

**ST. BERNARD VILLAGE COUNCIL MEETING  
JANUARY 22, 2015**

The regular meeting of the St. Bernard Village Council was held Thursday, January 22, 2015 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 all members were present: Mr. Tobergte, Ms. Hausfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson and Mrs. Bedinghaus.

Mr. Asbach 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 – I would like to remind Council that the Boy Scouts will be attending the February 4<sup>th</sup> meeting to participate in better understanding the operations of local government.

AUDITOR, Mrs. Brickweg – The Auditor’s office has prepared Resolution No. 2 and 3, 2015 and Ordinances 3 and 5 for tonight’s meeting. Resolution 2, 2015 is a “Then and Now” legal Resolution to pay a bill for \$3,237.11. The reason it is a “Then and Now” is this work was done in December. Resolution No. 3, 2015 is the first of two Resolutions that are needed to put a 7 mill tax levee renewal on the August 4<sup>th</sup> ballot. Ordinance 3, and 5, 2015 provides the following:

Transfers:

**FROM GENERAL FUND**

01-5-A-19 General Fund Transfer Out	\$973,076.00
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**TO CASH ACCOUNTS:**

02-1000 Street Maintenance Cash Account	\$100,000.00
04-1000 Swimming Pool Cash Account	\$70,000.00
05-1000 Master Plan Cash Account	\$150,000.00
10-1000 C-9 Trust Fund Cash Account	\$50,000.00
18-1000 Cap Project-Storm Sewer Improvement	\$3,076.00
31-1000 General Bond Retirement Cash Account	\$400,000.00
51-1000 Employee Health Plan Cash Account	\$200,000.00

**Additional Appropriations:**

01-7-A-10 Fire Hydrants	\$493.92
05-MP-16 CIC	\$5,573.94
07-04 Vine St. Streetscape Project	\$1,163,884.57
07-05 Service Garage Project	\$2,276.78
07-06 Safety Center Project	\$334,719.62
12-01 Drug Offender Fines	\$2,700.00
13-01 Criminal Act Forfeiture	\$23,600.00

21-01	Mayor's Court Computerization	\$200.00
22-01	Clerk of Court Computerization	\$2,400.00

Moving:

FROM GENERAL FUND:

01-6-A-6	Crossing Guards/Custodian	\$7,000.00
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TO GENERAL FUND:

01-8-A-2	Safety Center Building Maintenance	\$7,000.00
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The transfers from the General Fund are putting funds into the cash accounts to match what has been appropriated. The Fire Hydrants is money the Village received from an insurance company to repair a hydrant. The CIC is rent money the Village collected. The major projects additions are placing the bond funds back in the line items so it can be used. The remaining four are appropriating the money that is in the cash accounts so it can be used.

Ordinance 5, 2015 provides an additional appropriation of \$20,000 to 05-MP-10A - Demolition. Council asked for this additional appropriation to be placed in a separate ordinance. The \$20,000 is to be used for the demolition of a home that the Village condemned at 4433 Greenlee. This ordinance goes along with Ordinance 7, 2015.

Council and the Administration were given the end of the year 2014 Expense and Revenue spreadsheets. Copies of these reports are available at the front door of Council Chambers. Comparing the revenues from 2013 to 2014 the net revenues were up \$246,533.60. When I say "net revenues" I am subtracting money the Village received for Vine St. from Water Works and the rent the Village collected for the CIC.

The expenditures at the end of 2014 were \$20,702,749.12. If you take out the major project expenditures that were paid for with bond financing, the CIC rent and the transfer out of general fund to other funds the expenditures were \$12,417,031.66. This means the Village spent \$501,608.21 less than what it brought in. On this report I included two new sections. The first being a yearly breakout showing the additional appropriations throughout the year and what was remaining unspent at the end of 2014. The second is what was encumbered over to the 2015 budget. The Auditor Department worked very hard with the Department Heads to reduce encumbrances so the 2015 budget would not be inflated.

\$549,173.93 was encumbered, but \$500,199.91 of that was bond financing. With that removed \$48,974.02 was encumbered to 2015. I am extremely happy about these numbers, let's keep the trend going!

DIRECTOR OF LAW, Mr. Walden – Before Council tonight are Ordinance No. 4 and 6, 2015 as discussed at the COW meeting. Ordinance No. 4, 2015 approves the construction of a retaining wall on East Ross Ave. which encroaches on Village right of way. This is in exchange for the homeowners to indemnify the Village for any injuries resulting from the wall being on Village right of way and to pay for any repairs the Village may need to make to the wall. The agreement has been prepared and is being sent to the homeowners. The Ordinance will not be effective until the signed agreement is attached to it. Ordinance No. 6, 2015 is an amendment to Codified Ordinance section 353.04 to limit parking at the Safety Center parking lot to employees and people having business with the Fire and Police Department.

TREASURER, Mr. Ungruhe – I received a statement from Ohio bank accounts for the end of the year. We have a total of \$485,000.00. As I mentioned at the COW last week we have another CD maturing or that did mature on January 20<sup>th</sup> for \$240,000.00 and the Auditor is working on getting that moved over into that account also.

SAFETY DIRECTOR, Ms. VanValkenburg – The Safety Director asked me to report that an offer has been made for one of the two fire positions that is currently open. At this point the Fire Dept. is simply waiting for the results of the physical exam to come in and at that point, assuming all goes well, they believe one of those two positions will be filled. In addition, the Safety Director wanted to recognize Officer Derek Setters. He was selected as one of two people in all of Hamilton County as an officer of the year for the Cincinnati Police Honor Guard. He attended over 32 Honor Guard call ups this year and was recognized as Officer of the Year by that institution.

SERVICE DIRECTOR, Mr. Stegman – I just wanted to remind everybody, and it did go out on Call Command, that next Thursday will be the window program that the Village has out there on the 29<sup>th</sup> at 5:00pm. Whoever wants to be in this program must have sent an email or registered here at City Hall at wmoeller@cityofstbernard.org. You must be an owner occupied of this home to register and it is a five year forgivable loan. There was some questions on what type of windows. Walt was able to obtain that information this week and also an application for those people that cannot be there at the drawing on Thursday. There is a list of things that have to go with the application so if you had sent your email in by Thursday this information will be sent to you by email back. The windows are being provided and installed and provided by Nu-View Window Co. What they do in these Federal Programs is they go out and ask all these companies to bid and Nu-View was the lowest bidder for the type of environmental winterizing program type windows. So they were awarded the bid. That's why this company, you can't just go out and buy any type window. It's an energy efficient type program so I urge anybody to right now since we're in the middle forty's of people that have signed up, so there will be a drawing next Thursday, but like I say, you need to make sure it is owner occupied and it's a five year forgivable loan. You must stay in the home for five years and you can't refinance, transfer the property after that or you have to pay the loan back so if anybody has any questions you can call down here to City Hall. Call Walt or myself so we can get you that information.

TAX COMMISSIONER, Mr. Geiser – The tax season is now upon us. It seems like we just finished last year and now we're beginning this season. We have people already filing taxes. Just a note that our online tax tool is now up and running and it will assist you at the tax rate of the tax returns. To access the online tool, go to the City's website, click on the dept., click on the tax dept. link and then search for the online tax tool. You'll need to have used it in the past. We've had a couple hundred people that have used it and they use it every year now. You'll have to create another pin number. You can use the same number from last year, but you'll just have to recreate it. If you have any problems just call the Tax Dept.

Mr. Burkhardt – Before we have reports from the committees – in my report, I guess Mr. Tobergte caught it, Feb. 5<sup>th</sup> not the 4<sup>th</sup> for the Boy Scouts. And also just on a short note, Police Officer Lieutenant Mike Schindler is going to be retiring at the end of this month. They are having a little doings down at the Safety Center

tomorrow from 11:00 until 1:00 if anybody wants to stop by and wish him well on his retirement.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Tobergte – My first town hall meeting for 2015 will be Tuesday, February 10<sup>th</sup> at 7:00pm. The meeting will be held in the lower level of City Hall.

SAFETY, Mr. Culbertson – I have the Fire Dept. report for the month of December. The Fire Dept. made 116 ambulance runs, 12 mutual aid ambulance runs, 28 fire runs, 2 mutual fire runs. They conducted 2 CPR classes. The Fire Dept. is happy to report that they are totally moved into the new Safety Center. It has been reported many times but one more reminder that the new address is 4200 Vine St.

SERVICE, Mr. Asbach – No report.

PUBLIC IMPROVEMENTS, Mrs. Schildmeyer – No report.

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

BUSINESS AND INDUSTRY, Mr. Kalb – At first I would like to apologize for not making it to the COW meeting last week. I got caught on a fire shift change and I didn't get home until almost 9:30pm. So I do apologize for missing that meeting. On a side note, under Business and Industry report, I want to welcome JuJu Beads Coffee Shop to St. Bernard. They opened up towards the end or to the mid to the end of December. I talked to Dave and Laura Mosley who are the owners there, who also are residents here in St. Bernard and I know they are very excited about being here so please support your local businesses.

HIGHWAYS AND TRANSPORTATION, Ms.. Hausfeld – No report.

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

Committee of the Whole  
Jan. 15, 2015

1. Council approved the minutes of the Dec. 18<sup>th</sup> and Jan. 8<sup>th</sup> Council meetings.
2. Mayor, Bill Burkhardt
  - A. Announced that on Jan. 29<sup>th</sup> before 5 PM, all applications for the "Home Weatherization Program" must be completed and turned in. There will be a drawing at 7 PM at the beginning of the COW meeting and you must be present at the meeting because if your name is drawn from the lottery, you will need to fill out all of the required forms that night. Help will be provided for this activity.
  - B. Announced that the new hours for the fitness center will be- Monday-Friday 8 AM – 9 PM and Saturday & Sunday 8:30 AM – 2:30 PM and they will start on Monday Jan. 19<sup>th</sup>.
  - C. Asked for an Ordinance to approve the Service Department contract. Council voted 6-0 to place it on the table.
3. Auditor, Peggy Brickweg
  - A. Asked for an Ordinance for additional appropriations and to move money. Council voted 6-0 to place it on the table.

- B. Asked for a “Then & Now” Resolution for an invoice on the Bank Ave lawsuit from December. Council voted 6-0 to place it on the table.
  - C. Asked for a Resolution authorizing a renewal of seven mil tax levy on the current real property tax rate for real property in the Village of St Bernard. Council voted 6-0 to place it on the table.
  - D. Said that she will have the revenue and expense reports to Council next week at the Council meeting.
  - E. Recommended that there be a new appraisal for everything in the Village. A bid for this will be received soon.
4. Law Director, Curtis Walden
    - A. Said that he had prepared three Ordinances for the next Council meeting. One to approve a retaining wall on Ross Ave., one that addresses the parking at the new Safety Center, and one that the Service Director will discuss. Council voted 6-0 to place the retaining wall and the parking Ordinances on the table.
  5. Safety Director, Valerie Van Valkenburg
    - A. Interviews have been completed for the top 10 applicants on the Fire Department list. Two new firefighters are needed.
    - B. Lt Mike Schindler has announced his retirement and there has been a request submitted to Civil Service for a test for a new police officer position.
  6. Service Director, Phil Stegman
    - A. Asked for an Ordinance for the demolition of the house at 4433 Greenlee Ave because it has been condemned and needs to be taken down for safety reasons. Council voted 6-0 to place it on the table.
    - B. Announced that ODOT will begin full closure of I-75 northbound lanes on Jan. 20<sup>th</sup>-Jan.24<sup>th</sup> from 11 PM- 5 AM.
  7. Treasurer, John Ungrhue
    - A. Announced that the Village had a CD maturing soon and recommended that it be reinvested.
    - B. Said that our Ohio Star Plus account has been set up and has a balance of \$480,000.00.
  8. Safety, Ray Culbertson
    - A. Announced that the next Block Watch meeting will be Jan. 20<sup>th</sup> at 6:30 PM in the lower level of City Hall. Someone from the Public Utilities Commission will talk about door to door salespersons that will be going around.

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

## **COMMUNICATIONS**

None.

## **RESOLUTIONS AND ORDINANCES**

Motion by Mr. Asbach, seconded by Ms. Hausfeld to read this evening’s Resolutions and Ordinances by title only. Motion passed 7-0.

**RESOLUTION NO. 2, 2015. A RESOLUTION PROVIDING FOR THE PAYMENT OF ONE INVOICE COVERED BY “THEN AND NOW” CERTIFICATION OF PURCHASE ORDER EXCEEDING \$3,000.00, AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mr. Kalb to suspend with the second and third reading of Resolution No. 2, 2015.

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to adopt Resolution No. 2, 2015 as read. Motion passed 7-0.

**RESOLUTION NO. 3, 2015. RESOLUTION AUTHORIZING A RENEWAL SEVEN MILL TAX LEVEE ON THE CURRENT REAL TAX RATE FOR REAL PROPERTY LOCATED WITHIN THE VILLAGE OF ST. BERNARD, CERTIFYING SAID RESOLUTION TO THE HAMILTON COUNTY AUDITOR AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to suspend with the second and third reading of Resolution No. 3, 2015.

## **REMARKS**

Mr. Kalb – I understand that Resolution No. 3, 2015 puts the tax levee on the ballot for August, correct?

Mrs. Brickweg – It is the first of two.

Mr. Kalb. – I am in favor of putting the levee on, I'm just not in favor of putting it on in August. I think we should do it in November at the regular election so more people have the chance to, more people in general show up to the May and the November election so I would like to see this put on the November ballot., the general election and not the August election. That's just my opinion.

Mrs. Schildmeyer – Could we have Peggy explain?

Ms. Hausfeld –Actually I was going to do the same thing. Andy you were not here last week when we asked that same question last week and Peggy did explain why so I'll let her explain it again.

Mr. Kalb – I heard the responses last week. I watched the COW and I talked to a few different residents. Actually I had my first phone call from a resident ever and their concern was that it was going on in August and they feel like we're trying to push things through to the residents and I understand that obviously there is not a second chance if we don't or if it would fail in November but I think if we sell it properly I don't think we have a problem and in my opinion it's fair to the voters to do it at a general election and not try to do it at a special election.

\Mrs. Brickweg – I don't think everybody is trying to push anything through. It certainly wasn't what I was trying to do. Council can do what you want to do but as I explained last week that if it would fail that you would want to go again you'll be losing \$600,000.00 a year so it's up to you so that was the only reason so it's up to Council what your wishes are.

Mr. Burkhardt – We're a town of one square mile. I don't think having a election in August is a big burden on the citizens to come down and vote. Most people can walk to the voting poles so to me it's not a point to argue but I'm in favor of the August just because we're losing \$600,000.00 to put a hardship on the City that, you know, you're looking at jobs and everything if we lose \$600,000.00.

Mrs. Schildmeyer – Andy if you had one comment from one resident, I'm not really sure you should take that into consideration. You've had one comment, when you consider what we would lose if you vote against this tonight.

Mr. Kalb – I'm not just taking that one comment, I've talked to many residents, that's been my feeling since the beginning, I've always been kind of against, and that's just me talking, I've always been against the special elections that schools do and things like that. There's a May established election every year, there's a November established election every year. We all know these dates. I feel that we should be putting these types of levees on those dates where more residents normally show. I'm not saying that residents won't show up in August, I hope they all do, and we have a better turn out in August if we did do it then, but going down for one issue is way different than going down for ten or twelve or who knows how many issues could be on the ballot in November. I'm not just basing that on that one individual, I'm just saying that of all the things that we bring here to Council I've always felt this way on that one. I've talked to some residents to get their opinion, they've all spoke to that same note and I also had somebody contact me, go out of their way and say the same thing. So I'm not just doing it on that one individual as a whole, I think we should give , it is my opinion that it should be on the ballot in November. We're not losing anything by putting it on November. We're not losing anything, it just doesn't give us a second chance to come back if it does fail. So by putting it on in November I'm not voting to throw away \$13,000.00 I'm just saying that the last one passed by 60% or 61 I forget what it was when I looked it up so, I mean, if we're doing our jobs properly and we sell it properly to the residents that we do need this to sustain the Village moving I don't think it's going to be a problem passing it in November.

Mr. Burkhardt – I just think that it's unfair to the employees of the City to only give them one chance. I think they deserve more than one chance at this. That's the reason I think we should give them both chances to pass this. If it takes two.

Mrs. Bedinghaus – I think Andy said exactly what I was going to say so I don't want to reiterate it to you but I have had also calls and people approach me. I too am not a proponent of special elections and I really do believe that it should be for a general election in November. I know whenever ten years ago when we first did it we did this for the hardship of the City. I think we have come a long way. I think with some of the reports that I see from Eddie that we have regained some of our revenue and so I don't think I particularly want to spend \$13,000.00 and I know that's on the high end but it will cost us something to put it on and I really do believe that we should leave it for an election where the general public knows about and more will come out. That's my opinion.

Mrs. Brickweg – I just want to comment on a couple of things. Andy I tried, I was going to get it on the May ballot, but when I called down to the County they told me to wait until 2015 to get it on and then they wanted this Council and they wanted to do it in 2015 so I couldn't get it on the May ballot. I don't know why they gave me that information. I talked to them about that. The one thing I will say Cindi, the numbers do really look good but please remember that starting next year the bond financing is going up a half a million dollars a year for twenty to thirty years. That's worries me. I'm glad we have the numbers we have but the down payment is going to be \$1.2 million dollars. So with that going up and if this would not pass, it's going to put our City in a very big hardship. As I said, all I did

was prepare the legislation, Council can decide when you want it on the ballot, you can amend this one, I can make a new one, but it's up to you guys, all my job was to prepare it so just let me know what you want me to do.

Mr. Kalb – I agree with you when you said you talked with the County Auditor and they said to wait until the first of the year to put it on the ballot. Obviously for what it's worth, where I work out in Forest Park, they're still putting it on for the May election right now. They passed a Resolution last Council meeting to deal with what this one does right here which go and ask the Auditor to certify it and then their next Council meeting they're passing the Ordinance to put it on the ballot in May so I'm not saying that the information you got was wrong, I'm not saying that by no means but there was, it sounds like there could be some miscommunications between the Auditor, the Hamilton County Auditor to us that, because other places that I know are putting tax levees on in May and they're doing it and they just started last week.

Mrs. Brickweg – Well that's kind of pushing it but they said that they could not guarantee that you would get the certified thing back from this Resolution by the next Council meeting. So to me, I mean, we can gamble if you guys want to, I'm not in favor of gambling but by passing this tonight there is no guarantee that they're going to get the certified thing back to us by the next Council meeting. It would have to be there February, I think it's the 5<sup>th</sup>. It's a gamble and it may work out but it's a huge gamble to take.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Resolution No. 3. 2015 as read. Motion passed 5-2. Mr. Kalb and Mrs. Bedinghaus voted no.

**ORDINANCE NO. 3, 2015. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS, MOVE AND TRANSFER FUNDS AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Ordinance No. 3, 2015. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Culbertson to adopt Ordinance No. 3, 2015 as read. Motion passed 7-0.

**ORDINANCE NO. 4, 2015. APPROVING THE CONSTRUCTION OF A RETAINING WALL IN FRONT OF 704 EAST ROSS AVENUE ON VILLAGE PROPERTY BY THE OWNERS, DAVID AND CAROL PIERSON, REQUIRING EXECUTION AND RECORDING OF AN INDEMNITY AGREEMENT, AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 4, 2015. Motion passed 7-0.

## **REMARKS**

Mr. Asbach – While I applaud the owners of this property for all the work that they have done on this, I will be voting against this because I have done it for years and years, if anyone missed the COW you can go back to, seems like I have been here

since the horse and buggy days. I have always been under the opinion that they have the ability to build these walls on their property and not on the City's. I understand we are covered with these Ordinances, it's just been my feeling for that long and I still feel that way.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Kalb to adopt Ordinance No. 4, 2015 as read passed 6-1. Mr. Asbach voted no.

**ORDINANCE NO. 5, 2015. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mr. Kalb to have Ordinance No. 5, 2015 go its regular course.

**REMARKS**

Mr. Asbach – In talking with other members of Council before the meeting, we'd like to put this in the COW next week and ask the Law Director to, a lot of us are just uncomfortable spending \$20,000.00 to tear down a piece of property that's owned by the bank. I understand we talked about liability and what have you at the last meeting but my feeling is that it's the bank's property, let them tear it down, if we don't have to. I'd just don't want to spend the \$20,000.00 and worry about a lien because if nobody buys the property we've spent the \$20,000.00 and get nothing back from the bank.

Mr. Stegman – I had asked Walt Moeller to be here just to answer any questions that were not able to be answered last Thursday to help see if it would help to ease Council to pass this. Walt, could you let us know what you found out about the bank's issues and what they are planning on not doing and explain that a little bit to Council.

Walt Moeller, HIP Inspector – I actually made contact with the realtor and have had numerous contacts with the realtor over this property. They had asked HUD if they were going to tear the property down. HUD had done some research and got a couple of bids on it and were unable to get the three bids that they needed. They actually haven't completed the bid process on it. The two bids that they thought they had were extremely high and they at this point are refusing to tear it down which leaves it up to us to do so. When we place these orders on these properties, all property owners have a twenty day right of appeal which they can come in and file an appeal which would be in front of you because they have to appeal that in front of you. They did not file that appeal. There is no offers on the property right now. They dropped the price down to nearly \$4,000.00 trying to dump it and put it in our court as far as trying to force the condemnation. Right now there is no offers, the building is condemned, unable to be repaired and it does need to come down. It is a liability on the City.

Mr. Kalb – Can you explain to me how, when we condemn a building we then become the person that has to tear that down, I feel like if it's still owned by a certain individual, whether it's a bank or whether it's an individual person, can you

clarify how it then becomes our problem. Why the City has to tear down other people's property.

Walt Moeller – When we send these orders out we actually order them to tear it down. Under the order it also states that if you do not tear that down within the allotted amount of time the City will come in and tear it down for you. That's the way that Ordinance is written. In order for us to take these properties and get them torn down so no one gets killed in these properties.

Mr. Kalb – Obviously I know exactly why the bank is doing that because if it's in the rules that if they don't do it we'd do it. But I would let you guys tear it down because that would save me \$20,000.00. I think now that it becomes even bigger I think we need to look into whatever Ordinance that is, Curtis if you don't mind pulling whatever Ordinance that is, it might be something else we need to look into. There's no enforcement to make the resident do it then because if they don't do it, we do it so more power to them.

Mrs. Schildmeyer – Is there any recourse to get our money back from the bank? I think that's the question.

Walt Moeller – Absolutely. There is a secondary Ordinance that goes along with this where we place it on, there's a lien placed on the property and any sales of that property that money would go back to us to pay us back. It also is contingent upon the sale that that is a portion that has to be paid. It isn't like they can sell the property for \$4,000.00 and walk away from it. They have to sell it for whatever and ours has to be paid.

Mr. Culbertson – Walt why would the liability be on us, the Village, if someone were to get hurt or killed and not the bank who owns the property?

Walt Moeller – I would leave that to our attorney to explain that but we actually condemned that property, we therefore are, have knowledge of that being a dangerous situation in which someone could be killed and I'll let him explain the rest of that.

Mr. Walden – Ray I would be happy to go into that when we talk about this at COW next week in great detail. It basically does stem from us putting the condemnation order on there and having the ability to tear down the property and not doing so. As everyone here knows, the law sometime seemingly has confusing results and this is certainly one of those but I will explain more technically next week.

Ms. Hausfeld – This may be a silly question but if we tear it down are we still responsible for the property as far as maintenance like cutting the grass and all that or would that go back to the bank?

Walt Moeller – That goes back to the bank. The bank is actually responsible for that. At which point in time if they don't cut it we will proceed with those orders on the property and do exactly the same thing. Place the cost of cutting the grass on their tax lien.

Mrs. Schilmeyer – I have one more question. So I guess I think we're going to go regular course on this, I guess we need to know the number of the demolition and

how much it has to sell for and the feasibility of an empty lot selling for \$20,000.00 plus dollars I guess, right? That's what I'm asking, I mean, I guess we have no other choice because we condemned it.

Mr. Tobergte – I looked up on the Auditor's website and I talked to Walt last week when he said there was a pending offer on a deal that fell through. The Auditor's website has a property listed for the land at \$26,000.00. I can't remember what the house was at, I wasn't sure but if that is correct we would get our money back I would think but it's a crap shoot I think.

Mrs. Brickweg – I just want to add to what Dianna asked. Yes, there would be a lien on it but if nobody purchased it then the City will have to pay for the demolition and then you'll just have a piece of property. I don't know if it's a buildable lot or what because I know that was discussed last week. Even though there might be a lien it doesn't mean you're going to get your money back.

Mr. Tobergte – I did talk to Walt this morning, yes it is a buildable lot, there could be a variance because the lot is only 46 or 47 feet wide instead of 50 so there would have to be a variance issued for it to be built on but it would be a buildable lot. We talked about the property on Mitchell, I thought you said we were getting that money this year on the property we.....

Mrs. Brickweg – Like I said last week, I've been trying to get a hold of somebody at the County and apparently I found out yesterday that she's on vacation. So I have a message into her, the lady that handles these, to find out how to get, it's not the money, to get the property back. We'll basically have the property because nobody sold it. You're not going to get the money, it's going to be the same thing.

Mr. Tobergte – So how long do you have to wait when, like when we tear it down, a month.....

Mrs. Brickweg – The lady is on vacation that does this.

Mr. Tobergte – I was talking about if we tear this new one down, how long do we wait until we get the property.

Mrs. Brickweg – The same person I have to ask that question to. I have left a message, they said hopefully she's going to be back next week. I'm trying to figure out how to go about getting the one on Mitchell back and to ask what we originally were told a year. That's what we're looking into but like I said I left another message yesterday and called somebody else because nobody is returning my calls and come to find out the lady that handles this is on vacation.

Mrs. Bedinghaus – So Walt are you saying that if we, the Village, had not condemned it then we wouldn't be liable? We wouldn't have to tear it down?

Walt Moeller – That is correct.

Mrs. Bedinghaus – Why did we condemn it?

Walt Moeller – Well, being the building official of the City and being aware of the condition there was no way I can walk away from it. We cannot, then I become personally liable if someone gets killed in there. I was asked to make a call on that

because there were windows knocked out and the front porch was in bad shape, we had orders on that already, and upon investigation on the interior of the house because it had been left open, we were able to make egress into it, we found out that it was in substandard condition on the roofing and the floor. The house is, once I made that inspection and Paul went with me also to do that because he is actually the one that signed the condemnation order on it, it was determined that it was a danger to anyone who was in it. At that point in time if we walk away from that and don't do anything, we personally, because we are licensed by the State of Ohio, become liable for that which in turn makes you liable anyway because I work for you.

Mrs. Bedinghaus – It just seems unfair, who wouldn't do that. The bank owns it or whoever owns it, why not just walk away from it because like you say somebody eventually needs to go through.

Walt Moeller – Generally when we do this it's going to cost more money than it would cost you to go hire someone to do that. so if it is something that, if it's an individual and they're planning on trying to do something with this property in the future, if we tear it down our cost to them is going to be tremendously more because we can actually charge for administrative cost and everything else to go along with it. Whereas they can go out and hire contractor, tear it down for substantially less.

Mrs. Schildmeyer – I think it's ethical responsibility of the Village to make sure that our Village is a safe place to live. I think that's what it comes down to.

Mrs. Bedinghaus – Right and I'm not saying that, it just seems like, it puts us in a predicament where we don't have a choice and it's additional cost to us. Is there any other money we can get like from the Port Authority to tear this down or grant money or something.

Walt Moeller – As of right now, no. We're investigating that but, no.

Mr. Ungruhe – I was wondering if maybe, is there some way we could modify the Ordinance to include a fee or a fine if they don't tear down the building to make it substantially beneficial for the owner to get rid of the building quicker. And if they don't do it we have a fine, like so much a day, we could at least recoup some of our cost.

Mrs. Schildmeyer – I somebody can't afford to keep their property up I'm not sure that you can do that. I mean I'm not really sure, I love the idea but I'm not sure.....

Mr. Ungruhe – In this case it's the bank and the bank has plenty of money.

Mr. Asbach – I think that's why we need to discuss this at COW because questions like that and it's not necessarily changing the Ordinance but the code that that it's taken from. Somebody mentioned earlier about changing the process of, there's no penalty to the bank, it all falls on us unfortunately and if it doesn't sell then we're hung for the \$20,000.00.

Mr. Kalb – Walt will you be available next Thursday to come back and answer questions along with Curtis?

Walt Moeller – I believe so, I'll make sure I am.

Mr. Kalb – I would appreciate that.

Mr. Tobergte – Curtis, if, since this is already in the process, if we change the code or anything to institute a fine or do something different, that cannot be applied to this property could it?

Mr. Walden – We would not be able to apply that retroactively at that point but it would protect us in situations like this.

Patrick Chin, 18 Baker Ave. – There's a non-profit called People Working Cooperatively, has anybody ever looked into that at all?

Mr. Stegman – They do have a piece of property on Phillips and that company is defunct. They don't even know how to get rid of that piece of property so yes, they are already gone. They no longer exist.

Patrick Chin – Oh, okay, gotcha. Are there any more non-for-profits that do that kind of work?

Mr. Stegman – We haven't come across one yet, we're always looking but no we don't know of any right now. That was the only one that we knew of.

Patrick Chin – I didn't realize that they were gone. That was my only idea. Thank you.

Walt Moeller – Just from the building department to refer to that, once a building has been condemned it needs to be brought up to new current standards, 2013 building code standards. Property such as that, the cost limitations to do that, are one of the reasons why it has to be condemned there is no way you can spend that kind of money. The estimated cost to redo that house is between \$80,000.00 and \$120,000.00 to bring it back to current building standards now. That's what the problem is. If you're, if it wasn't condemned and it wasn't structurally unsound and there was just repairs to do on it we would have never condemned it to start with.

The motion to let Ordinance No. 5, 2015 to take it's regular course passed 6-1.  
Mr. Tobergte voted no.

**ORDINANCE NO. 6, 2015. AMENDING SECTION 353.04, "PROHIBITED STANDING OR PARKING PLACES" OF THE ST. BERNARD CODIFIED ORDINANCES TO ADD A NEW SUBSECTION (i), AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 6, 2015.

## **REMARKS**

Mrs. Bedinghaus – I know last week when we were discussing this at COW we were asking about how many parking spots were going to be down there.

Mr. Stegman – Yes, I called the architect. There are 44 parking spots.

Mrs. Bedinghaus – I know that there was some discussion about anyway that we could block some areas that would be respectful to the Police Dept. and the Fire Dept. and anybody who may be visiting the Safety Center but then also give the opportunity for Roger Bacon or the Friars at other times to use some of those additional parking spots.

Mr. Stegman – I did talk to the Chiefs and there is just no way to pinpoint a number of what we need. With shift changes, the various changes we have, call in of men, the various activities that are going to take place, training, when SWAT comes into town they are going to need places to park. Like I said last week, I mean, there are a lot of things we can't put a number on and if you go ahead and open that up to a certain number then we're going to be without parking spots on any given night. I mean, I don't know when there is going to be a fire. As a matter of fact I talked with Kerry, a thing that happened last Thursday, guys had to be called in for a fire and if we would have had something for them we wouldn't have had something for our own men to park. I don't know how you open a parking lot up not knowing what you absolutely need. They felt that 44 was accommodating for what we need. Like I said there are going to be CAP meetings for the CAP. There's twenty five people right there and that's going to happen next Monday outside of the members that we have already working that night. Both Chiefs didn't feel like, if you start that I don't know how you stop it. When you have your own events, how you could open it up to the public for other things but there are 44 parking spots.

Mrs. Bedinghaus – Thank you.

Mr. Tobergte – Also, we tore those two big apartment houses down because of the emergency situation down there. The emergency operation center that we have down there, and if we let Roger Bacon and Friars Club use it, would we be liable if something happened with them. Would that be another liability? Or if we let those two people use, if a neighbor wants to use it we deny them, we would be liable there too, discrimination. I think we should leave it as is and nobody park there except for official business.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Kalb to adopt Ordinance N. 6, 2015 as read. Motion passed 7-0.

**ORDINANCE NO. 7, 2015. AUTHORIZING A SPECIAL ASSESSMENT ON CERTAIN PROPERTY LOCATED AT 4433 GREENLEE AVENUE TO REIMBURSE THE VILLAGE FOR THE COST OF BRINGING THE LAND OR REAL PROPERTY INTO COMPLIANCE WITH THE PROPERTY MAINTENANCE CODE AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to let Ordinance No. 7, 2015 to go its regular course. Motion passed 6-1. Mr. Tobergte voted no.

## **OLD BUSINESS**

Mr. Asbach – Next week at the COW I'd like to discuss, I attended the Block Watch meeting the other night and they had a representative from the Public Utilities Commission of Ohio there, they had some particular guidelines that they go through with people going door to door and I think Officer Setters said that our Solicitation Ordinance covers from like 9:00am until 8:00pm. Their particular hours are 9:00am until 7:00pm. I see no need why we should give people an extra hour if they're only doing it until 7:00pm. I would just like to discuss that next week at COW.

Mr. Walden – I talked with Officer Setters after that meeting. It looked like the PUCO was a bit more stringent in a number of areas as in St. Bernard so we agreed that we should at least bring our Ordinance in line with the limitations that they put on. I think we will be looking at that in Committee.

### **NEW BUSINESS**

None.

### **AUDIENCE WISHING TO ADDRESS COUNCIL**

None.

Mr. Asbach – The next COW meeting will be Thursday, January 29<sup>th</sup> at 7:00pm.

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