

**ST. BERNARD VILLAGE COUNCIL MEETING
NOVEMBER 20, 2014**

The regular meeting of the St. Bernard Village Council was held Thursday, November 20, 2014 in Council Chambers.

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

Roll call showed that all members were present: Mr. Tobergte, Ms. Hausfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson, and Mrs. Bedinghaus.

Mrs. Bedinghaus made a motion to dispense with the reading of the minutes. Mrs. Schildmeyer seconded the motion. Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – (read by Ms. VanValkenburg) Several Village officials, Department Representatives and I attended the Opponent Testimony hearing Tuesday in Columbus regarding the Municipal Tax Reform Bill, HB 5. I will keep Council informed of any updates or changes.

The Grand Opening of the new St. Bernard Public Safety Center is Saturday, November 29th from 11:00am until 1:00pm. The facility will be open for tours and light refreshments will be provided.

November 29th is a big day because it is also Christmas in St. Bernard from 6:00pm until 8:00pm on Washington Ave. Please join us as we wait for Santa and sing carols with the St. Clement School Student Choir at 5:45pm. The evening will be fun for all with free horse drawn wagon rides, a live nativity, ice sculpture demonstration and visits with Santa and Mrs. Claus. Free refreshments and treat bags will be provided, as well. The Queen City Hi-Railers train display returns in the lower level of the municipal building on Friday, November 28th and will be open through Sunday, November 30th. Please visit the website for specific hours of operation.

2015 part-time summer employment applications are now being accepted through December 31st. The applications are available on line and at the administrative offices.

AUDITOR, Mrs. Brickweg – The Auditor’s office has prepared Ordinance No. 50, 2014 for tonight’s meeting. This Ordinance allows for additional appropriations of \$18,000.00 to 01-6-A-4, Police Dispatchers. It also authorizes the moving of the following appropriations; \$300.00 from General Fund: 01-6-A-4 Police Stationary and Printing to General Fund: 01-6-14; Police Training and Tuition. \$3,000.00 from 01-6-A-14 Police Equipment Outlay to General Fund; 01-6-A-8 Police Maintenance of Equipment. I also wanted to let Council know that I did watch the COW meeting and I was listening to some of the questions regarding the TIF and I heard some of your questions, Andy, I forwarded them on to Hamilton County. I’m not sure if it will be possible to get the number that you’re asking for. I don’t know. I sent it to them and hopefully they can get something back but I think from what I’m gathering, the way they would have to do it is to

have each individual project, then try to figure out what the additional amount would be, what the previous amount would be, so I'm not sure if they want to do all that work. I don't know, they're pretty helpful, so I sent it but I have not heard anything back, but I'll keep working on it.

DIRECTOR OF LAW, Mr. Walden – (read by Ms. VanValkenburg) I am sorry but I have a conflict which prevents me from attending Council this evening. As requested, I have prepared Ordinance No. 49, 2014 which authorizes the Village to hire R. Douglas Miller of Donnellon, Donnellon and Miller as the Attorney to work on tax increment financing matters. This will allow the Village to keep a much higher percentage of the tax on the property improvements being made here, such as the Safety Center and the Rumpke Recycling Center. As this will need to be done this calendar year, I urge Council to pass Ordinance No. 49, 2014 tonight so that Mr. Miller can get started on this project at once.

TREASURER, Mr. Ungruhe – I have the inventory detailed report from Fifth Third securities and I have passed them out to members and I'll get copies to everyone else and I apologize for being a few seconds late. The total down there on investment right now is \$2,680,000.00 with the next CD maturing next week. We were able to set up.....

Mrs. Brickweg – No they have never returned any of my calls so, at this point maybe we should go with Fifth Third but we can discuss that.

SAFETY DIRECTOR, Ms. VanValkenburg – Before you tonight is Ordinance No. 48, 2014 which authorizes the Mayor or his designee to sign a contract with IBI to provide the electrical code services required by the Ohio Bureau Building Services. I urge that this be passed this evening. We discussed the possibility of an Ordinance to bill insurance companies for PD/EMS runs. The Fire Chief and I are collecting additional information then I will bring it to the Committee for reviews.

SERVICE DIRECTOR, Mr. Stegman – Please help our local churches assist with St. Bernard neighbors by bringing can goods and non-perishable items to either the Safety Center's open House from 11:00am to 1:00pm or the Family Christmas program from 6:00pm to 8:00pm on Saturday, November 29th. Collection bins and volunteers will be available at both sites for donations to provide local families holiday meals.

Steve Roth of Cincinnati Ready Mix gave the Village a check for \$4,000.00 to help pay for the center broom of the new sweeper. Because of the small spills to the Village streets the center broom does a great job of picking up the spills. He is also giving us money to help replace the broom when needed.

For Thanksgiving week which is next week, regular trash pick-up on Monday and Tuesday, no trash pick-up on Thursday and Friday. Thursday and Friday recycle will be picked up on Wednesday. Please try to follow the schedule that was sent out a few months.

TAX COMMISSIONER, Mr. Geiser – This past Tuesday a group of St. Bernard city officials traveled to the State of Ohio in Columbus to the State Capitol. We were going with the coalition of the City leaders of Hamilton County and Southwest Ohio to show our support for the opposition of House Bill 5 that was pending before the Ohio Senate. You may remember that I told you that this bill was going to be probably be addressed after the election when the Senate came

back November 12th when they held three days of hearings. One day for those who were proponents of it, the second day was for those who were in opposition to it and the third day was opened to anybody. We attended the second day and we had Mayor Burkhardt, the Service Director, Police Chief, Steve Moeller, Firefighters Brian Young, Bret Fogel and Fire Chief Kerry Meyer plus myself. This was an unorganized group of coalition by Hamilton County Municipal League along with the City of Cincinnati. The main speaker for our group was Mayor Cranley who most of us would agree was pretty outstanding. Unfortunately it looks like this bill is going to pass. This hearing went on until 7:00pm. We didn't stay the whole time but it was a long day. There were 17 speakers. We got a good chance to hear many of them. Once again, Mayor Cranley's speech was phenomenal. He was really good. If you would like to hear those talks, you can't hear them but you can read them. Go to the state website and look under the Ohio State Senate Committee. Go under the Ways and Means Committee. There's two Ways and Means Committees. There's one for Tax Reform. Unfortunately this was not about tax reform, even though it was in the Ways and Means Committee. Many of the talks talked about how this Bill was supposed to be a Bill for uniformity among all the Municipalities. It turned into more of a reform Bill. Those of us in attendance, and it was quite crowded, heard all the talks and there were some good speakers. You can ask anybody if you want any more information about it you can go on the State web site and if you can't find it let me know and I'll fill in more about it. It looks like we're going to have a new Bill passed before the end of the year, the contents of it, and what form it's going to take, we don't know but it's going to have a major effect on the tax office.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Tobergte – Due to the weather on Monday, I had to cancel my budget meeting with Mayor Burkhardt. Now he is under the weather so as soon as he is feeling better, I will meet with him to work on the 2015 budget.

I would like to thank Chief Meyer for attending my Town Hall meeting on November 11th.

The Finance Committee will meet tentatively on Tuesday, November 25th at 6:00pm in Council Chambers. If Bill and I are unable to meet to work on the budget I'll email everybody to cancel the meeting but as of right now it will be 6:00pm, Tuesday.

SAFETY, Mr. Culbertson – The next Block Watch meeting will be Tuesday, December 16th at 6:30pm in the top floor of the Municipal Bldg. Special guest speaker will be Rodney Chatman presenting a program entitled "Stranger Danger".

SERVICE, Mr. Asbach – No report.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – No report.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – No report.

BUSINESS AND INDUSTRY, Mr. Kalb – No report.

HIGHWAYS AND TRANSPORTATION – Ms. Hausfeld – No report.

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

Committee of the Whole

Nov 13, 2014

1. Council approved the minutes of the Nov 6th Council meeting.
2. Mr. Douglas Miller, a tax lawyer, talked to Council about TIF, tax increment financing. After much discussion, Council voted 6-0 to have Mr. Miller contact the two school districts and try to have an agreement signed. There was a motion and a second, and Council voted 6-0 to place an Ordinance on the table for Mr. Miller's services.
3. Mayor, Bill Burkhardt
 - A. Told Council that he approved the leave of absence for Paul Meyers. The leave is without pay.
 - B. Asked for an Executive Session to discuss the purchase of property. Council voted 6-0 to meet at the end of the meeting.
4. Auditor, Peggy Brickweg
 - A. Asked for an Ordinance for transfer of funds and an additional appropriation for certain line items in the Police Department. Council voted 6-0 to place the Ordinance on the table.
5. Safety Director, Valerie Van Valkenburg
 - A. Discussed a proposed Ordinance to update the building standards. Our local
 - B. Building Department would still have the final say on certain matters. Council voted 6-0 to place the Ordinance on the table.
 - C. Discussed soft billing, for the replacement of items and time, for cleanup at auto accidents. Council voted 6-0 to place the Ordinance on the table.
6. Service Director, Phil Stegman
 - A. Announced that the open house for the new Safety Center will be Saturday Nov. 29th from 11AM-1PM.
7. Tax Commissioner, Ed Geiser
 - A. Gave Council a copy of the monthly receipt comparison report.
8. Treasurer, John Ungrhue
 - A. Reported that the 4th of July fund is \$5,621.17
9. Finance, Don Tobergte
 - A. Reported that he will meet with the Mayor on Monday to discuss the 2015 budget.
10. Safety, Ray Culbertson
 - A. Said the Committee will meet with the Safety Director.
11. Council voted 6-0 to excuse the absent member.
12. Council met in Executive Session on the purchase of property. After the executive session, there was a motion and a second to allow the Service Director to continue work on the parking for the Streetscape Project.

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

COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

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

ORDINANCE NO. 48, 2014. DIRECTING THE MAYOR, OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH INSPECTION BUREAU, INC., AND DECLARING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Mr. Kalb to suspend with the second and third reading of Ordinance No. 48, 2013. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Culbertson to adopt Ordinance No. 48, 2014 as read. Motion passed. 7-0.

ORDINANCE NO. 49, 2014. AUTHORIZING THE EMPLOYMENT OF R. DOUGLAS MILLER, ATTORNEY-AT-LAW, TO REPRESENT THE VILLAGE OF ST. BERNARD IN MATTERS RELATING TO TAX INCREMENT FINANCING MATTERS AND DECLARING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Mr. Tobergte to suspend with the second and third reading of Ordinance No. 49, 2014.

REMARKS

Ms. Hausfeld – I am still not a lot of maybe I just don't understand it as well as a lot of you guys do but I'm still not sure of how I'm going to vote on this because I'm still not sure even though the TIF program seems like it could be a good thing I think there is still a lot of questions, a lot of, I mean, I don't understand it, like I said, as well as some of you guys do. There were some citizens asking some questions. I just think it needs to be explained a little bit more. I know, I've asked Peggy a few things about this and she said she was going to look into it. I was really hoping Ed would be here because, (is he coming)Ed, I know talked to Mr. Miller last week, in length after the meeting and I was just hoping that he got some clarity on the TIF for us so before and I don't know if I need to do this now because we're voting on just hiring him as the attorney for this or whatever if Ed has anything to add as far as his talking with Mr. Miller last week I would greatly appreciate it.

Mrs. Brickweg – I was talking to Ed. I did talk to Patty, she called me last week and like I said I watched the meeting and then I was discussing it and I have been doing research and to say it basically I don't see the Village they're not losing money by doing this, okay. I mean they are actually gaining a little more. They're going to get some tax dollars that would have went to Union Terminal and the Zoo and things like that. You're going to get that on the en.....so basically it's going to be additional money. The only issue that I can see with this, after watching the meeting is, and I'm not sure it is one of the questions that I have, that the attorney explained that there is a list of items that you can use it for. But nobody seems to have that list so I would like to see that list and I would like to know, can that list be attached to the Ordinance or does it have to be specific because I understand what the Mayor said about capital improvements but I've got a big fear with that because if we had a balanced budget I'm all for it but we don't

and I'm being very honest. In the next two years we'll have \$1.2 million dollars in payments for the bond and we will always have in the beginning that we will have plenty of money to pay for that bond and have more money coming in from all the work we're doing but if we're going to earmark all the work we're doing as just capital improvements there is no way that budget is possible in the next two years. So that's my only fear, I love this idea about the capital improvements because we need it but I do not want to see us lock ourselves up to the point where we're laying off people because all that money is locked up there. So that is where it is and you had asked the question and hopefully I explained it. It is a good thing as long as we don't lock it up in the capital improvements and that will be my main question. Can we put in there a big list of a lot of ideas and then Council can see with the Mayor what they want to use that money for. I do think it is a good idea if we go that route.

Mrs. Bedinghaus – I agree with you. I know I wasn't here last week to hear all the conversation and I did read this hand out that Don signed and made a copy for everyone and I did keep rereading that because there are still a lot of questions I have. My first question when I came tonight that I had about this particular Ordinance because I didn't want to vote for this Ordinance and be tied into that I was really into moving forward because there was too many unanswered questions. But I know, from what I hear that this has to be done by the end of the year and it's very complicated, it's complex and you really need an expert to do some of those, to walk those steps for you, like through the School Board and do all those pieces and ask about how many hours he was going to put into this knowing what his costs was at about \$250.00 an hour. It was anywhere between 5 and 10 roughly to go and talk to the School Board. Am I correct on that? So if we need to do this by the end of the year, if it could end up being a good way for the Village, then I would be okay with this Ordinance just to get back to, because I guess it was the School Board that doesn't agree, then we can't have a new or whatever that is, so they've got to be in agreement, is that correct?

Mr. Stegman – Yeah, that was one of the discussions that Paul had already talked to the School and the School is not going to hold back on letting us go forth. They just want to be made whole. They want us to go ahead and do it but at the end of the day they want their portion of it. And they would not hold us up for wanting that if we make them whole. And just besides meeting with the School he has something like 24 Ordinances he has to put forth for us once he does meet with the school and all the different legislations. Each one of the projects is an Ordinance that has to be passed so that's what some of the, most of the time is writing all those Ordinances along with meeting with the School Board.

Mrs. Schildmeyer – I agree with Peggy. We're just saying we want legal representation to do this. We're not saying any of us are going for the TIF. We are just saying we need an expert in the area to handle this for us, because nobody in the Village is capable of doing this. That's all.

Mr. Tobergte – This, for more conversation, Mr. Donnellon, Miller is for TIF. We have to approve each TIF. There are six TIF projects that Walt had talked about, there is twenty four, if push comes to shove, we can turn down a TIF. This is just getting all the paper work together with the School Board and that and everybody in agreement and going moving forward. Each TIF will have to have four different Ordinances to pass in order for TIF to take effect.

Mr. Geiser – I didn't hear if Patty had a question you wanted to address for me.

Ms. Hausfeld – No I was just still a little low on hearing about the whole TIF thing and I know you had talked to Mr. Miller at length and stuff after the meeting and I didn't know if you had anything to add orbecause you understand it much better than, at least I do, I mention myself.

Mr. Geiser – When this came up last week obviously I wasn't aware that we were going to do this process so it was new to me. I've heard of TIF, I wasn't that familiar with them but I spent a lot of time researching them that day. I read the law and did a lot of research on line to find out what they are so I wanted to know how it would affect the Tax Office mainly because that's part of our job. I did have a question that I wanted to talk to him about mainly because it does come down to the whole issue of the schools. If the schools are not notified, there's a section in the law that said any money that would be earned from the TIF above the base, I'll explain the issue of the base, they would pay yesterday, you would have to split the tax dollars, earned income, not property tax, with the schools but it's 50-50, which would obviously create a lot of work for us. It comes down to the TIF, if it's over ten years you have to get the school's approval, if it's under ten you don't but then it kicks into 50-50. Obviously we're notifying the schools and as I explained to Peggy and some other members who asked me about this, again I knew nothing about this, by my reasoning was, this is pretty much a no lose situation for the City. They're getting money that would have normally gone, above the base, would go to, as Peggy said, the other levies and we're still getting everything back. I would encourage you to go out and do a search on the internet and look at the present TIFs in Ohio. There's a web site I found that has the State of Ohio, the map, and you can click on the County. Each County, when you click on it, it will pull up all the TIFs in that County. There's a lot of them. You can see there's TIFs out there for everything you can imagine. So many cities are using these. It is a great way to raise money. It's an alternative way to raise money that we would not get normally. Cindi, to answer your question, the one reason this has to be in is because, by January, and again, I'm learning this myself, because of the base factor. Once the TIF goes into effect, pretty much what the value of property is worth, gets locked in and those property taxes go to where they normally would if the TIF hadn't been present. The TIF is only on what the property value increase would be. For example, if the property value is \$100,000.00 that would go normally to the schools, to the zoo, to whatever. If you raise it up by \$300,000.00 that new increase would go to St. Bernard. I think the reason they want to lock it in is because there are some big improvements that are taking place. If we don't lock it in, we won't get that benefit. The other reason I had to talk to the attorney, I had to pull him aside, is I had some questions but more importantly whenever you hire a law firm, the best way I can explain this is, if I worked for a law firm, if the three of us were in a law firm here, and I represent St. Bernard, but she is suing St. Bernard, you've got a problem. OK. We have some potential issues of, let's just say Ms. Helms is very active in pursuing cases in probate, cases where there's bankruptcy and when this firm came forward, put it this way, I had been on the phone with a partner just a week earlier. Now there's no issue, no ethical issues there but I had to make him aware of that as an attorney because I wanted him to be aware of that and he was very grateful that I did. So there's no conflict of interest in his representing St. Bernard. I had to do that, I thought, as an attorney. So we discussed that issue has nothing to do with this but I had to bring it up to him. But I did have a chance to talk to him and I was very impressed with this attorney. He is very sharp. I've known their firm for years. They're located out of

Montgomery near Moeller High School and I have no problem with them representing the City.

Mrs. Brickweg – And I was reading in the newspaper, I read the advertisements of the County, and they have actually approved the value used for the coming up year. And that was in the newspaper so they've been approved so we won't see them but they will go into effect January 1st. So that's why you have to do it by the end of the year because the County has already approved them to go into effect January 1st.

The motion to suspend passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Culbertson to adopt Ordinance No. 49, 2014 as read. Motion passed 7-0.

ORDINANCE NO. 50, 2014. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND MOVE FUNDS AND DECLARING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 50, 2014. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Kalb to adopt Ordinance No. 50, 2014 as read. Motion passed 7-0.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Tobergte – John, I noticed on your report that you have two more CDs coming due in December, 2014. I'm assuming we're reinvesting those also?

Mr. Ungruhe – Yes, Peggy put a call in to get that set up with the State of Ohio and we've not had any luck getting a return call. I had also had left a message up there, but we'll get together and see what we can do. I'd rather, the State is offering two bases points and everyone else is a half of a point so in my mind, you know, it's worth getting the money up there.

Mrs. Brickweg – And I don't know if you remember, my, the question I have, is if you read the fine print in it, it said that there is a promotional fee, it doesn't tell you what it is, it's never more than the interest you made. So until we can get somebody to answer that question, yea and it was really fine print so that's what we're trying to get an answer for, because we don't want to give them our money and then make no money. Hopefully we'll get an answer.

Mr. Tobergte – The State?

Mrs. Brickweg – The State of Ohio, yes.

Ms. Hausfeld – I guess I'm going to be the, I don't know, call me whatever, but when I don't think something is right I bring it to Council and I'll address it and if

I'm wrong then I'll admit that I'm wrong. But, and I really wish the Mayor and Valerie, Curtis was here tonight but unfortunately they're all gone. They had made mention last week that Paul Myers is out of town until after the 1st of the year. He's only going to be in town for four days is the way I understood them to say it. Phil, correct me if I'm wrong, if that's correct or not.

Mr. Stegman – That's what I heard.

Ms. Hausfeld – Well I asked the question last week because I don't think it's fair that if it's good for one employee it should be good for all employees and if he was out on a disability or on a medical leave or something like that I would be more than understanding but he is actually working in Belize in his own company and I asked the question last week if we were paying his insurance and I was flat out told no we are not. I have since checked with Peggy and Peggy you can correct me if I'm wrong at this or whatever but Paul is just paying his premiums just like any other full time employee is but we are still paying for his insurance, is that correct?

Mrs. Brickweg – What it is, is.....

Ms. Hausfeld – Oh in DuBai, I'm sorry.

Mrs. Brickweg – First of all, I've never, this is his second leave of absence, I have nothing on record in the auditing department that it's been approved or anything. No one ever consults me and his by word of mouth, which amazes me, you would think we would have to have something in his file. I asked for it last time but he was already gone because they told me he was going to be on vacation and I said there's a problem, he doesn't have any vacation days left. So, but he is paying the \$127.00 biweekly that every employee pays to have health insurance as a premium. So if, and that doesn't even cover, there's more administration costs and if anybody in his family uses the insurance, yes, the City will pay for it, we're self-insured. So if a bill comes in we're going to be paying for it. We also pay for our employees to have life insurance so and I haven't had a chance to talk to Bill yet but my fear is like you said, any employee, like I could say hey I have my own business and I can go work in my own business for a month and make more money, is it OK? So you guys can keep paying my benefits but I'm going to go work this other job and that's basically what he is doing. So I am getting a lot of backlash from a lot of employees. They're very upset about it and I don't want to open up a can of worms but every employee can ask to do this. It's not my call, it's the Mayor's call but we are paying for his benefits yeah so if anybody uses his health insurance the City will be paying for it.

Mrs. Schildmeyer – I think this is a pointless discussion right now because the people in charge of whether this happens are not here so until we get answers from Bill I don't know why we would spend a lot of time discussing this until we know from Bill.

Mrs. Brickweg – Dianna when people ask me a question, I answer them.

Mrs. Schildmeyer – They have to ask Bill.

Mrs. Brickweg – No I was asked a personnel question and I handle the health insurance and so I am going to talk to Bill, he's been sick but when somebody asks me what somebody pays that is my job.

Mrs. Schildmeyer – Right but none of us has these answers so it's really moot.

Mrs. Brickweg – I'm answering the question that I do. I pay the insurance bills and I pay the health insurance. I'm just saying I answer questions when I get asked them.

Mr. Kalb – This is a personnel matter, it should be talked about in Executive Session. It might be about any other employee but obviously our lawyer is not here so maybe Ed, if you know but we're kind of getting into some personal matters that probably should be in Executive Session.

Ms. Hausfeld – The only reason I brought it up tonight is because Bill flat out, on COW floor, said that we were not paying his health insurance and he's the one that brought it up, you know, after I had asked the question last week, so if it is supposed to be in Executive Session then our attorney was here last week he should have informed us of that but that's fine I will let it die right now but it is a concern of mine and I just want it to be known.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mr. Asbach – Because of the Thanksgiving Holiday the next COW meeting will be Tuesday, November 25th, at 7:00pm.

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