

**ST. BERNARD VILLAGE COUNCIL MEETING
FEBRUARY 7, 2013**

The regular meeting of the St. Bernard Village Council was held Thursday, February 7, 2013 in Council Chambers.

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

Roll call showed that all members were present: Mr. Tobergte, Mr. Meier, Mr. Holt, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson and Mrs. Bedinghaus.

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

REPORTS OF VILLAGE COMMITTEES

MAYOR, Mr. Burkhardt – Good evening and welcome to Scout Night. The St. Bernard Village Council and Administration would like to thank the Boy Scouts of America for your involvement in tonight's Village Council Meeting. To each of the Scouts here tonight, I applaud you for serving this great organization that teaches the virtue of hard work, the rigor of self-discipline, and the importance of respect for others. You are to be commended for your interest in community government and I thank you again for your contribution to this evening's Council meeting.

The Mayor's Monthly Court Report Receipts for January, 2013; Mayor's Court Costs/Fines/Fees/Miscellaneous receipts were \$4,087.12, Bond forfeiture \$225.00, total to St. Bernard was \$4,312.12. Total to the County was \$24.00. Total to State was \$1,142.50. Total Disbursements were \$5,478.62.

The 2nd edition of the St. Bernard newsletter (which is replacing the calendar), will be arriving at residents homes in the next few weeks.

We are currently reviewing applications for temporary summer employment. Notification letters will be sent out in the next few weeks. We will continue to accept applications, especially for lifeguarding positions.

Mr. Phillip Nunes, VOA Regional Executive Director, stopped by yesterday and introduced the new property manager for St. Bernard Commons, Ms. Nadine Strait, to all the members of the Administration. Ms. Strait is very excited to be here and is looking forward to the grand opening.

The Health Committee continues to meet and discuss the direction of healthcare coverage for Village employees. The next meeting is Monday, February 11th at 4:00pm in Council Chambers.

Today we had our dry run with 5/3 bank, before our meeting tomorrow with Moody's for our bond rating. I would like to thank Peggy, Paul, and Kevin for their participation.

After tonight's Council meeting I would like to ask for Executive Session to discuss the sale of property.

AUDITOR, Mrs. Brickweg – Tonight I would like to give you the balances in our two major accounts.

The first one being our major checking account; \$4,978,885.97

In the CIC checking account; \$ 559,690.14.

DIRECTOR OF LAW, Mr. Walden – When we go into Executive Session I request that the motion also include discussion on litigation tonight.

I have very brief but good news for Council. I've been working with Phil on the Ordinance, and I appreciate his help in providing facts for me, on the Ordinance to dispose of outdated personal property for the Village of St. Bernard. We will be going through the Hamilton County site to do that and I think that Phil will probably be presenting that to Council next Thursday. We also received notice from OPERS, it's going to require us to provide notices to everyone who works here, everyone that has ever worked here and apparently everyone who might work here. I'll be working with Peggy and possibly John on that. These notices have to go out in less than a month and we just received the information that those had to go out yesterday. I appreciate in advance their help on this and we'll get it taken care of.

TREASURER, Mr. Ungruhe – I have the statements for the 4th of July Memorial Fund down at First Safety.

SAFETY DIRECTOR, Ms. Van Valkenberg – Earlier this week, Police Chief Steve Moeller, Service Director, Phil Stegman, and I attended a fascinating seminar on urban coyotes. They are now found in every County in Ohio. They are monogamous and can be solitary or members of a pack. Packs are usually 2-7 adults and the cubs of the alpha pair.

Rodents are the primary food source of coyotes. However, coyotes are intelligent animals and can become acclimated to human environments for food sources. Do not leave food out for coyotes. Similarly do not leave food out for pets at night as these may also attract coyotes – and other creatures.

Coyotes actively seek to avoid conflict. Making loud noises and gestures may be sufficient to scare them away. If you see one, you should call the Ohio Department of Natural Resources.

SERVICE DIRECTOR, Mr. Stegman – Yes, I was going to report on that also tonight, we do have a dump truck and I went down to the County to start trying to get that in place and it's been several years since we have renewed a contract with them and they also want to update the Village Resolution or an Ordinance so I passed it on to Curtis. I'd like to be put on the COW agenda to discuss passing a Resolution or this Ordinance. We'll put it in your box next week, so that we can go ahead and sell merchandise over the Hamilton County bid process.

TAX COMMISSIONER, Mr. Geiser – I apologize, I'll give my report up here since I have some future Scouts with me due to family obligations.

I have the monthly report for how much we brought in the income tax office. This month we had a good month; \$743,000.00. I'll give a report to every member of Council. I wanted to come tonight and give a report especially to announce that the online tax tool is up and running. We are in the process of sending out notices to all the residents about the obligations to file your tax returns, how to do so and the help that we have out there. New for this year is on the online tax tool you can now make payments. That's new for this year. The system software was set up just recently so we are going to be online to make payments. Also we are in the process of along with our credit card processing with the court obligations we have a lot of people making recurring payments, making phone calls, that we take credit card payments. We're going to have a system set up called a "virtual terminal"

where we can set up that there's automatic withdrawals from their bank account or their credit card to help make our process more efficient and bring the money in more efficiently. New processes are in place. If anybody needs any help please call the tax office any time between nine and five. We will be more than glad to assist them.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Meier – Introduced Scout Jake. Jake read the report. The Finance Committee met Tuesday evening with the members of the Health Committee. The discussion was about the amount of budget set for the health care in 2014.

SAFETY, Mr. Asbach – Introduced Scout Kevin. Kevin read the report. There will be a Safety Committee meeting on Wednesday Feb. 13th at 7:00pm with the Fire Department representatives in Council Chambers. The next Block Watch meeting will be Tuesday, Feb. 17th at 6:30pm downstairs. Jerry Shipp will talk about emergency communications.

And finally, I have the January Police report which is as follows; During the month of January officers were involved in 758 calls for service. Of those calls, officers responded to 28 accident reports and took 29 offense reports. Officers cleared a total of 12 offenses. Officers made 97 misdemeanor arrests. Officers responded to 24 parking complaints and issued 9 citations for parking violations. Officers issued 38 traffic citations, 2 DUI arrests and 77 warnings. Officers responded to 107 calls for suspicious activity, vehicles or persons.

SERVICE, Mr. Holt – Introduced Scout Jared. Jared read the report. Interested in learning more about composting? Now is the time! On March 18th at 6:30pm, St. Bernard will be hosting a guest speaker from the Hamilton County Recycling and Solid Waste District for an hour-long evening seminar focusing of the basics of backyard composting. You will learn how to balance a compost bin, what materials are compostable, and some troubleshooting. There will also be time to answer your composting questions. At the end of the hour, you will receive a free kitchen collector, as well as a \$20.00 coupon redeemable at partnering stores toward the purchase of a compost bin. Get the Dirt on Backyard Composting will be held at the St. Bernard Municipal Building (120 Washington Ave., St. Bernard 45217). Call 946-7734 to register. Space is limited.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – Introduced Scout Stephen. Stephen read the report. The Building Department is currently conducting on-going inspections on commercial and residential projects worth over \$10 million. . The breakdown of activity during 2012 is as follows:

Permits issued:

A: Ohio Building Code regulated construction: year to date 67 permits were issued.

B. Residential Building Code regulated construction: year to date 106 permits were issued.

Inspections and Plan review:

A: Approximately 383 inspections were made on commercial and residential projects.

B: 73 plan examinations and reviews.

HIP

We actively continued the "HIP" Program inspections.

A: 80 initial inspections

- B: 28 follow up inspections
- C: 35 sets of orders issued in 2012

The Building Department has issued Certificates of Occupancy for Building 1 on the Carnot Project (Old Nu-Maid site). Also Procter and Gamble is 98% completed for the renovations of the Renaissance project located on June St. and have occupied the building.

LAWS, CONTRACTS AND CLAIMS, Mr. Culbertson – Introduced Scout Shawn. Shawn read the report. The Laws, Contracts and Claims Committee recommends passage of Special Resolution No. 1, 2013.

BUSINESS AND INDUSTRY, Mrs. Bedinghaus – Introduced Scout Bailey. Bailey read the report. As you may remember, the Rumpke Recycling plant had a fire a few months ago. Around the same time, it was announced that the recycling plant would expand the facility on that site. The rebuilding and expansion is moving at a fast pace.

The P&G new building, located on the old Nu-Maid site, is progressing well. The first phase of the building is complete and the 2nd phase is in progress.

Thanks to all the businesses that are located in St. Bernard. Please let the Village know if there is anything that we can do for you. Your presence in our town is appreciated.

HIGHWAYS AND TRANSPORTATION, Mr. Tobergte – Introduced Scout Austin. Austin read the report. For the month of January there were 1682 regular Dial-A-Ride riders. The Medical Bus had 21 riders.

I have replenished my supply of Garbage tongs. If anyone would like to help keep our Village litter free and would like a tong call me at 242-9499 and I will deliver one to them.

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

Committee of the Whole
Jan 31, 2013

1. Council voted 7-0 to approve the minutes of the Jan 24th Council meeting.
2. Mr. Tobergte attended an insurance meeting for the employees and asked if there was any money left over from this year in the Employee Health Fund, if that money could be carried over and used next year. This will be discussed at a Finance Meeting on Tuesday Feb. 5th at 7:30 in Council Chambers.
3. Mayor, Bill Burkhardt
 - A. Asked Council to go into Executive Session at the end of the meeting to discuss Terms of Employment. Council voted 7-0 to do so.
4. Auditor, Peggy Brickweg
 - A. Reported that the amount in our checking account is \$4,895,067.76 and in the CIC fund \$561,196.83.
 - B. Told Council that Deputy Auditor Nick Hendricks was spotlighted, in the Frey & Company January newsletter, for his work in the office.
5. Law Director, Curtis Walden
 - A. Continues to work with the Police Department on changes needed to comply with the Affordable Health Care Act.
6. Treasurer, John Ungrhue
 - A. Said that he had received the Income Statements from the Auditor.

7. Finance, Kevin Meier
 - A. Reported that there will be a committee meeting on Tuesday Feb. 5th at 7:30 in Council Chambers.
8. A member of the audience asked who would be going to the bond meetings. She thought that Peggy should be there.
9. Council met in Executive Session to discuss Terms of Employment. A motion was made to put them on the table as an Ordinance, but didn't receive a second. The Terms of Employment for the Fire and Police were placed in the Safety Committee to meet with the members of the Fire Department and then with the Police Department. The Service Committee will meet with the Service Department.

Respectfully submitted
 Steve Asbach
 President of Council, Pro-Tem

RESOLUTIONS AND ORDINANCES

Motion by Mr. Asbach, seconded by all of Council to read this evening's Special Resolution in its entirety . Motion passed 7-0.

SPECIAL RESOLUTION NO. 1, 2013. DECLARING THE OUTDOOR CODE OF ST. BERNARD, DESIGNATING ALL BOY SCOUTS IN THE COMMUNITY HONORARY PARK POLICEMEN AND ASKING ALL OF THE YOUNG MEN AND YOUNG LADIES OF ST. BERNARD TO HONOR THIS CODE.

WHEREAS, THE Boy Scout Program encourages Community betterment as well as individual member improvement; and

WHEREAS, a Boy Scout is a special citizen who knows his duty to his fellow men and will face opposition to do what he knows is right; and

WHEREAS, St. Bernard youth is interested in a better St. Bernard of the future; now therefore, **BE IT RESOLVED BY THE BOY SCOUTS OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO BY A UNANIMOUS VOTE OF THE MEMBERS VOTING:**

Section 1. I will treat the outdoors as a heritage to be improved for our greater enjoyment. I will keep my trash and garbage out of America's waters, fields, woods and roadways.

Section 2. I will prevent wildfire. I will build my fire in a safe place and be sure it is out before I leave.

Section 3. I will treat public and private property with respect. I will remember that use of the outdoors is a privilege I can lose by abuse.

Section 4. I will learn how to practice good conservation of soil, waters, forests, minerals, grasslands and wildlife; and I will urge others to do the same. I will use sportsmanlike methods in all my outdoor activities.

Section 5. I will observe bicycle safety rules and obey all traffic laws when operating my bicycle or walking through the streets of St. Bernard.

Motion by Mr. Asbach, seconded by Mr. Tobergte to adopt Special Resolution No. 1, 2013 as read. Motion passed 7-0.

OLD BUSINESS

Mr. Asbach – First I would like to correct my report. I gave my Scout some bad information. The next Block Watch meeting will actually be Tues., Feb. 19th, not the 15th, I was obviously looking at January.

Also at this time I would like to make a motion for Council to go into Executive Session at the end of the meeting to discuss the sale of properties and pending litigation.

Motion by Mr. Asbach, seconded by Mr. Holt to go into Executive Session to discuss the sale of properties and pending litigation. Motion passed 7-0.

Mr. Tobergte – First, next Tues. night at 7:00pm is my first Town Hall meeting this year and I'd like to ask Bill, I talked to you before the meeting, can we get an updated version of the cost of the Streetscape. Last Council meeting I asked about it because we had a half million spent already and Phil said electrical was not included but the estimate I had was \$3.2 million including electrical work. I don't know if we have to go for a bond for \$3.5 million or \$3 million or what.

NEW BUSINESS

Mrs. Schildmeyer – I just wanted to thank Butch Baur. He was taking a walk yesterday and my daughter had a pretty nasty cut and got six stitches and he took the time out of his walk to take a look at it and talk to her very kindly and I know it's something that all of our Firefighters naturally would do in St. Bernard and I think that we need to recognize it, how good they all are to us.

Mr. Walden – If I could follow up on that, I'd like to thank Councilwoman Dianna Schildmeyer and her husband who rescued me when our transmission and we had to push the car up Mitchell Ave. yesterday.

Mr. Tobergte – Something under Old Business I forgot, but Curtis, back in December we were given the Health Care Committee by-laws or whatever and you were going to redo them so we could vote on them.

Mr. Walden – I did meet with the Mayor about that tonight and we'll be working on that a little further tomorrow and will get back to you very soon.

AUDIENCE WISHING TO ADDRESS COUNCIL

Mrs. Brickweg – I just want to follow up on what Curtis said just to give you a little more detail with these letters. Basically these letters, and I'll go ahead and read what our notice says. You are going to be going to individuals who have not had or will not have OPERS retirement contributions withheld from their earnings. The intent behind this new legislative changes was to put a statute of limitations on the time frame on which an individual could request OPERS to issue a membership determination regarding prior service to a public employer for which no contributions were remitted. So basically what I'm going to have to do is go through every person that has ever worked here and see if they were in that, not the Fire and Police, and see if OPERS was taken out of their pay checks and if not they will get the letter. I have to go through all of the vendors and if there's any individuals that are not like a company, they will get a letter basically saying do you feel you should have been hired here as an employee, as a vendor because they have the right to come back and get OPERS. Here's the rest of it. The affected individuals who have one year, they will have one year from January 7th 2013 to request the determination as to whether they should have been classified as a public employee eligible for OPERS membership. Affected individuals who seek a membership determination after January 7th of 2014 will not be eligible to have

the prior service evaluated for OPERS membership. Then there are two different forms that I will be sending out. The second part of it is. I have to then contact all of our independent contractors that we currently have and they have to fill out another form stating that they are providing personal services as an independent contractor or another classification other than a public employee and that would basically keep them from getting this. So it is, and we just found out about it and yes they have to be out the beginning of March. So we're working on it, but the one good thing I told Curtis is, I kind of started looking at it after I found out about it at the meeting. It does look like many of our employees, the deduction was taken out. I haven't got really far back but the vendors are going to be another whole issue.

One more thing and I'm sorry, if I can have Mr. Myers, I can't remember is the CIC meeting the 12th? Nobody announced it. OK the 13th. The CIC meeting is at 6:00pm on Feb. 13th.

Mr. Tobergte – May I ask Peggy a question? I'm assuming there could be some liability to the City for our portion of OPERS that was never taken out?

Mrs. Brickweg – Yes, and what it is, they can go back the entire time the person was employed or working for the Village and I think that's the issue. So, I don't think it's ever happened here as far as I know but I guess in other communities, I'm just guessing, might have pushed it a little bit and hired people that should have been a public employee or said they were vendors. That's kind of where I'm guessing it's coming from. A lot of these people weren't putting in for the OPERS until they have been there for 20 years and they're ready for retirement and they turn around and sue the municipality and by law the municipality has to pay them. They have to pay the employee portion and if you get fined, even the employer portion. By doing this, when we send out these letter, the people that come back, they can basically only go back five years but if they don't get a letter, it's kind of confusing because it says in one point if they don't do it then it's gone. But then in another part it says if they don't get the letter they can go back forever. This is all brand new to me. This was part of the pension legislation that they did this summer.

Mr. Walden – If I can follow up on what Peggy was saying, John, as Peggy said we never had this situation come up so we weren't really aware of it, is that liability potentially always out there if we've never encountered it before and what this legislation is to do is to say, here is your letter, do something with it in a year, or you can't do anything. So they're actually trying to limit the liability of the municipality because they know it's going to cause a lot of work up front.

Mr. Ungruhe – The way I read it too is it's not an automatic. They have to ask.

Council went into Executive Session.

Mr. Peck – Council will resume the regular order of business.

Mayor Burkhardt read a letter from the production company producing **“Rediscovering America”** and asked Council to consider the possibility of showcasing St. Bernard in the series called **“Best Places for Work, Live, and Play”**

Motion by Mr. Asbach, seconded by Mr. Culbertson to sell ten parking spaces to ODOT at the Shopping Center. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Holt to sell the rear building of the Imwalle property. Motion passed 7-0.

Mr. Asbach – The next COW meeting will be Thursday, February 14, at 7:30pm.

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