

**ST. BERNARD CITY COUNCIL MEETING
JUNE 4, 2009**

The regular meeting of the St. Bernard City Council was held Thursday, June 4, 2009 in Council Chambers.

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

Roll call showed that five members were present: Mr. Peck, Mrs. Bedinghaus, Mrs. Brickweg, Ms. Hausfeld, and Mr. Zix.

Mrs. Brickweg made a motion to dispense with the reading of the minutes. Mr. Peck seconded the motion. Council agreed 5-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – Absent.

AUDITOR, Mr. St. Clair – The May Auditor’s report for the cash balances in our various funds and the report for the expenditures from those funds are prepared for tonight’s meeting. The receipts report was also distributed to Council and the Treasurer.

Expenditures for the month of May: \$ 964,844.59

Expenditures for the year thru May 31st: \$ 6,476,982.50

Before Council tonight are Resolution No. 8, 2009 and Ordinance No. 21, 2009. The Resolution provides for the payment of an invoice for legal services at a Civil Service Commission Hearing in the amount of \$3,539.25. The services were incurred prior to the Auditor’s certification that sufficient appropriations were available. The Ordinance provides for the transfer of \$303,075 from the General Fund Cash Account. \$300,000 goes to the Employee Health Plan Cash Account and \$3,075 to the Capital Project Storm Sewer Improvement Fund Cash Account. Also, as requested by the Service Director, an additional appropriation of \$55,000 is being made to the contracts line item in the Street Maintenance Fund. All these items were discussed at the COW.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Absent.

TREASURER, Mr. Sipe – Reports for the month of May \$ 1,319,618.26

Receipts for the year through May 31st \$ 4,573,274.42

SAFETY DIRECTOR, Mr. Chatman – I have a few things, one several weeks back there was a question regarding the declining balance in the Fire Dept. overtime. I had the Fire Chief do some research and provide some figures. He is here to assist if there are any questions on it. But in a nutshell in relation to that particular issue; one, we are still recovering from the staffing cuts that were done in the budget that we had a few years back; secondly, we are dealing with not having the amount of money that we were requesting for that particular line item. Had we been given that amount, we'd be OK; third we did not count on having an officer being injured from Dec. to present. If that had not occurred we would have 50% of that budget still left. But I did feel the need to bring that up because when that question was raised or when that issue was raised, there was some illusion to the Kelly Days system in the new contract and I wanted to refute that because I still stand firm that this is a good contract for the City and it's also a good contract for the Fire Fighters and if there's any questions, as I mentioned I do have some data here and the Fire Chief is here to address those if you have any.

Additionally, I did want to point out again, the next Block Watch Meeting will be June 9th. It will be here in Council Chambers at 6:30. At the same time the Fire Dept. will be having it's blood drive outside and we are encouraging every citizen and of course everyone here to participate in the blood drive. We will get those guys out there grilling for you so if you donate blood we'll donate food to you.

Mrs. Bedinghaus – Rodney, I understand all of those reasons, however there is one person a day off since January with a Kelly Day. So if there is a vacation then that's two people off so your next ill call would cause overtime. So without knowing if there's been ill calls for those 4 months there could be additional overtime relative to Kelly Days in my opinion.

Mr. Chatman – The potential is there, yes.

Mrs. Bedinghaus – So some of this could be due to the Kelly Days that was put in the contract. Some of this overtime could be due to the extra Kelly Days because there is one person off each day.

Mr. Chatman – In part, yes, and part of it has to do with staffing reductions, part of it has to do with an injury that can't be foreseen.

Mrs. Bedinghaus – And I agree, an injury can't be foreseen, however, I think in this business as in other businesses, an anticipation that there could be an injury and somebody out on a leave of absence, like in my field of work we have to

anticipate that that's going to happen, and then by giving extra Kelly Days that already puts you up to 2 out. One on a Kelly Day and one out on leave so anybody calls in sick you'll incur overtime.

Mr. Chatman – That anticipation goes into the requested appropriation for that line item.

Mrs. Brickweg – Rodney, did you not say, I don't know if Cindi heard it wrong but I thought you said that if Kerry Meyer had not fallen off a second story roof onto a first story roof, and he's been out because of surgery, if he did not get hurt in that fire that you would have 50% more in that line item and we'd be OK. Did you not say that?

Mr. Chatman – Yes, we'd have 58% of that line item still there.

Mrs. Brickweg – OK, thank you.

SERVICE DIRECTOR, Mr. Stegman – Ordinance No. 22, 2009 is on the table and I'm asking Council to pass this tonight so we can go out for bids to upgrade all the city buildings. We will be able to lower our cost on our energy bills and it will help pay for the upgrade to the buildings.

Some updates on projects going on in town: Ross Ave. is done with the polyfill and the black matting will be done sometime in July after the 4th; Rose Hill and Church St. project is underway. The Service Department has started painting curbs and will be painting the center lines after that.

This year I went out and got bids for salt from Southwest Ohio Purchasers for Government. The bids were opened on Wednesday and the price the City will be paying this year will be \$62.02 per ton and \$3.00 per ton piling charge. At the next COW I will have a sample Ordinance put together to enter into a contract with North American Salt.

TAX COMMISSIONER, Mr. Geiser – Absent.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee met with all the dept. heads to review their preliminary budgets for 2010. The committee met later and has formed a recommendation. I would like to be placed on the COW agenda to review this recommendation next week.

SAFETY, Ms. Hausfeld – I have both the Police report and the Fire report. For the month of May for the Police report, during the month of May, officers were involved in 1109 calls for service. Of those calls, officers responded to 28 accident reports and took 38 offense reports. Of those offenses, 25 have been cleared. Officers responded to 153 suspicious activity runs. Officers made 70 misdemeanor arrests along with 10 arrests for a felony. Officers responded to 58 parking complaints and issued 5 citations for parking violations. Officers issued 55 traffic citations and 121 warnings for traffic violations.

My Fire report for the month of May:

Fire Run Activity

Fires	2
Motor vehicle accident response	5
False alarms	3
Other	7
Total calls	17

Emergency medical responses

Transported	31
Not transported	25
Total	56

Inspection Activity

Permit Inspections	3
Commercial Fire inspections	19
Total Inspections	22

Each member of the fire department received 15 hours of training in May. Training was conducted on 12 lead Telemetry, Ladder training, Ropes & Knots, Hazardous Materials, Meth Labs and air monitoring.

SERVICE, Mr. Tobergte – (read by Mrs. Brickweg) The Service Dept. report for May, 2009 is as follows: there were 36 trucks and 25 dumpsters placed at residences along with 28 special pickups. 208 tons of garbage made its way to the landfill. There were 18 tons of recycling material, 6 tons of cardboard, 940 lbs of scrap metal along with 27 appliances. The City received \$177.70 for recycling in April.

I would like the citizens to know the reason Don is not here is because his son is graduating tonight.

PUBLIC IMPROVEMENTS, Mr. Meier – Absent.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – No report.

BUSINESS AND INDUSTRY, Mrs. Brickweg – As a member of the Implementation Committee for the I-75 expansion I was informed this week that the Federal Highway Administration issued a “Finding of No Significant Impact” which enables ODOT to move forward with project development of the Mill Creek Expressway. This action is the culmination of nearly five years of environmental and engineering analysis of a portion of Interstate 75. This finding states that the Federal Highway has determined that the proposed reconstruction of I-75 will not have significant impact on the human or natural environment. ODOT will now begin the final design efforts and right-of-way acquisition for various phases of work.

It is anticipated that the first phase of construction will begin in the Spring of 2010 and the final phase will be completed in the Fall of 2020. The first phase of the project is the Mitchell Ave. Interchange. The right-of-way acquisition for this phase will start this month, with major construction starting May 2011 and ending July 2013. The other two phases which will have an impact on St. Bernard are phase 6 which is the RR overpass south of the Norwood Lateral where they will begin right-of-way acquisition in Sept. 2010, with major construction starting March 2014 and ending Sept. 2015. The proposed date of phase 7, the I-75 mainline from Mitchell Ave. to the Norwood Lateral will start right-of-way acquisition this May 2012, with major construction starting March 2016 and ending July 2018. I will continue to keep everyone up to date as I learn more. I also want to inform the citizens of Ward 2 that I am finalizing my newsletter and they should be receiving that in the next couple of weeks.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – Tonight I have the report for the month of May and year-to-date Dial-A-Ride and Medical Bus passengers. For the Dial-A-Ride for the month of May; 2219, year -to-date 10,419. For the Medical Bus for the month of May; 27, year-to-date 109.

Mrs. Brickweg – The COW report has been submitted to the Clerk.

COMMITTEE OF THE WHOLE May 28, 2009

NEW OR REFERRED ITEMS:

1. Approved the minutes of the May 21st council meeting.
2. Discuss possible resolution with Perfection Group to go out for RFP's

* Need a resolution to go out for RFP's

City does not have to implement all ideas for improvement. We can pick those which provide greatest return. Police station HVAC needs a controller and chiller replaced and should be one of the initial projects. Duke has some rebate programs (2 ½ - 7%) available.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt:

Bill thanked everyone for their support of the Memorial Day Parade. He has met with the CFO of Endicott Biofuels who is interested in building near Cognis. They are waiting for answer from EPA.

Bill also requested we go into executive session to discuss purchase of property.

Auditor, Walt St. Clair:

1. Then and now resolution
2. Ordinance to transfer funds to the Employee Health Fund Account

* Resolution needed for then/now for legal services for civil service hearing to pay for attorney who represented the City.

* Need an ordinance to transfer funds to pay principal/interest payment for Andalus Court Sewer project

Law Director, Kate Bedinghaus:

Kate is preparing a report on the deputy tax clerk. She will discuss with civil service and report back to Council.

Discussed potential issues with property of evicted tenants being removed. Issue will be referred to Laws/Contracts/Claims Committee

Safety Director, Rodney Chatman:

Police/Fire overtime figures are being reviewed and will be reported back to Council next Thursday.

On June 9th will be the Fire Department Blood Drive from 2-8 pm.

Block Watch meeting will also be on June 9th, at 6:30 pm

Rodney would like to organize a committee to work on the employee recognition event.

Service Director, Phil Stegman:

1. Discuss storm water management solutions

2. Discuss appropriations for the SCMR (Street Construction Maintenance and Repair) line item

*Ordinance needed for SCMR for \$34,000. \$7000 for McClelland street collapse repair; \$17,000 for catch basins and the balance is for future repairs.

Work on Ross Avenue will begin tomorrow. The black matting will be put down in 2-4 weeks.

Phil would like to be put on the next COW agenda to discuss street decals for entry to City

Tax Commissioner, Ed Geiser: No report

Treasurer, Jamie Sipe: No report

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck: No report

Public Improvements, Kevin Meier: Discussed recent CIC meeting and upcoming events.

Business & Industry, Peggy Brickweg: No report.

Safety, Patty Hausfeld: No report

Highways & Transportation, Cindi Bedinghaus: No report

Service, Don Tobergte:

Discuss trash/property of evicted tenants.

Issue was discussed during Kate's report.

Finance, Greg Zix: Initial meetings with department heads to discuss budget have been held. On June 3, future equipment needs fund projections will be reviewed. Recommendations for 2010 budget will be presented on June 11.

Audience Participation: none

Ordinances and Resolutions for the next council meeting:

* Need a resolution to go out for RFP's

* Resolution needed for then/now for legal services for civil service hearing to pay for attorney who represented the City.

* Need an ordinance to transfer funds of to pay principal/interest payment for Andalus Court Sewer project

*Ordinance needed for SCMR for \$34,000. \$7000 for McClelland street collapse repair; \$17,000 for catch basins and the balance is for future repairs.

Next Council Meeting: June 4th at 7:30 P.M.

Next C.O.W. Meeting: June 11th at 7:30 P.M.

Report prepared by Councilman Kevin Meier

COMMUNICATIONS – None.

RESOLUTIONS AND ORDINANCES

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to read this evening's Resolutions and Ordinances by title only. Motion passed 5-0.

RESOLUTION NO. 8, 2009. A RESOLUTION PROVIDING FOR THE PAYMENT OF ONE(1) INVOICE COVERED BY "THEN AND NOW" CERTIFICATION OF A PURCHASE ORDER EXCEEDING \$3,000, AND DECLARING AN EMERGENCY.

Mr. Walden – Members of Council you have heard the first reading of Resolution No. 8, 2009. I note that with only 5 Council members present we do not have enough votes to waive the second and third reading so what is Council's pleasure on Resolution No. 8, 2009

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to let Resolution No. 8, 2009 go its regular course. Motion passed 5-0.

Mrs. Brickweg – I would like to ask Walt, are we going to have a problem with some of these because it looks like we need to pay some bills, by these going their regular course. Are we going to be OK?

Mr. St. Clair – I'll have to look at the billing that we're getting for the Health Plans. The other one, as long as it's passed by the next Council Mtg. for the \$3,000 one. The Health Plan, I'll have to look at that.

ORDINANCE NO. 21, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS AND TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Peck to let Ordinance No. 21, 2009 go its regular course. Motion passed 5-0.

ORDINANCE NO. 22, 2009. AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR ENERGY SAVING IMPROVEMENTS AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Peck to let Ordinance No. 22, 2009 go its regular course. Motion passed 5-0.

OLD BUSINESS

Mrs. Brickweg – I would like to be placed on the COW agenda to discuss placing the idea of having the residents vote on four year staggered Council terms in place of the current two year terms. Hopefully by now everyone has had the opportunity to go out and talk to the citizens about this idea. I would also like to encourage residents to attend the COW meeting and let us know what you think. In the meantime I have sent an e-mail to Kate asking her to contact the Board of Elections to look into what she will need to write up for a petition if we agree to this and she emailed me back today that she did contact them. She said it's very easy to do as long as you have two thirds majority to place it on the ballot. I would like to discuss this at the COW meeting next week.

NEW BUSINESS

Mrs. Brickweg – I would like to inform the citizens that the Cincinnati Museum Center will open its doors for free on select Fridays throughout this summer and fall. Thanks to generous private donations, "Free Fridays" will allow the public to visit all three museums at the Museum Center from 4:00pm to 8:00 pm for free. The dates for the Free Fridays are June 26th, July 24th, August 21st, Sept. 22th and October 23rd. I encourage everyone to attend. It is a great place to learn.

AUDIENCE WISHING TO ADDRESS COUNCIL

John Metz, 4419 Kemper Ave. – I was just looking for some clarification. Rodney, you stated that the money you requested for overtime for Firemen was less than you had asked for. How much was asked for in overtime for Firemen?

Mr. Chatman – It was in the low eighties. Last year prior there was eighty two in it and we asked for about that much, just a little less.

John Metz – And the cuts were due to things keeping in balance with the budget. Is that correct?

Mr. Chatman – I wasn't in charge of cuts, the Finance.....

John Metz – I understand that, there were cuts that were requested by Council to maintain a balanced budget of some sort. So you're saying that had you had the extra say \$10,000 that for the rest of the year you wouldn't have had any more problems?

Mr. Chatman – We can't forecast it but the way things were trending we should have had enough money, yes.

John Metz – OK, then were there any injuries last year that caused the \$82,000 in overtime?

Mr. Chatman – To my knowledge, Fire Chief, were there any injuries last year? My understanding is that was a low amount.

John Metz – Were any a week or two off there?

Fire Chief Scherpenberg – No long term time off.

John Metz – I applaud Council as well as Rodney and the Fire Dept. on keeping an eye on this area. There's a lot of money, as we all know, going out for personnel in the City and while we have tremendous services we still have a responsibility to keep our budget balanced and I would encourage you to keep an eye on these things.

Mr. St. Clair – The mayor wasn't here this evening so I didn't have a chance to ask him but I believe the attorney that is handling the C-9 Trust Fund is scheduled to be here at the next COW so if that could be put on the COW agenda. I will verify that with the mayor but he has been in communication with me and I'm sure with him and the mayor's secretary as well. I believe he's going to be here at the next COW next week. Just to let people know about that.

Also, if I could make a comment about the Fire Dept. overtime, the reason I brought up the Fire Dept. and the Police Dept. overtime was because there was an insufficient amount in the budget for both of those depts. and both depts. had worker's comp. claims, loss of time injuries and also I mentioned the Kelly Days. At that time I was advised there was a staffing crunch a couple of years ago and we

had some layoffs in the Fire Dept. and obviously that led to less man power. With the gentleman off on Worker's Comp that also led to less man power and I would also additionally state that probably the Kelly Days led to less man power. I was just doing some quick calculations here for the five months that the injured worker was off, normally a fire fighter would work 122 days a year working every third day. For five months that would be approximately 50 days of lost time and if you look at the additional Kelly Days off for five months it would probably be about 70 days so there's less man power for the Worker's Comp case and also for the Kelly Days.

Ms. Hausfeld – No disrespect to you Rodney, I'm going to go to the horse's mouth. Chief Scherpenberg, it seems like there's questions on the Kelly Days creating all this overtime or not creating the overtime. What is your opinion and I know you and Rodney have looked at it extensively but since you are the Chief of the Fire Dept. I just sort of wanted to go to the horse's mouth and ask him himself, no disrespect to you either, your opinion?

Chief Scherpenberg – Looking at the manning staffing levels, I guess to explain it the easiest way, back prior to 2005 we had nine men per shift of what they could take off, vacation, seniority time, down to seven. We'd pay overtime for most of the period of time at six. There were times they were using seven as a minimum but the majority of the time we used six. When the layoffs occurred back in 2005 we went down to eight men per shift still with a six man minimum staffing. The probability or the propensity for overtime was increased by losing that one man cushion that we used to have. Because with nine and seven and you pay at six one guy could call in sick and you would still have nobody in overtime. The when the new Kelly Day was instituted and I believe, and don't hold me to the percentage, but I think it's close to 63% of the year we have two guys off now between the Kelly Day, there's one guy off on the Kelly Day everyday, and their amount of vacation and seniority time. The dept. right now is relatively old. When I got on back in 1984 I was like the new kid and everybody was old. Well we're coming on that crest again where everybody is. Our youngest guy there has been there like 12 years. We have everybody at top pay scale, we have a lot of guys getting close to the maximum amount of seniority days. They get five vacation days anywhere from one up to six seniority days and we're getting toward that end so there's more time off currently. The thing to look at, and when you start crunching and start looking at the overtime numbers, one fire fighter has been off since late Dec. That's happened in the past. We actually had one off for an entire year. His absence has caused 50% of the overtime that has occurred this year. If you really look at the numbers, we're down to about \$10,000 out of \$72,000 and about

\$30,000 was because of this one individual who was off. So, yes, it's abnormal but it is to be expected with the lower staffing levels that we have. The thing to keep in perspective, and this is going to sound like a brag, but since 2005, and that's been 4 years using the numbers that were generated back when the layoff occurred at \$100,000 per fire fighter, if you look at that from 2005 the City has saved 1.2 million dollars in funding for the Fire Dept. by having less people there. When you look at overtime, our overtime is about four and a half or five percent of our total budget so it's really, and it sounds terrible to say it, but a cheaper alternative to having the full time staffing down there. It's just this year, it's the same as the Police Dept. we've had somebody on long term injury which has magnified the amount of overtime we're using.

Mr. Zix – So Chief, are you saying you need more men or you don't need more men?

Chief Scherpenberg – Well it's the chicken or the egg or do you want the cake and eat it too. If you put more man power on our over time would go way down but your cost for the total dept. would go up. My standard operating procedure is that we need six guys to do interior fire fighting unless we have life safety and then it doesn't matter what number we have. The main thing we do, like all other fire dept., is medical. If two guys are out we still have an engine company there, six guys minimum staffing there in the fire dept. Six guys gives us a good response initially. We do have a switch to Hamilton County Communications' Automatic Aid so when we have structure fires we have four or five other fire depts. responding to get our numbers up to where they need to be effective. There is that initial alarm when we get there, the time we get there in four to five minutes versus the time our Mutual Aid Companies get in eight to twelve minutes depending on traffic and where they're coming from, because they're coming from different communitie, that we can't have an effecting fire fighting force until they get there on the scene. It's a matter of efficiency and effectiveness and that's where I determine the number of six is a minimum staffing number.

Mr. Zix – So you're saying that you don't need more men.

Chief Scherpenberg – I'm never going to say that, don't put me on that. I'm just saying it's a choice of how you're going to provide your coverage. If you could provide more manpower it would probably greatly reduce the overtime funding but you're talking maybe \$100,000 a year overtime maybe if you want to give it to you the end of the year versus three more men because you can't just put one guy on, you have to put three guys on so you're talking \$300,000 so long term it is cheaper

to have the overtime and I'm not putting out for overtime that's just the way the numbers crunch down.

Mr. Zix – I'm not trying to trick you. I'm just looking to you as the professional. I don't know a lot about fire fighting. If there's not a need we might need to examine the budget.

Chief Scherpenberg – We've always tried to. It's always been my impression that Council's trying to low dollar the overtime in a control manner. If we need more we come back to you and we discuss actually where it went and we'll do it then. I was going to do it at the next COW but there's an awful lot on there so I may wait until the next one because it sounds like it's going to be a busy night so I'll come back and give you all the crunched numbers and where it went and exactly how it was spent and where we're going with it and what my projections are. I'll probably wait for two COWs though if that's OK.

Ms. Hausfeld – Chief, that would be fine with me because I will just let everybody know I will not be here next week. I did tell you guys last week but I just wanted to make sure you guys remembered and I know that there's a lot on the agenda but I'll be out of town.

Motion by Mrs. Brickweg, seconded by Mr. Zix to excuse the absent members.
Motion passed 5-0.

Mrs. Brickweg – The next COW meeting will be Thurs. June 11th at 7:30pm.

Motion by Mr. Zix, seconded by Ms. Hausfeld to adjourn. Motion passed 5-0.