

**ST. BERNARD VILLAGE COUNCIL MEETING
APRIL 18, 2013**

The regular meeting of the St. Bernard Village Council was held Thursday, April 18, 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.

A moment of silence was held for the victims of the Boston Marathon.

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 – Mayor’s monthly Court Report Receipts for March, 2013. Mayor’s Court/Fines/Fees and Miscellaneous Receipts were \$6,186.41. Bond Forfeiture, \$121.00. Bond Applied to outstanding tax obligation \$275.00. Total to St. Bernard was \$6,582.41. Total to the County was \$37.50. Total to the State was \$1,762.00. Total Disbursements were \$8,381.91.

The Public Library of Cincinnati would like to know what you would like to include in the new St. Bernard Branch Library. We have been invited to share ideas what the new Branch Library should include at a Community meeting Thursday, April 25th, at 6:00pm in the main level of the Municipal Building. Also Metro, I got a letter from Metro. This year Metro’s plan is to implement short term improvements to boost the efficiency and productivity of current service and make it easier to ride. The proposed changes are identified during a major transit planning effort in 2012. The improvements proposed for this year include new limited stop service called Metro Plus, connecting Montgomery Rd. to uptown. More service options and major corridors including Glenway, Winton, Vine and Reading. More cross-town routes reduce focus on downtown transfers, new destinations including the new Mercy Health West Hospital, shorter travel times by streamlining several routes. A public meeting on Metro’s proposed short term planning changes will be held on May 1st, 2013 in the South Meeting Room 232 of the Duke Energy Convention Center, 525 Elm St. , Cincinnati, Ohio. The public may attend anytime between 8:00am and 5:30pm to give comments about the proposed changes. It looks like, the 78 that runs through St. Bernard, it looks like the only thing that’s going to happen with that is they’re going to have more busses running through here more often.

AUDITOR, Mrs. Brickweg – Tonight I have some very wonderful news for all of you which I was totally surprised with. We have received some Estate Tax. I did some but didn’t count on it. This is a rather large one. We have \$326,173.01 in additional income that was not in my projection. Just to throw something out there, I did ask Phil, and the Grant has not been given back for the Heger and

Chalet, and I know you were looking for how you were going to pay for it and I think this might help but I just wanted to let you know you'll be seeing that in your revenue reports and like I said we could be getting some additional but she said not to plan on it that it would be a nice surprise.

DIRECTOR OF LAW, Mr. Walden – Mayor's Court went very well last night. We once again got out within an hour and I was glad to hear the Mayor's Report that we now have brought in about \$15,000.00 so far this year.

TREASURER, Mr. Ungruhe – Just to report on the Fourth of July Memorial (all else was inaudible)

SAFETY DIRECTOR, Ms. Van Valkenburg – Particularly in light of the fact that the Metro may be running more busses through here more frequently, Chief Moeller and I are looking at where the placement of the bus stops are in relationship to our various businesses. For example the one right in front of what is now Witch's Brew and we may be trying to contact them about trying to relocate some of those so that they do not impact our businesses and parking for our businesses.

SERVICE DIRECTOR, Mr. Stegman – On Tuesday, April 16th we had our bid opening. We had thirteen bidders bid on the Service Garage. The lowest three will have to go under review. We already have a meeting set up for that this coming Tuesday. The lowest was \$2.75 million and the highest bidder was \$3.2 million. They were very consistently going up so it was a very good bid. So like I said once these are reviewed, it was just the opening and the number was given. We have to go through each one of the bids now and make sure they have everything so it's just a process that will take us probably a couple of weeks before we can actually put it though low bids plus the best bid out for us.

Also it's that time of year, I just want to let residents know when they're out cutting the grass, the grass belongs in the garbage can so we can pick it up, not to be left on sidewalks and streets. There is an Ordinance stating that we will be enforcing that. We will be putting out our monthly report to the residents and reminding them about grass being thrown into the street. Also the tire program was very successful. They did pick up a full dumpster of tires and actually had to bring another truck to get the balance of the rest of them. So we're done with the tire program so don't put anymore out. We will let you know next year when the tire program starts back up.

TAX COMMISSIONER, Mr. Geiser – The April 15th deadline to file your taxes has passed, now the bulk of our work begins. We are in the process of opening the mail and getting the checks cashed and processing the money. We prioritize our work, it's a long process to do this. When I first started it sometime took through August, sometimes into September. Our goal is to get this completed by July so we ask for your patience. If you have any issues with your tax return we will be sending you a letter. I also want to note that two weeks ago St. Bernard hosted a press conference by Cincinnati Mayor Mallory concerning HB 5. Some of the members of Council were here. Kevin stepped in for the Mayor to lead off the meeting and the press conference. One of the speakers that was there spoke about the concern about HB5 is that the legislature, the Ohio General Assembly, would try to put some of the wish list from HB 5 into the Budget Bill which is HB59. I got a note today that that has started. Specifically they put an amendment through to exempt a type of non-qualified income known as Supplemental Executive

Retirement Plan. I'm not exactly sure what that means, we do tax stock options which is a source of income for St. Bernard, if that is what this is addressing that could have significant effect on our income. Again I wanted to just bring out the fact that that was a follow up to what was said at that meeting. It is starting.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Meier – The next Finance Committee meeting will be next Wednesday, April 24th at 7:15pm here in Council Chambers. One of the items on the agenda is the Financing for Chalet and Heger so it's good news that we're getting those additional funds. Peggy if I could get with you sometime between now and then to try to get an update on where we are on revenues so we've got those numbers for the meeting.

SAFETY, Mr. Asbach – I have the March Fire Department Report: there were a total of 23 calls, fire run activity. The emergency responses were 69. In the inspections activity there were a total of 17.

The Police Department monthly report for March, 2013; During the month of March, officers were involved in 676 calls for service. Of those calls, officers responded to 25 accident reports and took 28 offense reports. Officers cleared a total of 21 offenses. Officers made 67 misdemeanor arrests and 6 felony arrests. Officers responded to 36 parking complaints and issued 8 citations for parking violations. Officers issued 28 traffic citations, 2 DUI arrests and 65 warnings. Officers responded to 81 calls for suspicious activity, vehicles or persons.

SERVICE, Mr. Holt – No report.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – We will have a Public Improvements Committee Meeting on Wednesday, April 24th, at 6:45pm here in Council Chambers.

LAWS, CONTRACTS AND CLAIMS, Mr. Culbertson – The Laws, Contracts and Claims Committee met this evening to discuss updating our Codified Ordinances. Police Chief Moeller, the Law Director, Curtis Walden will continue to work together and come back to the Committee with their recommendation.

BUSINESS AND INDUSTRY, Mrs. Bedinghaus – No report.

HIGHWAYS AND TRANSPORTATION, Mr. Tobergte – I would like to thank Mr. and Mrs. Gerry Wiedmann and the St. Bernard Service Dept. Association for sponsoring Soap Box Derby cars for the race on May 11th. I am working on getting 2 more cars sponsored. If any resident has a youngster that would like to race down Tower Hill on May 11th contact me at 242-9499. If there are more people interested in racing than I have cars I will do a drawing to determine the winners.

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

Committee of the Whole
April 11, 2013

1. Council approved the minutes of the April 4th Council meeting.
2. Mayor, Bill Burkhardt

- A. Thanked Elaine Sipe for organizing the press conference for the Mayors opposing HB 5 and Kevin Meier for standing in for him.
 - B. Said that the St Bernard Woman's Club luncheon will be held on Saturday April 20th in the Municipal Building- main level. Tickets are \$20.00 and are available by calling 673-9873 or at the Administrative Offices.
 - C. Reported that the Soap Box Derby and Block Party are just a few weeks away. On Saturday May 11th, check in for the derby will begin at 7:30 AM in the SBEP High School lot and races begin at 9:30 AM. As the Derby is winding down the Block Party, at Vine Street Park to accommodate the "Rusty Griswold crowd, will be warming up with a walk benefiting The American Association of the Deaf and Blind- Cincinnati Chapter beginning at 4:00 PM. If you would like more information on either event there are links on the front page of our website, especially for the specific details for the "St Bernard Grand Prix".
 - D. Said that St Bernard will be hosting a community wide yard sale on Saturday May 18th. If you would like to have your address advertized on our website and Facebook page please Call Elaine or Heidi at 242-7770 or email your name, address and phone number to mayorsec@cityofstbernard.org.
 - E. Said that the Communities of Distinction video project has transitioned from scripting into production coordination. Paul Myers will be working with Kristen Albanese (Senior Production Coordinator) directly throughout this next phase. We are planning for a one day, up to 10 hour shoot, sometime in May or June.
 - F. Reported that there was a request for a yearbook ad from St Bernard HS. It was stated that Council could okay this by a voice vote. It was asked if we did Roger Bacon as well and the answer was that we would. A motion was made and seconded and voted 6-0 to do the yearbook ad for both schools.
3. Auditor, Peggy Brickweg
 - A. Reported that the State Auditor said a voice vote can be taken, instead of passing an Ordinance, for items that have been budgeted and approved already. This came up when the Imwalle building was going to be paid off.
 - B. Discussed paying off the shopping center. Since this has been approved we will need a voice vote at the next Council meeting.
 4. Law Director, Curtis Walden
 - A. Discussed training for Council on public records. He found out that the State Auditors' office will do this training but we need at least 35 people. We can also have a designee that can take the class for everyone. Council will look at their calendars and let Curtis know next week which date works best.
 - B. Gave a list of items to the Laws, Contracts & Claims chair to review and make changes or create new Ordinances.
 5. Safety Director, Valerie Van Valkenburg
 - A. Asked Council to go into Executive Session to discuss a personnel issue. Council voted 6-0 to do so at the end of the meeting.
 6. Service Director, Phil Stegman
 - A. Reported that the Hamilton County Recycling of Electronics will be on the website. They can also be found at hamiltoncounty.org.
 - B. Said there is a hazardous waste drop off is at 4600 Spring Grove Ave. Please visit the Hamilton County website for all the info.
 7. Tax Commissioner, Ed Geiser
 - A. Reminded everyone that tax day was April 15th and that as long as someone's return was in the night deposit box on Tuesday morning, the 16th, it would be counted as on time.
 8. Treasurer, John Ungrhue
 - A. Gave Council a copy of the reserves report from 5/3rd bank.
 9. Finance, Kevin Meier
 - A. Talked about standing in for Bill at the press conference. He said that other cities said that the Governor could make this part of his budget and that HB 5 wouldn't be needed. It was also mentioned, by the other Cities and Villages, that more

public employees should be concerned about the passage of HB 5 because the loss of revenue could mean layoffs or loss of jobs.

10. Safety, Steve Asbach

- A. Reported that the next Block Watch meeting will be Tuesday April 16th at 6:30 in the main level of the municipal building, and the topic will be home security systems.
- B. Discussed a contract or an Ordinance for the Terms of Employment for the Fire Department. After much discussion, and a recommendation from the Law Director to go the way of the Ordinance, it was put to a vote and there were 3 ayes and 3 nays. It was decided that a vote to put the Ordinance on the table would have to wait until the next COW meeting.

11. Public Improvements, Diana Schildmeyer

- A. Was also at the press conference and thanked Kevin for filling in for Bill.
- B. Thanked Phil Stegman and the police department for moving kids away from the ramp going into the library. Kids have been hanging out on the ramp making it hard for people to get by.

12. Laws, Contracts & Claims, Ray Culbertson

- A. Said that the committee will meet on Thursday April 18th at 6:30 PM to work on the list of items from the police chief.
- B. Also thanked Kevin, Phil and Elaine for the good job they did on the press conference.

13. Highways & Transportation, Don Tobergte

- A. Reported for Mike Holt that the Service Committee will meet in the near future on the Terms of Employment for the Service Department.

Council voted 6-0 to excuse the absent member.

Council met in Executive Session to discuss a personnel issue.

Before Council adjourned, a motion was made and seconded, and voted 5-1, to place the Ordinance on the table for the Fire Department contract.

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

COMMUNICATIONS

Mr. Sipe – This is from the Ohio State Senate, 1 Capitol Square, Columbus, Ohio 43215.

This memo is to acknowledge receipt of Village of St. Bernard Resolution No. 4. A copy of this Resolution has been forwarded to the Senate President. If I can ever be of any assistance to you, please let me know.

It was from Vincent L. Keeran, Clerk of the Senate. April 8, 2013

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to receive and file the communication. Motion passed 7-0.

RESOLUTIONS AND ORDINANCE

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

ORDINANCE NO. 17, 2013. ACCEPTING AND APPROVING THE COLLECTIVE BARGAINING AGREEMENT MADE BY AND BETWEEN THE VILLAGE OF ST. BERNARD AND LOCAL NO. 450, ST. BERNARD FIRE FIGHTERS UNION, I.A.F.F., AND DECLARING AN EMERGENCY.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus for Ordinance No. 17, 2013 take its regular course.

REMARKS

Mr. Asbach – This evening, I was asked this afternoon to, this basically came through the Safety Committee, to review the Ordinance to make sure that everything that was discussed between the Reps and the Safety Committee was proper and I did that. The one thing that we failed to look at, and I don't know if there are any changes to the, to what has happened with the benefits, this was a huge, from way back when all this was started, so we failed to check what the benefits are now versus what they could be here. This is another correction and Mrs. Bedinghaus found on page 55, it's missing but until we get a chance to verify these numbers, I feel very uncomfortable having it the way it is. The other thing that we were looking for, and I talked to and I don't know if Mr. Baur is here tonight, but we talked this afternoon that there are rumors flying around that we don't even know if the Fire Dept. has okayed the contract. Personally I don't want to pass this until I know for sure that they had so, I'd like it to go it's regular course.

Mrs. Schildmeyer – If I feel like we have drug our feet so long and everybody up here knows how they're voting, if we can take a recess and figure what the health benefits could be and amend this, I would rather see a vote tonight.

Mr. Holt – I wasn't here last week and I just have a comment about what is going on. As many of you know, I was going to abstain from this because it would be a conflict of interest with my father. After seeing how the servants of this town stepped up and made sacrifices so our town could move forward, I have changed my outlook on things. I am confident that keeping contracts with our employees, negotiating is a way we can move forward in the Village of St. Bernard. Yes, there's always the possibility of running people off is we were to fall into a finance situation, but again, I'm confident with the relationship with our services would once again show that we would reopen contracts with the rest to make appropriate cuts to avoid the layoffs. That being said I am no longer on my father's insurance and I will be voting this evening.

Butch Baur, 150 Delmar – I'm the representative for the Local 450. Steve, a comment on a couple of things, one, as far as the Fire Fighters voting to accept this contract, this goes this way all the time when we do it. Council votes on it we have to vote on it to accept it. It's always gone back and forth one way or the other. It's not really, it doesn't make any issues who does it first. One side has to vote on it, the other does, so as far as that goes there's no problem. Secondly, I have kept our membership abreast of everything that we've talked about, every change that was even discussed and they know what is in this package. The Union as a whole is in favor of going forward with it, this contract. The semantics of actually not taking a vote, yes, it hasn't happened but it's not going to be a problem and if you vote before us it doesn't make a difference. Second of all as far as what's in that, I can assure you that everything that's in there with the exception of the one issue that

Mr. Asbach and I talked about earlier today regarding longevity payout for new hires after April 1, 2013, that one small issue is not in there like you'd like it to be in there but everything else in there is accurate. The insurance is accurate down to listing what the insurance premium, the new insurance premiums are what went into place actually in December of last year. So those numbers are all just like what's in there. I don't see any reason to delay this anymore. We've all, we've spent a year on it already. We've all put a lot of work into it. It would be nice to get this done and behind us so we can move on to something else.

Mr. Tobergte – Are you referring, when you talk about the benefits, are you talking about the health insurance I'm assuming?

Mr. Asbach – Yes, I'm talking the health insurance, the ones that we've been working on are the ones that were done way back when you guys were negotiating with Bill. So to my knowledge I don't know that these numbers are correct. I just kind of, if we can verify, I don't know who has the latest numbers, who deals with the benefits.....

Mrs. Brickweg – I deal with the benefits, thank you. The only thing that has changed with the benefits is the individual has the premium taken out \$89.00 a pay check and a family of \$127.00. Everything else is the same.

Mr. Asbach – None of the.....

Mrs. Brickweg – Nothing else has changed. I'm going to be very honest with you, every contract you vote on can change if we change insurances in December

Mr. Walden – Initially and Mike I hate to do this on Council floor but I have been trying to keep you protected in this matter and the Ohio Ethics Committee called me twice today about this, they asked me to address whoever is the proper official, I assume that would be you Peggy.

Mrs. Brickweg – Michael is off the insurance as of 11:59 last weekend.

Mr. Walden – I'd like to again address Council and the people of St. Bernard on this issue. I was elected Law Director to protect the legal rights of the Village and its citizens which is what I have worked very hard to do on this job. Last year three employee Unions asked the SERB (State Employees Relations Board) to order the City of St. Bernard to negotiate a contract with them. SERB sent out three orders to the City of St. Bernard to negotiate and Council instructed me to deal with that. I provided to SERB the documentation that we were now the Village of St. Bernard and in response SERB sent out three new orders stating that as a Village St. Bernard did not have to negotiate a contract with it's employees which is what I told to Council. When Council later learned that despite those orders negotiations with the Fire Dept. were going on Council instructed me to find out what the other Villages in Hamilton County were doing. I contacted those Villages and reported to Council that not one Village in Hamilton County signs contracts with their employees. And further research has not revealed a single Village in all of Ohio that voluntarily contracts with their employees. When Council asked if we could win in court, if St. Bernard was sued for not signing contracts, I hired the best labor lawyers in town and I gave Council those lawyers opinion that yes, St. Bernard should win that case. When Council asked about binding arbitration and binding mediation I brought two labor lawyers here to

explain to Council why that would be a financially disastrous move and that they should not under any circumstances agree to binding arbitration or mediation. These members of Council heard all that over the last year, they know what a terrible move agreeing with this contract would be for the Village of St. Bernard, they've heard it from the experts, they've seen that no other Village in the State of Ohio agrees to do this because it can lead to financial ruin. And yet here we are in April of 2013 with Council set to vote on whether St. Bernard should sign a contract with the Fire Fighters. Something no other Village does, something Ohio law and the labor experts tell us we do not have to do. As I said last week, right now Ohio law says that you, the people of St. Bernard hold the power to determine how much of the Village's budget goes to the employees and how much gets spent on development, fixing the streets, new homes and everything else. You, through your Council people have the right to make those decisions. Not some arbitrator from out of town, not some mediator from another State. You, the people have that right and under Ohio law you will always have that right unless the majority of this Council vote to give your rights away by agreeing to this Fire Fighters contract. Once your rights are given away, there is essentially no way you can get them back. Then St. Bernard is back to strangers telling you the citizens how to spend your money and how it's going to be spent and let's look at how that has worked over the last thirty years. St. Bernard produces charts, I know you've all seen this out in City Hall over the last year, to show where the Villages money gets spent and here's what it shows. 13% of the budget is spent on the Police, 16% of the budget is spent on the Service Dept., 19% is spent on the Fire Fighters, 23% is spent on various funds, including the C-9 Trust Fund for former employees, the Fire and Police Pension Fund and the Employee Health Plan Fund. Another 5% is spent on employee benefits. That totals up to 76%. So after thirty years of contracts and arbitrators making our decisions, about \$.75 of every dollar is contractually required to be spent on employees. Now please understand I am not attacking any of our employees, they are all good people, they provide valuable services to you the citizens and I thank them for that. But these contracts on which Council is voting on tonight legally requires the Village to spend \$.75 of every dollar on the only 70 employees which leaves \$.25 of that dollar left to spend on everything else for you, the 4,500 citizens of St. Bernard when we are not required to do that anymore. As your Law Director that's why I'm here arguing for your rights to be protected tonight. I still cannot understand why members of this Council are going to vote to give away your rights to be in control of this system and to put the arbitrators or a mediator back in charge of how your money gets spent. Here's the nightmare scenario, as has been explained to me, we have a \$13 million budget of which over \$9 million goes to the employees under the contract. Ed has been warning us, as he did tonight, for over a year about HB 5 which is in discussion in Columbus. Council is well aware of that as they just passed a Resolution opposing it. If HB 5 passes the citizens no longer will send their tax payments to City Hall. They will go to Columbus. The State would decide what, if anything comes back to St. Bernard, and the State would decide then, if ever, any money came back. I talked to Ed today and he can't even estimate the loss this would mean to St. Bernard. But if the money coming in went down by several million, we could owe more under the contract than we have coming into the City. We certainly can't borrow any money to pay that because we have just issued \$25million in bonds and pledged the tax money to do that. So the only place to cut would be to lay off employees which no one wants to happen. Again if we set the "terms of employment" through Ordinances we can adjust if needed to lower, just as is needed, to lowing or raising levels of Village income. Yes, Council members will have to make decisions on the "terms of employment" just like every other

Council person in every other Village in Ohio. Isn't doing that and protecting the powers that Ohio law has given to the 4,500 citizens of St. Bernard your duty. Rather than giving those 4,500 citizens rights away to make 27 firemen happy. Please, please consider the incredible importance of what you are about to do before you cast your vote tonight because if you give away the rights of the very people who elected you, you may never get them back again and together you represent 4,500 people not just 27. So please remember to chose tonight.

Mrs. Schildmeyer – I would like to respond with a couple of items. When we say how much of our budget goes to our employees, they provide a service to the Village which make our services second to none. So it's not that we're just giving the money, it's what makes St. Bernard so great. They're giving a service back to us that we pay for. Secondly, I've said this over and over again, I think we can decide for ourselves as our Village what is best for us. I'm not interested in what the other Villages are doing. I'm interested in what's best for St. Bernard and we need to point out too that not all of those Villages have ever been Cities before. That is different for us. To clear up another issue, arbitration keeps coming up, nobody up here has ever been for arbitration. Arbitration is not in this contract, mediation is. Arbitration is not. Lastly, once again, legally just because we don't have to do something, to me, doesn't mean ethically that we should.

Mr. Walden – Diana, reading from page 49 of the contract, if the parties cannot reach a mutually agreeable settlement, the mediator shall impose a resolution which will be binding upon the parties. It doesn't matter if you call it arbitration or mediation you still have some stranger who doesn't live here, doesn't have any connections to the City deciding how the City's money gets spent. It doesn't matter what you call it, it's still someone outside the town, deciding how the town's money gets spent. I appreciate that St. Bernard is a special place. Like you I've lived here almost all my life, I certainly recognize that it is a special place. And I'm going to use an adjective here that please understand is not directed at you. I respect you and the passion that you bring this Council, but the fact that we're a special place, does not mean that we have to be a stupid place. And right now we have tied all of \$.75 of every dollar into one branch of the services and we don't have any money left. That's why we had to go out and borrow \$25 million. Being a special place is one thing. We can still be a special place but still make the right decisions and can hopefully avoid lay- offs down the road if we run into trouble.

Mrs. Schildmeyer – I actually do take offense to you saying that I would make this a stupid place if I vote for employees. I do take offense at that. Second of all there is a big difference between mediation and arbitration. In arbitration they have to take one side or the other. We sat down and talked to Butch. Valerie, I give you respect. I expect it back from you. In mediation, whoever is in charge of this, anywhere between A,B,C,D,E, and F, they don't have to say one side wins and one side loses. I was never for one side win and one side loses. Once we worked out that it could be somewhere in the middle that makes sense. If we're a good employer we don't have to worry about that stuff.

Butch Baur, 150 Delmar – The first thing I'd like to comment on is that going back to agree with what Peggy said. Our health insurance, there is a clause in there, it's been in there, that if anything changes, if the Health Committee makes changes or any numbers get changed by the insurance companies or whatever that we have that we're going to agree to that and they're going to become part of our contract.

That's in there, it's been in there, that's nothing new. As far as that goes, there's no concern with that issue. And then I'd like to comment on some of the things that Curtis said. I don't have a prepared statement like he did to comment on all these things so I'm going to have to shoot from the hip. As far as the City being a Village now, we are a Village that once was a City but is under a Charter. How many of the Villages that he is referring to meet that scenario or meet that criteria? My bet is probably very few, if any. Second of all, as far as saying that \$.75 or 75% of the budget goes to the employees, that is totally, totally inaccurate. That 75% goes to heating, building, putting fuel in trucks and vehicles, putting buildings up, putting all the services that we provide out there on the street for the citizens. Yes, you're paying our salaries out of part of that but that 75% is not all salaries and we still provide our residents with the best services that are out there. I'd be willing to bet the best services in this state. That's what they want from their government. That's what they've always wanted from their government is the best services for their community.

Mr. Walden – Diana, I'll read the sentence I read before and the next sentence in this agreement. If the parties cannot reach a mutually agreeable settlement, the mediator shall impose a resolution which will be binding on the parties. And then the next sentence says, "Should the mediator impose a resolution upon the parties, the mediator may adopt the position of one of the parties in whole or in part." The mediator can still adopt one side's position pursuant to the language that apparently the City is going to agree to and it's going to be no different than arbitration. Again, I apologize if you were offended by the adjective is used, but I cannot imagine as this City's legal counsel anything that this Council can do that would harm this City more for a long term as agreeing to this contract. I simply cannot imagine that could do more harm. That's my position.

Mrs. Brickweg – I'm doing my best, I don't have a calculator here but I'm gonna, I don't agree with you on your numbers. I just looked at the budget here, I think the problem is in all the elected officials, all the appointed officials, all the summer help, all those employees. You're saying the contract costs that much. It doesn't. I just added together the numbers that are actually the contract. Even if you put in every benefit in there it's between \$6 and \$7 million out of a \$13 million, and I'm not even 100%. I mean I took everything I could take but I just wanted to say that. The numbers that you're pertaining to are not this contract.

Mr. Walden – Again Peggy I'm just going from the chart that the City has prepared showing how the funds go. If I look at Council altogether, it's less than 1%, Mayor, 1%, Auditor, 1%, Treasurer, 1%, Tax Dept. 2%, Law Director less than 1%, and Miscellaneous less than 1% and these things are all broken out separately. I'm just going from the chart I got.

Mrs. Brickweg – And I'm going with the budget.

Bob Hausfeld, 4905 Chalet – First off, Diana, I want to thank you for not trying to postpone this for another year or another week, another month. I want to thank you for stepping up and saying what you said tonight. Michael I want to thank you too. To add what Butch was saying that what other Villages have a Charter? It ain't even that. What other Villages went to a Charter knowing that they were going to fall into a Village status but they wanted to keep everything running exactly the same and keep this community running just like it was a City a few years ago. Secondly, Curtis, with all due respect to you, our old Safety Director

had a meeting with us at the Fire House awhile back and I asked him the question, you say we took out \$25 million because all our money goes to the employees, we took out \$25 million to build this new Fire House and I asked the old Safety Director if we needed to have this new Fire Dept. because I talked to ODOT myself and his answer to me was, we don't need it, we would like to have it. So it's not we're taking out \$25 million because all the employees are getting all the money. We took that money out because we want to do some other things in this town.

Mr. Ungruhe – I was just curious. I was at a meeting at UC today and they were discussing the benefits of Obamacare today. For the University that's going to cost us about \$16.8 million (inaudible)

Mrs. Brickweg – As of right now we have no idea what our benefits are even going to be next year. It's pretty much all up in the air until we look at everything. We can't predict anything right now because we're not sure what the goal of the Health Care Committee is at this point.

Mr. Culbertson – I agree with what Bobby said before and that's what we've been arguing all along. The intent of the Charter, and it's pretty clear it was to keep us operating as a City despite knowing that we were going to become a Village. It was very clear. It was sold that way to the residents. I've been confirmed that by people I spoke with who led that charge to get that Charter passed. However I would like to see this go regular course to give all the residents, the 4,000 people we're representing a chance to come down and speak on this. This is the first time it's been put up and I think we own them three readings to allow them to come down and speak on this.

Kerry Meyer, Fire Dept. – I'm a representative on the Health Care Committee. I'm kind of like what Peggy said about the question about what was going on with UC. Dave Nurre who is our expert on it, they don't know everything that's coming down the pike but he said that he believes with our coverage and our benefits that we would not have the issues that you're talking about. That was his best guess to answer that question.

Mr. Holt – I made this point earlier to, why I'm comfortable with going with this contract, if we do get into a financial situation, we'll work with our reps and we'll make the changes that we need to avoid the lay-offs.

Brian Young 312 Delmar Ave. – I'm the president of Local 450. Just a couple of comments, again on some of the things that Curtis brought up, first and foremost, in reference to SERB, I've said this five times up here now, SERB clearly states, now that you're a Village you don't have to negotiate with us. It doesn't say you're not allowed to. Back to the Charter, the Charter was passed to keep things the way were. We talked to several people who were on the Charter Committee, the past Mayor and they all believe the spirit of the Charter was everything. Not just Council members and the Mayor. In reference to the contract thing saying how you're tied to it with what the mediator gives you. During the lay-offs as a perfect example we offered to open our contract up, make cuts, to save those guys who were laid off. I'm one of them. I sat down here and negotiated things so to say you're tied is not true. We can open the contract for any reason. If you guys want to open it or we want to open it and we've been willing to do that in the past. The charts that Curtis keeps referring, to again just to reiterate, those charts are

total costs of those services, not just the employees. And then about the Villages not having contract or labor unions, the Village of Spencerville, Ohio just passed a labor agreement with their departments in 2011 so there's one example in the State of Ohio. The City of Silverton was just lowered to a Village the same time we were lowered to a Village. They're currently negotiating contracts with their employees. There're just a couple of examples out there so this is not totally out of the realm of normalcy. Yes, it's a little different because we're a Charter Village who was a City. There's none other out there like that. I believe that gives us even more reason why we should stick to the Charter and do what the spirit of the Charter was.

Mr. Asbach – I hate to keep commenting on this Charter deal but I was here at the time. I've looked back through the minutes, I actually looked back through them tonight and the intent of the Charter Committee was to keep the form of government operating as it is. If we went to a Village we would go down to six Council people, we would lose the Auditor, there would be different changes throughout. That was the change. All the Committees, now we lost the Board of Health. I still say that we should fight to get that back but if you look through the Charter and as Mr. Gieser stated last week at COW there was a lot more that could have been done and possibly should have been done with that Charter but the Charter was passed to keep the form of government the way it was. The Depts., the Committees, Civil Service, things like that. As I say I was here during it and that's, I'll take that to my grave, that was my understanding of why we passed the Charter and I'll leave it at that.

Mrs. Schildmeyer – I don't have the Charter in front of me. I should have brought it because it does state in there, this isn't verbatim, but it says that all Depts. shall remain the same with all duties and rights currently afforded to them when the Charter was passed, which would include a contract.

Bob Hausfeld – Steve, I totally disagree with you. I was at the meetings and I should have brought it with me tonight so I could have read it to you but I questioned Mayor Siegel at the time and she said yes to keep everything the same. I don't know where you guys get that at. The intent of the Charter, that's the only reason I voted for the Charter, because I thought it gave the City too much power. I was assured it was going to keep everything running the same.

Mayor Burkhardt – As Mayor, when we became a Village, my intent was to keep everything the same. As you know I spent probably the last nine months of my life negotiating a contract with the Fire Dept. and I'm hoping that if things do go right that I'll have that right back again. With all things said and done and with the Charter being the way it is I still believe we can move forward with the contract.

Mrs. Brickweg – I just want to reiterate what I said last week since Mr. Asbach said his. If I hear what you're saying Steve, and this drives me crazy, basically you're telling me that the Charter keeps all the appointed positions and all the elected positions the same and pretty much people that lose their right are the other employees. I mean that's what I'm hearing and you can explain to me how there's a difference but you're telling me that everything in that Charter is appointed and elected. It looks like if that is the truth, which I don't believe because I was around at that point and I do remember Mayor Siegel herself saying, we did that Charter to keep everything running the same way it was. That's the way it was sold to me and that's the way I voted so somebody at some point didn't tell me the truth. But

I just find it hard to believe that basically you covered yourselves and didn't worry about the other employees.

Mr. Asbach – As I said in the past, I could care if we go down to five Council people Peggy, all I'm saying is at the time when we were looking to go and this is not a dig at you, you're position would not be there. If you go by the statutory, if you look at the ORC, if you go to a Village there is no Auditor position. The intent of it was to keep all the positions here. You can keep calling it elected, like I say, I could care less if we go down to three Council people, five Council people, whatever it may be. I'm just simply stating that if you did not pass the Charter and you went by ORC you would go to six Council people, there would not be, and I don't have enough in front of me, but I do know that the Auditor's position is gone, I believe that the President of Council is the Clerk, the President of Council is gone. I forget how the Treasurer and the Tax Dept. go but like I say, if you get on the ORC and look at it, it was nothing as you keep implying to keep the Council people and elected officials. It was to keep the form of government that was operating under statutory, under a City Code in the ORC. So you can keep saying that we're covering ourselves but I disagree. That was not the intent.

Mrs. Brickweg – And I disagree with you. You are covering yourself otherwise you would have went down to those positions if you didn't want them. But and so you understand the Auditor, it's the Auditor and the Tax Commissioner become one person like a Chief Financial Officer. Both of those positions would be gone and you'd have one Chief Financial Officer.

Mrs. Bedinghaus – We've discussed this at every meeting we've been at Steve in discussing this contract relative to the Charter and I know there are several people that were on the Committee too that had this not been met it was only to keep the government the same so we can go back and forth on this about that because there are many different opinions. I believe the obligation of the Council, myself and the Administration, and I believe we can accomplish that within an Ordinance form with more flexibility to make sure that we are settled.

Joe Lengerich, 62 E. Ross – I am a representative with the Service Dept. I like what I just heard from the Mayor. I respect Bill. I want to trust Bill. I had my faith shaken a little bit in Bill. He showed me he is a leader. He's probably got 90% of the employee vote. A lot of you probably rode his coattails in on the employee vote. We supported you not looking for favors, not looking for handouts. Basically I can speak for my Dept. alone to be left alone and be treated like human beings. I mean just to be respected and get respect back. Your leader, who I consider to be your leader of the party, wants to move forward with the contracts. Obviously there are three in the party that want to do this. I think you should take the vote tonight and stand on your vote and see what happens in November.

Mrs. Schildmeyer – I found it in the Charter. It says, "whether a municipality is a City or a Village, the municipality and its executive officer, Council members, Dept. for and commissions shall retain all powers and duties set forth in this Charter accept those specifically and express this herein and those that are inconsistent with the Constitution and General Laws of the State of Ohio now and hereafter are in effect".

Mr. Meier – I'm going to be real short. My position hasn't changed on this for the last six to nine months. There has been a lot of pressure to bear on people on a most difficult vote that I've had to make in the entire eight years that I've been up here. I've got people that don't talk to me, you know I'll wave to them when I see them and some don't wave back. And Joe, like you said, it's, we'll let it see where it stands in November. That's the type of pressure. Some subtle, some not so subtle. The bottom line is we can only spend a certain number of dollars. How it's spent really doesn't matter. I've said it before, whether it's all on vacation, on health care, all on salary, it really doesn't matter, there are just a certain number of dollars that are to be spent. When we hit that limit there's not going to be any more. I believe it's the wrong thing to do so I'm going to vote against it. I'm going to lose that vote tonight. But just because comments like we'll see where it stands in November. I personally can't just fold under that. I believe what I believe. I have no desire to cut anybody's benefits, to lay anybody off. I said that so many times, I'm not interested in saying it anymore. There's just a certain number of dollars to go around. What I'm afraid of is what I've seen in the past is not that you actually get to arbitration but the threat of arbitration causes concessions to be made that causes the budget to be off. I'm not changing my position not because dislike anybody or disrespect anybody or anything like that. I just feel that it's in the best interest of everybody, the citizens, the employees, that we do this under Ordinance form rather than under contract.

Joe Lengerich – Can I just make a comment please. That was not made to be a threat. My point was the vast majority that supported you, we were sold and I believe everybody else was sold that the Charter was to continue the government as is. Everybody, not just the government. It wasn't meant as a threat Kevin and I think as an elected official you stand on your record. Cast your vote, that's what I meant, it wasn't meant to be a threat.

Mrs. Brickweg – Yes, after Kevin said what he said, I'm wondering if I could ask anybody from the negotiating team to explain what was given up and what was gained so we can see if there is a financial burden on the new contract. The one thing I heard is there is no raises but there could be other things in there, I'm not sure, I haven't seen the contract but just so the public will know since we're discussing this I think they should know both sides to it if it is going to cost the City a lot of money with this new contract.

Bob Hausfeld – I just got one more thing and I'll, Steve, I'm sorry, Curtis, I'll direct this to you. You checked with all these Villages across the State of Ohio, if they negotiate and this and that. Did you check if any of them have a Charter that had Civil Service in there and if so do you know of any Civil Service community around that does not have negotiations, contracts with their employees that are Civil Service? Correct me if I'm wrong, we are still Civil Service, correct?

Mr. Walden – That's correct.

Bob Hausfeld – Do you know of any of those ones you checked all across the State of Ohio that did not negotiate with their employees if they are Civil Service?

Mr. Walden – Bob that is not what I was asked to check into and I did not check into that, no.

Bob Hausfeld – OK but you see my point, you know, Civil Service, we have Civil Service covering us and I'm sure there's no community around that does not negotiate with their Civil Service employees.

Mr. Walden – I guess my response, Bob, would be those would be Cities, not Villages. The way the law was set up was recognizing that Villages were smaller, they had less income and therefore they were not required to contract with their employees.

Butch Baur – I just wanted to respond to what Mrs. Brickweg had requested. As far as the items that were given up in our, in these negotiations, we reduced the number of vacation days that we get, I think the seniority guys, or the senior guys are losing two days, some of the younger guys under that are losing one vacation day. We've given up a holiday. We've given up some of our sick time, our three for one sick time payout at the end of the year. We've given up longevity sick time cash out, that was discussed today and I told Mr. Asbach that if that has to go in there to make this happen, we'll do it. We've demonstrated over and over our willingness to come down and sit down at the table with you and make what changes need to be made. Right down back to in November and December Kevin when there was a limited budget for health care. Every employee in this City came to the table and said we'll do what needs to be done to make it work and we did. We've demonstrated that willingness over and over and over again. The contract does not tie your hands. The contract sets ground rules. It sets definitions for how we're going to operate for a year or two years in this case. The contract can be either one of those. So you're locking yourself into what you're going to do for a year and if we need to make a change in between you get with us and say we need to talk about this we need to figure something out. We've always done it. We've always come to the table. I listed what concessions we made but also there is no pay raise in this contract for the term of the contract. That two year period our salaries are frozen at what they are right now.

Mr. Peck – Please call the roll on whether to let Ordinance No. 17, 2013 take its regular course.

Motion passed 4-3. Mr. Tobergte, Mrs. Schildmeyer and Mrs. Bedinghaus voted no. Ordinance No. 17, 2013 will take its regular course.

OLD BUSINESS

None.

NEW BUSINESS

None.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mr. Asbach – The next COW meeting will be Thursday, April

Greg Lipp, 4411 Tower – Kevin, I know you outside of here. I remember how you voted in the past. You've been a friend of the Fire Dept. up till now and the City

workers. If you disagree on this, that's OK. It's not the end of the world but some day all you guys aren't going to be sitting up there and we have to be at the whim of whoever is. That's why we need the contract. It's just that simple, you got to give us some job security and you're not doing it with an Ordinance. It won't happen. We're going to lose our new employees and if the answer to that is, Oh well, I'd like to see you after this meeting.

Mr. Asbach – The next COW meeting will be Thursday, April 25 at 7:00pm because we have the people that are coming in for the performance audit. 7:00pm instead of 7:30pm.

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