0.

ORDINANCE NO. 50, 2008. AUTHORIZING AND DIRECTING THE AUDITOR TO ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Zix, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 50, 2008. Motion passed 5-0.

Motion by Ms. Hausfeld, seconded by Mr. Zix to adopt Ordinance No. 50, 2008 as read. Motion passed 5-0.

ORDINANCE NO. 51, 2008. AUTHORIZING AND DIRECTING THE AUDITOR TO DECREASE CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mr. Zix, seconded by Ms. Hausfeld, to suspend with the second and third reading of Ordinance No. 51, 2008.

REMARKS

Al Kanters – There have been options made, counter options made (the system was totally inaudible)

Mr. Zix – As things go right now I would like to make sure I understand what

John Metz, 4419 Kemper Ave. – It just seems here, I don't know the whole history of this, I know it goes to the CIC. It seems to me that a month ago you took this loan out there and got this money to allow the CIC to do this thing you hired Al to do. Now you're shooting him in the foot, saying we like what you're doing but wait a minute. I would encourage you all to vote against this Ordinance and allow him to use the money if necessary, that he'll be involved verbally and let things occur and you'll have the final say so. I think if you were to vote on this ordinance that you will then delay those things longer than necessary. You are members of Council who are adamant about nothing happening and there are many people in the community who don't like it and there are many who are open to the idea of keeping the residents here. We have 5,000 or more to maintain the City and I am one of those.

Mr. Tobergte – I'll be voting against the ordinance. I feel there are enough checks and balances built into the system to prevent abusing the money we have given the CIC.

Mr. Zix – I understand what you're saying John, but I think this Council needs to get a better understanding of what the plan is. I think this is the thing to do to find out what controls we have. That's the only thing holding me back until I understand it better.

Ms. Hausfeld – I also will be voting along with Greg. I too agree with what Greg just said. The obligation we have to the citizens is to know exactly what's going on and how we intend to use the money because ultimately it's all of our money and until we know that, and if this is going to hinder if we stop this to negotiate, the money is still there. We're not saying we're not going to give it to you or the CIC, but we want a better understanding. We want more communication between the CIC and Council and I personally feel that there is not that communication to Council, so I will be voting along with Greg.

Mr. Burkhardt – With Don voting no it will take its regular course. We will have time to meet with the CIC.

John Metz, 4419 Kemper Ave. – Aren't they voting to not have its second and third reading? Am I misunderstanding how this works?

Mr. Burkhardt – You have to have 2/3 majority to suspend the second and third reading. We will not be voting on this ordinance tonight.

The motion to suspend the second and third reading did not pass. The vote was 4-1. Mr. Tobergte voted no.

OLD BUSINESS

Mr. Tobergte – I would like to make a motion to go into Executive Session at the end of tonight's meeting to discuss both the purchase of property and a potential tax abatement package and subsequent contract.

Mr. Zix – I'll second that.

Motion to go into Executive Session passed 5-0.

Mr. Tobergte – On Oct 16th at 6:30 before the Council meeting I would like to have a Service committee meeting and invite the residents to discuss the City's response to our first hurricane.

NEW BUSINESS

None.

AUDIENCE WISHING TO ADDRESS COUNCIL

Charlie Vonder Muelen, 4306 Greenlee Ave. – I would just like to thank everyone just like what the Mayor said, I am very happy to be a resident here. There are a lot of things we have here and I just thought I should just come down here and say how well we did during the blackout. Right after the storm the neighbors were just terrific helping one another. The Service

Dept. came up to Greenlee Ave. and they were taking all the limbs and everything out of the street so that traffic could get through. Later on that night I was sitting on my darkened front porch and I saw police patrolling our streets pretty much. I looked back on the good things we have going on here in the City and its really hard for me to understand why we can't get more residents to come here. With all the services and all the other things that we have, being so close to the Universities, being close to the hospitals, downtown, shopping centers, we're right in a hub. So yes, I'd be looking for new residents to move into town. I think we've got a lot to offer. Also on the same token, I have this neighbor, Don Tobergte, who was out cleaning up trees, chipping up my branches and my neighbors' branches throughout the city using his own tools at no cost to the city. He was not buying my vote, he knows I bleed orange. He's a good neighbor and I just appreciate what he did and I appreciate very much what the City did in cleaning up.

Lee Wright, Harvey Ct. – My wife and I were trying to get to the bus stop down there at the shopping center and the carts were all over and with my wife in a wheel chair we had a hard time getting where we wanted to be. We talked with the Save-A-Lot store and they said they couldn't do anything about it.

Mr. Burkhardt – I'll make sure we get a letter off to Save-A-Lot and all those stores in the City to make sure their properties and their sidewalks are clear.

Motion by Ms. Hausfeld, seconded Mr. Peck to excuse the absent members. Motion passed 5-0.

Mr. Meier – The next COW will be held on Oct. 9th at 7:30.

Council went into Executive Session.

Mr. Meier – The Oct. 2nd Council meeting of the City of St. Bernard is back in session after Executive Session.

Motion by Mr. Tobergte, seconded by Mr. Zix to allow Mr. Weidmann to move forward with the STIP grant. Motion passed 5-0.

Motion by Mr. Tobergte, seconded by Mr. Peck to allow Mr. Kanters to proceed with the purchase of property in the amount of \$475,000.00. Motion passed 5-0.

Mr. Burkhardt – The motion can be approved by just a voice vote.

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

