

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

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

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

The Clerk was represented by Scout Lena.

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. Holt seconded the motion. Council agreed 7-0.

REPORTS OF VILLAGE OFFICIALS

MAYOR, Mr. Burkhardt – Good evening and welcome to Girl Scout Night. I would like to acknowledge our Scouts that are participating this evening. Please stand when I call your name. Tessa Clifton, Lilli McMullan, Jessica Ridder, Jaida Ridder, Brooklyn Barrett, Tori Findley, Cheyanne Johnson, Lena Koger, and Brenda Coshnitzke. The St. Bernard Village Council and Administration would like to thank you and the Girl Scouts of the USA for your involvement in tonight's Council meeting. Scouting provides an abundance of opportunities for the youth of our community and helps in developing quality, productive young women and men. To each of the Scouts here tonight, I applaud you for serving this great organization that builds girls of courage, confidence, and character, who make the world a better place. 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.

Representing the Mayor this evening is Scout Brenda.

The Mayor's Monthly Court Report Receipts for February, 2013; Mayor's Court Costs/Fines/Fees Miscellaneous receipts were \$4,189.75, Bond forfeiture \$150.00, Bonds applied to outstanding tax obligation \$25.00, total to St. Bernard is \$4,364.75. Total to the County was \$34.50. Total to State was \$1,367.50. Total Disbursements were \$5,766.75.

The Annual Easter Egg Scramble will be held on Saturday, March 30th at Vine Street Park beginning at 1:00pm rain or shine. The Easter Bunny and I will be visiting the streets of St. Bernard in the morning passing out treats for all.

The St. Bernard Woman's Club is currently accepting applications for their Annual Scholarship program. Applications are available on our website and at the Administrative offices.

We are moving forward with the development of the TV production on St. Bernard; Communities of Distinction. Mr. Paul Myers is the point of contact for the Village, and is working with the production team.

The schedule calls for the approval of the script within 2 to 4 weeks; and on site production will be scheduled shortly thereafter.

The focus of the piece will be on three aspects of St. Bernard – business, quality of life, and historical. We will keep you apprised of progress as it unfolds. As they say in TV land – stay tuned.

AUDITOR, Mrs. Brickweg – (read by Scout Brooklyn) As requested the Auditor’s office has prepared a “Then and Now Resolution” and Ordinance for tonight’s meeting. The Auditor will explain these later in the meeting when they are read.

DIRECTOR OF LAW, Mr. Walden – Mayor’s Court went until almost 8:00pm last night. We had a traffic trial, a criminal trial, and our first tax trial.

I’m happy to report we obtained convictions in all three trials.

We brought in \$1,800.00, which is a record for Mayor’s Court.

I’d like to thank all of the staff and police officers who attend Court, we did need the officers to handle an unruly defendant last night.

I’d especially like to thank Deputy Tax Commissioner, Leighanne Helmes and Lt. Bill Ungruhe for their help with the trials last night.

I will have comments about Ordinances 10, 11 and 12 later in the meeting.

TREASURER, Mr. Ungruhe – The monthly Treasurer’s report has been prepared and distributed to members of Council.

Receipts for the month of January 2013: \$ 876,645.13

Receipts for the year through January 2013: \$ 876.654.13

SAFETY DIRECTOR, Ms. Van Valkenburg – Some of you may have seen or heard that Judge Ruhlman, today, has ruled on the use of the cameras in Elmwood. He has found that it is invalid and is going to issue an injunction. I have not read the entire decision as yet all the way through so I don’t know what’s going to happen. I will caution everyone that any decision is appealable.

Obviously the parties of the Village of Elmwood wood have at least 30 days in which to file an appeal so it’s unlikely that they would be coming down anytime within 30 days and I also, because I have not yet read it, am not sure if they are going to be issuing any refunds. But I did want to address this because I don’t want people seeing this or hearing of this to think they are not going to be up because until there is a final ruling, which may have to wind its way through the Court of Appeals, they will probably still be there for at least 30 days.

SERVICE DIRECTOR, Mr. Stegman – With the girls being here tonight I wanted to make sure there was a Call Command that went out. We have our back yard composting training coming up here on March 18th at 6:30pm at the Municipal Building next door. It gives you a brief summary of how to compost the correct way. They will be giving a magnet out “I love composting” and there will be a \$20.00 redeemable coupon towards the purchase of the composting bin at competitive places to take it to. If you cannot make the 18th we do have it out on our website and also hamiltoncounty.org. There are also eight other cities that are participating in this, so if you can’t make St. Bernard’s you could actually make any of the other communities too. Get that on the website and if you can’t make ours please take a look at the other cities that are participating in that and get registered.

TAX COMMISSIONER, Mr. Geiser – Absent.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Meier – (read by Scout Jessica) The Finance Committee will be meeting on Tuesday, March 12th at 7:45pm. The Department Heads will review their budgets. Mr. Culbertson has a question to be placed on the agenda to discuss how to pay for the street repairs on Chalet and Heger.

SAFETY, Mr. Asbach – (read by Scout Jaida) The Committee met on Tuesday March 5th with the Fire Department representatives, on the rules of employment. There will be a Safety Committee meeting on Monday, March 11th at 6:00pm in Council Chambers to discuss the rules of employment. The next Block Watch Meeting will be Tuesday, March 19th at 6:30pm downstairs.

SERVICE, Mr. Holt – (read by Scout Tori) There was 14 trucks, 23 dumpsters, and 209 special pick-ups at residences' homes. 151.42 tons of garbage was taken to the landfill. There was 25.88 tons of recycling material taken to the recycling plant. 1,800 pounds of scrap metal was also recycled. On Tuesday the Service Committee met and discussed Terms of Employment. On Wednesday, March 13th the Service Committee will meet in Council Chambers at 6:30 to discuss Terms of Employment.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – (read by Scout Lilli) The Building Department is currently conducting on-going inspection on commercial and residential projects worth \$10,853,344.00 with additional permits issued for over \$4.5 million in the first quarter of 2013.

The breakdown of permits is as follows:

For the 2012 year we issued 173 permits: OBC and one, two and three family construction.

A: OBC regulated construction: year to date 67 permits were issued.

B: RBC 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 to date in 2012

The Building Department has issued Certificates of Occupancy for Building 1 on the Carnot Project "Old Nu-Maid site" and issued the 2nd Certificate of Occupancy for Building 3 on 2/24/13. We have also issued a conditional Certificate for the interior modifications to the TSDC building on 2/24/13. Also Proctor and Gamble received a Certificate of Occupancy for the renovation of the Renaissance Project located on June St. and have occupied the building. They have also submitted for an additional renovation project to start by midyear.

The new Service Garage has had all reviews completed and will soon be out for bid.

The engineering of the Safety Center is in full swing and is anticipated to be complete by midsummer.

LAWS, CONTRACTS AND CLAIMS, Mr. Culbertson – (read by Scout Samantha) The Laws, Contracts and Claims Committee will be meeting on

Thursday, March 14th at 6:00pm in Council Chambers. The Committee will be meeting at the request of the Law Director to discuss legal issues.

BUSINESS AND INDUSTRY, Mrs. Bedinghaus – No report.

HIGHWAYS AND TRANSPORTATION, Mr. Tobergte – (read by Scout Tessa)

For the month of February there were 1,624 regular Dial-A-Ride riders which brings the yearly total to 3,306. The Medical Bus had 19 riders which brings the yearly total to 40.

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
Feb 28, 2013

1. Council approved the minutes of the Feb. 21st Council Meeting.
2. After some discussion, Council voted 6-0 to put two Ordinances on the table. The first will place the properties at 4222 Tower Ave and 4817 Vine St., rear building, into the Scattered Site Urban Renewal Plan Ordinance and the second will transfer those two properties to the CIC, with the money from the sale coming back to the Village.
3. Mayor, Bill Burkhardt
 - A. Reported that he and Phil Stegman had a conference call with the people from the “Cities of Distinction” and will have another call next week.
 - B. Mr. Tobergte asked about the Soap Box Derby. Some of the Service Department workers said they would only get paid for time worked for the event, with no guaranteed four hours. Bill said they would meet and talk things over.
4. Auditor, Peggy Brickweg
 - A. Discussed an Ordinance that will be needed for the bond money. The Village received an A3 rating with a 3.77% interest rate. The payment for 2013 on the bonds will be \$493,653.33. There will be new line items and additional appropriations needed for this Ordinance. Council voted 6-0 to put the Ordinance, or two if it needs to be split, on the table.
 - B. Said that the January and February Auditors and Revenue Reports were distributed to Council.
 - C. Told Council that certain line items were under funded. The sick time payout came up again, and after much discussion it was stated that the amount in that line item was reduced to balance the budget.
 - D. Asked for a Resolution for a “Then and Now” payment for legal fees. Council voted 6-0 to put the Resolution on the table.
 - E. Said that she needs to get with Mr. Myers about investing some of the bond money.
5. Law Director, Curtis Walden
 - A. Said that the bill for the then and now was from December 2012 and was received on January 18, 2013.
 - B. Reported that he had worked with Mr. Myers on the Scattered Site Ordinance.
 - C. Is working with the Fire Chief, on an Ordinance, to recover money for damaged equipment from business or home owners insurance.
 - D. Is working with Peggy on a lien on a property where the owner owes the Village a large sum of money.
 - E. Is working with Phil on an issue regarding the Ordinance having to do with keeping chickens in St. Bernard.

- F. Is working with the Police Chief regarding the Solicitation Ordinance requiring permits for vendors selling things in town.
- 6. Safety Director, Valerie Van Valkenburg
 - A. Reported that she received some requests about the police doing off duty events in their uniforms and she will be meeting with the chief on the matter.
 - B. Said that there is a St. Bernard resident in the new Oz Movie coming out.
- 7. Service Director, Phil Stegman
 - A. Asked that the discussion on the parking spaces at the shopping center be put off until the next COW meeting.
 - B. Reported that the used Service Department truck, located at the shopping center, is on the Hamilton County website. There are certain things wrong with the truck, but are listed on the website.
- 8. Treasurer, John Ungrhue
 - A. Told Council that he received a letter from Huntington Bank about one of our bonds that the payment is due at the end of the month. Peggy said that this will be rolled over.
- 9. Finance, Kevin Meier
 - A. Said that the next finance meeting will be March 12th at 7:30pm with the Department Heads. At the April meeting, we will have the first quarter of revenue receipts to see where we stand so far.
 - B. Talked about the additional appropriation for accumulated sick time. It is in all three contracts and the fire department contract is the only one that allows for the payment while they are in the DROP program. After a lot of discussion, certain things will be addressed in the new Terms of Employment.
- 10. Safety, Steve Asbach
 - A. Reported that the committee met with representatives from the Fire Department on Tuesday night on the terms of employment. We will meet again next Tuesday at 6 PM in Council Chambers to discuss further.
- 11. Laws, Contracts & Claims, Ray Culbertson
 - A. Reported that his committee will meet on Thursday March 14th at 6:00pm in Council Chambers on matters from the Law Director.
- 12. Highways & Transportation, Don Tobergte
 - A. Reported that Dairy Queen opens tomorrow.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

Motion by Mr. Asbach, seconded by to read tonight's Special Resolution in its entirety. Motion passed 7-0.

SPECIAL RESOLUTION NO. 2, 2013

RECOGNIZING MARCH 7, 2013 AS GIRL SCOUT DAY IN THE VILLAGE OF ST. BERNARD

WHEREAS, the Girl Scouts of the United States was founded by Juliette Gordon Low in Savannah, Georgia in 1912; and

WHEREAS, the purpose of Girl Scouting is to inspire girls with the highest ideas of character, conduct, patriotism, and service so that they become happy, productive, resourceful and respectful citizens; and

WHEREAS, throughout the Girl Scout organization's history, Girl Scouting has instilled millions of girls and women with the courage, confidence, and character to make the world a better place; and

WHEREAS, a Girl Scout is a special citizen who knows her duty to her fellow women and will face opposition to do what she knows is right; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO BY A UNANIMOUS VOTE OF THE MEMBERS VOTING:

Section 1. The Village of St. Bernard hereby recognizes March 7, 2013 as Girl Scout Day in the Village of St. Bernard and commends and congratulates all the girls and women who participate in Girl Scouting.

Motion by Mr. Asbach, seconded by Mr. Holt to suspend with the second and third reading of Special Resolution No. 2, 2013. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Special Resolution No. 2, 2013. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Holt to read tonight's Resolution and Ordinances by title only. Motion passed 7-0.

Mrs. Brickweg – Resolution No. 2, 2013 authorizes the Auditor to make a payment of \$6,830.20 for legal fees to Taft, Stettinius and Hollister which occurred before the expenditures were certified.

Mr. Walden – If I may follow up on what Sarah reported last week at the COW, the bill for the December work by Taft arrived at our City Hall on January 18th, 2013, that's why this is occurring.

RESOLUTION NO. 2, 2013. A RESOLUTION PROVIDING FOR THE PAYMENT OF ONE INVOICE COVERED BY "THEN AND NOW" CERTIFICATION A PURCHASE ORDER EXCEEDING \$3000.00 AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Resolution No. 2, 2013.

REMARKS

Mr. Tobergte – It's not a real big deal I don't think but on the bottom it says "I Sue Kathman, Clerk of Council, City of St. Bernard, and we need to change it to Village. Do we need an amendment for that now Curtis or would it be OK?"

Mr. Walden – If we're going to amend it this would certainly be the time.

Motion by Mr. Tobergte, seconded by Mr. Meier to have Resolution No. 2, 2013 to read Village of St. Bernard. Motion to amend passed 7-0.

The motion to suspend amended Resolution No. 2, 2013 passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to adopt Resolution No. 2, 2013 as amended as read. Motion passed 7-0.

ORDINANCE NO. 7, 2013. AUTHORIZING THE MAYOR AND/OR THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH 3-D COLOR PROPERTIES LLC FOR THE SALE AND REDEVELOPMENT OF THE REAR BUILDING OF THE IMWALLE PROPERTY AS DESCRIBED IN THE ATTACHED EXHIBIT A, LOCATED IN THE VILLAGE OF ST. BERNARD AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach seconded by Mr. Culbertson to table Ordinance No. 7, 2013. Motion passed 7-0.

ORDINANCE NO. 9, 2013. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Mr. Meier – Because Ordinance No. 9, 2013 has not been discussed in COW nor in my Finance Committee, and we will not be receiving these funds until next Friday at the earliest, I'd like to make a motion that we allow Ordinance No. 9, 2013 to go it's regular course.

Mrs. Brickweg – Kevin I explained this last week, maybe you forgot, these are due tomorrow and I stated that over and over and over. We do close, I'm sorry, but we close on Thursday, do we not? Before the meeting? Yes, we close before the Council meeting.

Mr. Asbach – Since this has to be to the County tomorrow, I don't know what kind of trouble we are going to get in if it's not passed. So I will make the motion to suspend.

Motion by Mr. Asbach, seconded by Mr. Tobergte to suspend with the second and third reading of Ordinance No. 9, 2013.

REMARKS

Mrs. Brickweg – Before I start I have been sending these and sending these. I'm sorry emails are the best way I can communicate with everybody because you have full time jobs. I got this information late last week and I'm doing my best to get them done. I'd like to thank those that did call me up at home and those that stopped in at work and asked questions. That's exactly what I wanted to do and I'd like to thank you and one more thank you to Mrs. Schildmeyer, I'm sure you'd rather be home in bed. I'll do my best to try to describe everything. I gave Council a copy of all the different payments that we received. It was in the packet you got last week. It came in late on Thursday, which is another reason I didn't have the numbers to give to you, so you can refer to that if you want which will go along with the Ordinance.

Ordinance 9, 2013 addresses the \$18.5 million bonds the Village will be closing on next week. New line items need to be created and additional and decreased appropriations need to be made to disburse the money the Village will be receiving from the bond and to carry out the projects and payments of other loans.

The new line items this Ordinance creates are:

- 07-06 Safety Center Project
- 31-13 Bond Issue Cost – Safety Center
- 31-14 Bond Issue Cost – Bank Street Settlement
- 31-15 Bond Debt – Shopping Center
- 31-16 Bond Debt – Imwalle Property

I will break out the additional appropriations in the Ordinance and explain what they are:

Bond Issue Cost is the amount the banks and attorneys charge to underwrite the bonds; it is basically the administrative cost of the bonds. The Village will be paying \$494,312.71 for these costs. They are broken down by each bond as follows:

31-11	Bond Issue Cost – Service Center	\$ 95,266.27
31-12	Bond Issue Cost – Streetscape	\$ 91,400.60
31-13	Bond Issue Cost – Safety Center	\$ 242,955.49
31-14	Bond Debt Cost – Bank Street Settlement	\$ 64,690.35

With the Bank Street Settlement Bond the Village will be paying off the Shopping Center loan and the Imwalle Property loan.

31-15	Bond Debt – Retire Shopping Center	\$1,620,000.00
31-16	Bond Debt – Retire Imwalle Property	\$ 600,000.00

Originally the idea was to pay off a bond the Village currently has for a Fire Truck. Since this is a bond and not a note I explained to Council that if they pay this off they would be saving no money since they would have to pay off all of the interest and the principal. This bond is a Non-Restricted Bond so Council can chose to use this money elsewhere. I have placed the remaining portion from the bond in the General Fund Miscellaneous line item. By doing this it allows Council time to decide how they want to use the money. When a decision is made Council can then vote to transfer or move the money accordingly.

01-2-K-2	Miscellaneous	\$ 283,240.30
----------	---------------	---------------

The following money was placed in line items for the projects:

07-04	Vine St. Streetscape Project	\$1,003,220.64
07-05	Service Garage Project	\$1,002,294.72
07-06	Safety Center Project	\$9,003,570.71

The reason the Service Garage and Streetscape Projects are lower is because they already received \$2,500,000.00 each last March with the note the Village is paying off. The Auditor's office will pay the Note through the following line items.

31-08	Interest Bond Financing (Note)	\$ 64,409.72
31-07	Bond Financing (Note)	\$5,000,000.00

The total sources of Bonds is \$19,071,048.80

The payments for the bonds go out thirty years with an interest rate of 3.77%. If the Village stays on the payment schedule for the entirety of the bond the Village will be paying \$12,420,566.00 in interest with the principal amount of \$18,185,000.00 for a total cost of \$30,605,566.00.

Also in the Ordinance are changes needed in regard to Ordinance 62, 2012, the 2013 Budget Ordinance. Since this year's payment is for interest only, line item 31-30, Bond Debt Principal, needs to decrease by \$590,010.22. Line item 31-51, Bond Debt Interest needs to be increased \$493,653.33. Other changes that need to occur are for the yearly payment of the Fire Truck Bond. These additions bring the line items up to what is needed to make the payment:

31-03	General Bond Retirement – Fire Equip	\$ 15,000.00
31-04	Interest – Fire Equip	\$ 11,125.00

The Vine Streetscape and Service Garage Projects need to have the funds appropriated for 2013 so there is enough money in the line items to pay for the projects. The difference in the amounts is due to what each line item used in 2012 out of the \$2,500,000.00 they received.

07-04	Vine St. Streetscape Project	\$2,324,549.27
07-05	Service Garage Project	\$2,499,355.00

I know this is a lot to take in so if anyone has any questions please feel free to ask. I have consulted with our State Auditor and he has approved the setup of these funds for the bond money. I also have copies of the Bond reports if any residents would like a copy please let me know.

Mrs. Bedinghaus – The question I have is, I cannot find 07-04, 07-05 in the project. I was looking for these, I saw that you created new ones but you have.....

Mrs. Brickweg – In the budget we did not appropriate any money.

Mrs. Bedinghaus – But they’ve all been created.

Mrs. Brickweg – The line items are created, yes.

Mrs. Bedinghaus – OK, that was my question. I couldn’t find them in here.

Mr. Meier – Peggy, I did get your email and I read them. The point that I was making tonight and that I tried to make two weeks ago is that yes, the members of Council and the Administration get copies in emails so they know what’s going on, nobody else in the Village does. The purpose of something going through Committee or going through COW is that not only the people up here understand what’s going on and has the opportunity to ask questions but if anybody else in the Village would like to understand what’s going on and have an opportunity to ask questions, they get that opportunity as well. As it is right now I think it was Tuesday evening or Wednesday evening when the email went out. But there’s another 4,000 people in the Village and if anybody has a question about it they don’t get the opportunity. The reason that we have our meetings and that they’re open meetings is so that everybody has an opportunity to be informed about what’s going on. The bonds aren’t new. I understand what you are doing and why but this isn’t new. We’ve been talking about these bonds for months. The point I’m making is that we have, as a body, we have to make sure that everybody has an opportunity to be informed, not just the people on the email list. Two weeks ago it was, we have to pass the Ordinance or we’re facing a grievance and tonight we have to pass an Ordinance or we’re facing a fine and that’s not a good way of operating.

Mrs. Brickweg – Mr. Meier we discussed this Ordinance last week at the COW. I was kicked out of all your bond meetings. I don’t know why, last Thursday, they have to be at the County by tomorrow. It is not the Auditor’s fault that we just received the numbers last Thursday. I couldn’t do anything about that. I did my best at the COW to tell all of Council and the residents watching the meeting what was going on. I’m not trying to push anything through. I’m an 100% , you know we got that email at 5:30pm last Thursday and first of all are you the only one that had the email at that point and Bill had to go out and get a copy and give it to

everybody. The County has a deadline, there're actually holding it open for us tomorrow. These are the laws and rules that I have to abide by.

Mr. Meier – Two points, one, you were never kicked out of any of my bond meetings because I never had any bond meetings. I never called a single bond meeting so that statement is inaccurate. I attended bond meetings but they weren't my meetings. Secondly, if I had any questions I would have asked you, but nobody else that wasn't on that email would have that same opportunity.

Mrs. Brickweg – I'm just going to say it the way it is. The bond meetings, maybe you didn't schedule them but I'm sure Mr. Burkhardt can agree, there were many I was not at and then they decided to include me when they find out they need my signature so I've been telling the bank and telling the lawyers that we need this money and these numbers by a certain date since I wasn't included so I guess from now on instead of just sending this to Council I'll just send it to my entire email list.

Mr. Burkhardt – Just one thing, on behalf of Peggy, she did do a lot of work on this, these numbers, I don't know how she got them all together but she did and she did do a good job. Yes, she wasn't in all the bond meetings and that was a mistake. But my hat's off for this but we do have to get it by next Thursday so tonight it has to pass.

Mr. Tobergte – I can see both sides, I agree with Kevin we need public notice and that but this was discussed last Thursday. Peggy said last Thursday it had to be passed and done by Friday so I see both sides of the story but we have to pass this tonight.

Mr. Stegman – I just have one question of Peggy, since you went through it step by step, the miscellaneous line item that you put money in, I know there was talk about the fire equipment, the fire truck, down here we're actually making appropriations to pay that off. Could that have come out of the miscellaneous line item to do that or not?

Mrs. Brickweg – Yes it can and they can do that at a later date. The reason I put it in the Miscellaneous you can spend it any time you want. But if we took that money and put it into a fund and Council decided they wanted to use it they might not be able to use it so the easiest thing to do and the safest is to put it in the Miscellaneous line item.

Mr. Tobergte – I would like to make a motion to put that discussion at the COW meeting Thursday night to discuss what to do with that money from the bond.

Motion by Mr. Tobergte seconded by Mrs. Bedinghaus to discuss this at COW.
Motion passed 7-0.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Holt to adopt Ordinance No. 9, 2013 as read. Motion passed 6-1-0. Mr. Tobergte abstained.

Mrs. Brickweg – I think both of you sign that so that we make sure we get this one signed tonight and I get a copy of it.

ORDINANCE NO. 10, 2013 DECLARING THE PROPERTY KNOWN AS 4222 TOWER AVE. TO BE NEEDED FOR MUNICIPAL PURPOSES. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE PURCHASE AND ACCEPTANCE OF THE DEED OF SAID TRACT. AUTHORIZING PAYMENT THEREFORE, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 10, 2013.

REMARKS

Mr. Tobergte – Curtis, since this was bought last year, and we're finally passing an Ordinance now, does this need to be a "Then and Now" Ordinance for this or is this OK to just pass this if we bought it a couple of months ago.

Mr. Walden – If I can Don I will go ahead and log it into my comments on this. A couple of weeks ago Council, by voice vote, gave Paul Myers as head of the Building Dept. authority to purchase property at 4222 Tower, which Paul did. A question later arose as to whether an Ordinance was needed to approve this purchase. I asked for Heidi's help, and she found Ordinance No. 13, 1999 which requires an Ordinance for any expenditure over \$10,000.00. The Tower property cost \$13,000.00. I asked for Peggy's help, who spoke to the State Auditor. He recommended we go ahead and pass an Ordinance approving the purchase that is Ordinance No. 10, which was put together with Elaine's help. Once Ordinance No. 10, 2013 is approved, Ordinance No. 11, 2013 amends the scattered site Ordinance to add the Tower property and the rear portion of Imwalle's property to the Urban Renewal Plan. This allows those properties to be transferred without competitive bidding. Finally I asked for help from Paul and Walt Moeller who prepared Ordinance No. 12, 2013 which transfers those lots to the CIC and requires payment to the Village for those. Thanks to everyone who helped in these truly joint efforts. So basically to answer your question, Don, the State Auditor recommended, even though the purchase had been completed, since an Ordinance is required by our Codified Ordinances that we go ahead and pass this Ordinance tonight.

Mr. Tobergte – Since there is no time limit would we have to pass an Ordinance, I mean this is like 90 days ago or so we bought this property.

Mr. Walden – Yes, (I'll quote the Safety Director) it's what is called a contractual ratification basically showing the person that made the purchase has the right to do so and we will be recording that now by having a Codified Ordinance. I understand the confusion about this because obviously things should have gone the other way but now that we know that there's a 1999 Ordinance requiring that we'll need to keep in form with that or Ray you might want to pick that up. I know you announced a meeting of the Laws, Contracts & Claims Committee next week and that may be something we may want to add to look at, whether or not that's going to stand in the way of development and if that Ordinance be amended.

Mr. Stegman – Just so I'm clear so I can understand, any time we do that you want the voice vote we should come back the week after, even after the purchase, and

put that Ordinance up because that's where Paul was confused and we all are still today if we should be doing that or not. So that is the recommendation of the Law Director to come back the following week after the purchase.

Mr. Walden – In a perfect world my recommendation would certainly be to pass the Ordinance first. Where we get caught in the situation and one of the reasons we may want to look at this Ordinance is a property will come up for sale, the City is notified, it's a property we want to increase urban renewal in the City and having to wait for an Ordinance to get passed may well cost the City the property or significantly increase the cost of the property. So that's why this is something I also would like to get a chance to discuss with Ray yet but it is something we may want to look at during that Committee to see if there's a way to make this work correctly without costing the City a chance to develop and acquire property.

Mr. Stegman – I knew it was being done tonight to get it passed through tonight but I just, for further reference, for years down the road, when we do that how we want to pursue that with a blanket Ordinance saying any time the majority of Council will pass to purchase property because like a blanket Resolution or an Ordinance. Something that will have to be looked at.

Mr. Walden – Absolutely.

Mrs. Brickweg – Just to answer your question, we couldn't have a blanket purchase order because it would have to be dedicated to where we're spending the money. Just to add to for Ray, and I don't remember it off the top of my head, but last year ORC did increase their recommendations for the amount you should have or you have to have and Ordinance to get it or not. Something is telling me \$25,000.00 but I'm not 100%, there was like a \$25,000.00 or \$50,000.00 depending on what you were doing but something you might want to look into it sounds like the 1999 Ordinance is going with here. And then on the "Then and Now" after speaking with the State Auditor, a "Then and Now" is just for money. Since Mr. Myers had a purchase order, if he didn't have the purchase order we would need the "Then and Now" and I guess the question on what will happen that we're doing it late. When we get a State Audit we'll find out.

Mrs. Bedinghaus – I just have one other thing for Curtis. That kind of goes along with Ordinance No. 12 that I was asking to buy that property that we're not putting the cart before the horse, like nothing has been done to that property, we just purchased it, but there has been nobody in there or anything.

Mr. Walden – No, no one.

Mrs. Bedinghaus – And that's OK, I mean you don't have to go out for bids, I'm just asking that?

Mr. Burkhardt – I think the CIC is actually been handling the demolition.

Mr. Tobergte – It's the same people that are building the town homes on Tower Ave. It's the same construction firm. They did a lot of work in that place.

Mr. Walden – That is something I will check into Cindi and see if that is a problem. I don't know at this time without researching it but I will look into it.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 10, 2013 as read. Motion passed 7-0.

ORDINANCE NO. 11, 2013. AN ORDINANCE AMENDING THE VILLAGE OF ST. BERNARD'S ORDINANCE NO. 37, 1994 THE VILLAGE OF ST. BERNARD SCATTERED SITE URBAN RENEWAL PLAN OF 1994 TO READ AS FOLLOWS AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Holt to suspend with the second and third reading of Ordinance No. 11, 2013.

REMARKS

Mr. Walden – Just again, for Council and the public, the Section 721.28 of the ORC allows transfer of property without competitive bidding if it is part of the urban renewal plan of a municipality. This adds the Tower Ave. property and the rear of Imwalle property to the scattered site urban renewal plan and that's the purpose of this.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Holt to adopt Ordinance No. 11, 2013 as read. Motion passed 7-0.

ORDINANCE NO. 12, 2013. AN ORDINANCE TO CONVEY REAL PROPERTIES KNOWN AS 4222 TOWER AVENUE AND 4817 VINE STREET, THE REAR OF IMWALLE FUNERAL HOME, TO THE ST. BERNARD COMMUNITY IMPROVEMENT CORPORATION PURSUANT TO ARTICLE III SECTION 1 OF THE AGREEMENT AND PLAN BETWEEN THE VILLAGE OF ST. BERNARD, OHIO AND THE ST. BERNARD COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 12, 2013.

REMARKS

Mr. Tobergte – When we discussed this at the COW I was the one pushed the CIC paying the City for the property but the motion I had made, I thought it was going to be an Ordinance. We got the money right away and not when they sold the property and tonight it's in here that we don't get the money from the CIC until the property is sold. We've already, we thought Imwalle's property was going to sell three or four weeks ago. We already had the Ordinance to appropriate the money from the sale. I know the sale is eminent on that but I don't know what the rest of Council's thoughts are but I was under the impression we were going to get the money now not when the properties were sold.

Mr. Asbach – I would like to make a comment that I'd like to see the Ordinance pass, I think we could discuss it at the COW and we've got quite a few numbers of the CIC that are at the COW every week. It sounds like the \$100,000.00 from the sale of the Imwalle property will come to us quickly. I don't think holding this up

for the \$13,000.00 at the 4222 Tower is that big of a deal. I understand that that is what you said and I think we should ask at COW to have the CIC, if they've got the money in their line item, bank account, whatever to give the \$13,000.00 back as soon as they can.

Mr. Tobergte – I'm not asking to hold up. I guess I make a motion to amend the Ordinance to scratch the lines to pay the Village once the property is sold. The Ordinance can still pass. I would just make a motion to amend the Ordinance to delete both sections for the Vine St. and the Tower Ave. property.

Mrs. Bedinghaus – So Don did you make the motion to amend it?

Mr. Tobergte – Yes, I just did.

Mrs. Bedinghaus – OK, I'll second it.

Mr. Asbach – Hold on, I don't think you can make a motion while there is one on the table. I have a question for either Peggy or Curtis. I don't know how much money the CIC has in there but....

Mrs. Brickweg – The last time I looked I know it was over \$400,000.00. It's more than the \$100,000.00 from Imwalle because you've already asked.

Mr. Asbach – It's my understanding that sale is waiting for us to pass this legislation so I'm not as concerned about that I just, I don't want to take it out of here and have to rely, not that they're not going to give us the money, but if it's not in here is there anything to tie it back to us right away.

Mr. Tobergte – The only thing I would say is, we're going to sell Tower Ave. for \$13,070.50 just scratch out to be paid to the Village once the property is sold. That situation is the only thing we move. They'll still owe us the money just now, not when this Ordinance is passed, when the property is sold, on both items.

Mrs. Schildmeyer – If you take out once the property is sold it just says to be paid to the Village, it doesn't say when they have to pay it though. It could be a year from now.

Mr. Tobergte – We could add on passage of the Ordinance then.

Mr. Stegman – I just want to add something, yes, the gentleman that wants to purchase this is out there in the wings, he's already signed his section, we just need to get it to the CIC so that they can go ahead and file it. This guys is wanting to close. He wanted to close a couple of weeks ago and we're just delaying it. If you're asking for the \$100,000.00 and this guy backs out then the CIC is without the money. What's a couple of weeks for \$100,000.00? Kevin is the president of the CIC, the Mayor Burkhardt is here, he's on the CIC and Peggy. They are three of the people here on the CIC that could commit to Donnie getting the \$100,000.00 in a timely fashion as long as the deal goes through. We're talking a week or two unless...

Mrs. Brickweg – I understand you're just trying to make an amendment to it so I don't see the big deal with that but Kevin and Bill are signers on the CIC and I'm the initialer on the CIC so I guess if they won't amend it you could get the signers

of the checking account to say it's good. I don't know what else to say, I mean if they won't amend it maybe that's another option.

Mr. Burkhardt – The CIC is going to give them the money, I don't see an issue with that.

Mr. Meier – Bill you're right. We can, as soon as we sign it. I mean the guy's ready to move on it anytime we can. I can go ahead and sign the check and you can send it on up to Bill's office. When he comes in we can get it all done in the same day. I think we're OK with this the way it is.

Mr. Burkhardt – I don't have a problem including Tower with that. I think that's a non issue.

Mr. Peck – There was already a motion and a second to amend so please call the roll on the amendment.

Mr. Stegman – There was already a motion and a second before he tried to amend.

Mr. Peck – Right and I understand that but when there is a question before Council we vote on that unless Mr. Tobergte wants to withdraw his motion we have to vote on it.

Mr. Tobergte – I'll withdraw the motion as long as we get a check, if Bill signs a check tomorrow.

Mr. Peck – With Mr. Tobergte's motion being withdrawn could we call the roll on the motion to suspend.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Holt to adopt Ordinance No. 12, 2013 as read. Motion passed 7-0.

OLD BUSINESS

Mr. Asbach – I would like to make a motion to excuse Mrs. Schildmeyer so she doesn't infect the rest of us here, at her discretion. Motion passed 7-0.

On Ordinance No. 7, 2013 the reason we tabled that is because it was covered in Ordinance No.12, 2013. I thought we'd have "remarks" at that time but with it being tabled, I forgot.

Mr. Culbertson – I would like to thank Kevin Meier for placing Chalet and Heger St. project on the agenda for this week's Finance Meeting. I would also like to ask the Public Improvement Committee to have a meeting so they can properly come out of that Committee and on to Finance from there to figure out, not if, but how we can finance this project. We have until the end of the month to declare whether or not we're going to use this Grant money and I think it would be ludicrous to pass up on having half of this project paid for. I would just appreciate everybody's thoughts and support on how we can get this project done and get those streets repaired.

Mrs. Schildmeyer – The Public Improvements Committee will meet on March 12th at 7:15pm before Finance here in Council Chambers to discuss Chalet and Heger.

Mr. Meier – Just in the last couple of weeks we've had some discussions about budgets and line items and when we did the budget and specifically referring to Curtis' budget, and this is just kind of an informational thing for the people on Council and for the residents. I had some questions for Curtis last week. At the time when we settled down there on Bank Ave., there were actually two pieces, there was the original law suit that was settled and part of that law suit those original plaintiffs were given a settlement, a lump sum settlement to be divided amongst that original group. In addition there was, as part of the settlement, was that there was a group of three different appraisers would appraise each property and to determine what the loss of value of those properties were, because of their nearness to the land fill, and then as a part of that, in accepting that settlement, the people who signed off on it and accepted the check, part of that was that they relinquished any future claims against the Village, any claims that were disclosed or unknown I guess, I'm not an attorney, any claims known or unknown and in addition to that a portion of that settlement was that they would allow the testing on their properties by the consultants that are working with the Ohio EPA. In the second portion of it were the other properties down in that area that the Ohio EPA considered to be at risk or part of that property and those people were offered the same settlement, to have the appraisers come in and estimate the loss of value of their home. Those people signed the same agreement, that they're waving any future claims against the Village for anything known or unknown. An additional portion of that was that they would also allow the testing to be done on their property and in return for that they were given the settlement check. At the same time that those were going on, our attorney's at Taft & Burke recommended that the City hire this independent third party to act as a go between the Village, the Ohio EPA and the residents down there so that there was an independent third party that could handle all of that. That is the Conestoga- Rovers and I think its Mr. Chatman if the name is correct is the person that was hired to do that. There is a line item that is funded in order to handle that. I remember one of the reasons that Mr. Burke was saying that is because it would cost a lot less for Mr. Chatman to do the same work that Mr. Burke was doing. The law suit part was finished so we really didn't need his expertise. That was part of the reason behind putting not a large amount into Curtis' line item but we did have a separate line item for Bank St. litigation. Apparently what's going on is, and I don't know who, I don't have names, but apparently some of the residents who accepted the judgment and accepted the check are not allowing the people to come on to their property to do the testing and because of that there has been correspondence back and forth between Mr. Chatman, who was the third party, the independent third party, and Tim Burke, who is the attorney. That is where the additional invoices are coming from. I was puzzled as to why, if we've settled this and were done with it, why are we continuing to get invoices. That's the reason for it. Now, I don't know, I think that if the Village were to be sued by one of those residents who had signed that agreement, I think there is verbage in that agreement that the City can recover their legal costs in the event that one of those people who accepted the judgment and then comes back and files another law suit. My question is since the Village is now incurring legal costs that we didn't anticipate happening, by residents who are not living up to their portion of their agreement that they signed off on and accepted the check for, can the Village go back and recover those legal costs that we're incurring now that we really shouldn't be. I'm not asking you for any voice vote or anything like that I'm just kind of sharing the information that I got

because I was truly puzzled as to why we're getting invoices to do legal work for things that we thought were finished back in the middle of the fall and that's the reason for it.

Mr. Tobergte – I don't want to open a can of worms but Curtis, my brain was still frozen from the snow yesterday. Phil said something to me, Ordinance No. 9, should I have abstained from voting on because it deals with Streetscape?

Mr. Walden – I missed part of that.

Mr. Tobergte – Ordinance No. 9 deals with Vine St. Streetscape, all along I've always abstained from voting on Ordinances, my brain is fried, frozen still, do I have to change my vote to abstain now?

Mr. Walden – OK I got you. I think as long as the Council Meeting is still open you can change that vote to abstained and that would not affect the vote on it.

Mr. Tobergte – Right, I'd like to change my vote to abstention for that Ordinance.

Mrs. Brickweg – I just want to tell Kevin and the rest of Council and I told the Mayor earlier, one of the checks has not been cashed and I was kind of shocked at that and I don't know if that has anything to do with this legal wise or anything but I warned the Mayor earlier. I also wanted to make a comment on what Ray said. As I was going around with this bond and trying to figure out if the bond for the Bank St. settlement was restricted or non restricted, I called Andy from Fifth Third Bank because he helped me with that and we talked on the phone and I just basically explained the situation and he said to me that with the additional money he said he did worry about the spending in St. Bernard, and just spending the money but then he said at the same time, nobody should have passed up on that \$650,000.00 grant. He did not realize we had one out there that we were going to pass up on. So I just wanted to let you know that was his opinion and I sent that in the email but I just wanted to let everybody know that the bank did say that.

Mr. Holt – Regarding that, is Public Improvements the correct place for that to go or would it be Finance? If you're looking for funding, that would have to go through Finance.

Mr. Culbertson – I'm asking to place it in Public Improvements so that ultimately the project is coming out of that Committee and then it will immediately go into Finance to research the funding issue. That's the rationale behind me asking Dianna to undertake this because I think that's the correct Committee it should be coming out of initially, Public Improvements, a street project. But then ultimately it's going to be up to Finance to research the financial aspects of it and make it happen.

Mr. Burkhardt – Just on Kevin's stuff with Kim Burke, we have been getting some emails from a resident down there who is very against them being on their property and those emails I have been sending to Kim and I know Kim has been in contact with Curtis so that's where some of this is coming from. If anything comes of that I'm sure that will be added into any law suits that come up, but it's a wait and see game. But I've got to keep Kim up to date on anything I get.

NEW BUSINESS

Mr. Tobergte – I talked to Curtis tonight, he’s got the email too. We got an email from Dusty Rhode concerning the rental for the City’s halls, the properties for political events. In talking with Elaine, I’m the only one that rents the halls. The two political parties get them for free. I don’t know if that’s anyway worthwhile noting. I don’t know but if the two political parties don’t pay for hall when they use them, I’m the only one that does. I wonder if we can put that on the agenda for the COW for next week. I guess it’s up to you Curtis.

Mr. Walden – Sure. I received that email from Peggy and Mike and Elaine probably about ten days ago. I immediately set out to research and there were absolutely no opinions on it by anyone other than the opinion from Dusty Rhodes so there’s nowhere to go for any guidance apart from that opinion. We are looking into it and I’d be happy to discuss it at the COW. This is brand new, I think the law was admitted in Sept. or Dec. of last year to include a whole group of people that you’re not supposed to rent halls to including political parties and there is actually a criminal component to it in addition to fines. We are working on that and I’ll update you at COW.

AUDIENCE WISHING TO ADDRESS COUNCIL

Mark Auer, Kemper Ave., - Looking at the budget for this year and I was wondering under what line item I would find the monies that we received from the Service Garage, Fire Dept. and all that.

Mrs. Brickweg – Mark, we just voted on that Ordinance tonight. It was Ordinance No. 9, 2013 and we had to wait to set up all the line items. It would not be in the budget then but if you got a copy of Ordinance No. 9, 2013 that’s where the money is.

Mark Auer, Kemper Ave. – So my timing was pretty good. Thank you.

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

Motion by Mr. Culbertson, seconded by Mr. Holt to adjourn. Motion passed 7-0.