

**ST. BERNARD CITY COUNCIL MEETING  
SEPTEMBER 3, 2009**

The regular meeting of the St. Bernard City Council was held Thursday, September 3, 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 all members were present: Mr. Tobergte, Mr. Peck, Mrs. Bedinghaus, Mrs. Brickweg, Ms. Hausfeld, Mr. Meier and Mr. Zix.

Mrs. Brickweg made a motion to dispense with the reading of the minutes. Ms. Hausfeld seconded the motion. Council agreed 7-0.

**REPORTS OF CITY OFFICIALS**

MAYOR, Mr. Burkhardt – (read by Mr. Sipe) The second meeting was held this week for the Vine Street Streetscapes Committee. The progress continues to move forward at a rapid pace. A wide variety of improvements have been discussed including gateway features, decorative sidewalks and lampposts, treated crosswalks, landscaping and infrastructure improvements. The next meeting has been scheduled for September 29<sup>th</sup> at 6 pm in the lower level of City Hall please join us.

Also, Monday, September 7<sup>th</sup> City Hall will be closed for Labor Day. Please remember that trash will not be collected. Normal Monday collection will be picked up Tuesday and normal Tuesday collection will be picked up Wednesday. So, please do your part in keeping St. Bernard a clean community and remember not to put your trash out Sunday night or Monday morning.

AUDITOR, Mr. St. Clair – The August Auditor’ 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 August: \$ 821,963.41

Expenditures for the year thru August 31<sup>st</sup>: \$ 9,859,867.18

Before Council tonight are Ordinance Nos. 36 & 37, 2009.

Ordinance No. 36, 2009 provides additional appropriations: \$2,600 to County Collection Fees, \$287.95 to Civil Service Legal Consulting, and \$5,500 to Ambulance Supplies. The Ordinance also provides for appropriation adjustments: \$10,711 appropriation decrease in Fire Dept. Radio Equipment & Repair line item with increases of \$3,520 to Fire Dept. Tuition & Training and \$7,191 to its Paramedic and Firefighter Training Overtime.

Ordinance No. 37, 2009 authorizes a special assessment to property taxes for the costs incurred by the City in bringing certain properties into compliance with City ordinances.

All these items were discussed at the COW, and additional details can be found in the COW report which will be included in the minutes of this meeting.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Absent.

TREASURER, Mr. Sipe –

Receipts for the month of August: \$ 1,436,391.30  
Receipts for the year through August 31<sup>st</sup>: \$ 8,252,355.56

SAFETY DIRECTOR, Mr. Chatman – Absent.

SERVICE DIRECTOR, Mr. Stegman – (reported by Mr. Sipe) Actually the only thing we had from the Service Director was the trash collection that was included in the Mayor’s report.

TAX COMMISSIONER, Mr. Geiser – I gave each member of Council a list of receipts showing the receipts on the earned income tax for the month of August to the end of the month so you can do comparisons to where we are, where we’ve been and it shows you where we are this year compared to the last ten years. This past week on Monday the Tax Dept. sent out approximately 361 letters. Anytime you do a mass mailing there’s a lot of phone calls and the phones are ringing off the hook and I wanted to bring Council up to date in case you get questions on this. These letters that went out, what these letters are is, the State of Ohio sends us a disc each year listing all those individuals in 45217 who filed a tax return. The most recent one we received is from tax year 2007. We’re running a year behind but that’s when they get us the disc. We finally got around to processing these, I think it’s the first time it’s ever been done, on that list what we are able to do is, we’re able to process due to the software, we’re able to provide a list of all those individuals who we don’t even have their socials, we don’t know anything about them. They’re not even in our system. That’s 361 names of people that we had no idea that they were living here. Unfortunately, a lot of those were minors and we knew that, so when I put these letters together I put an explanation form and what I’m asking people to do is to go through and check off why they believe they were not on the list. They were not aware that they were supposed to file. They were a minor or they were not a resident. We had a lot of P.O. Boxes on that list so we’re not sure but we sent the letters anyway. (Walt, would you pass these out?) I got a couple of examples of the registration forms that you can take a look at because I want you to be aware in case you get questions. I’ve had some calls where people were kind of upset and I said, well did you read the letter, did you read the explanation form? After they read it all they apologized. Oh I didn’t realize it was there. I tried to make it easy for everyone and as you can tell with the phones ringing off the hook and we’re getting a lot of information back. As I told the Mayor, 361 names could bring us up to a City when it comes to the census. A lot of people were not aware they were supposed to file. A lot of people on this list had not filed for years so again we’re processing something that’s never been done before.

One other thing, on the document imaging that continues, we’ve now imaged over 20,000 documents and we continue to work on that process.

FINANCE, Mr. Zix – No report.

SAFETY, Ms. Hausfeld – St. Bernard Fire Department Monthly Report  
August 2009

**Fire Run Activity**

Fires	3
Motor vehicle accident response	4
False alarms	4

Service Calls	6
Medical assists	2
Total calls	19

**Emergency medical responses**

Transported	45
Not transported	28
Total	73

**Inspection Activity**

Permit Inspections	5
Commercial Fire inspections	31
Follow-up Inspections	7
Total Inspections	43

SERVICE, Mr. Tobergte – The Service Dept. would like to remind everyone that Monday Sept. 7<sup>th</sup> is Labor Day. The Service Dept. will be off. There will be no garbage pickup on Monday. If your regular garbage day is Monday your garbage will be picked up on Tuesday. Tuesday’s pickup will be on Wednesday.

PUBLIC IMPROVEMENTS, Mr. Meier – I just want to go through a couple of things. The Public Improvements Committee met tonight with Mr. Wiedmann providing some assistance to us. We’re continuing our discussion on the best way of addressing the issue of properties within the City of how best to rehab the renovations, acquisitions, new constructions. We had a member of the North Side Community Development Corporation come to our meeting last week which was very informative. Mr. Wiedmann gave us some other ideas tonight and we’ll be continuing that discussion so that we can come up with some vehicle to address the problem of housing stocks within the City.

The other thing, and this is not within my committee, but I wanted to let people be aware. I had a report of a couple of people who said they tried emailing me at my City website and in a second I’m going to give you a second email address that you can reach me. I had my City email account set up to where it would automatically forward emails to my home address when it actually physically it went into the City address where there was so much spam in there that the mail box was completely blocked. What I did was, is have a separate email account so if somebody wants to reach me, you can reach me at [firstwardstbernard@yahoo.com](mailto:firstwardstbernard@yahoo.com). That will come to a separate account. You can try the City email address and I will try to be more diligent about cleaning that up but the spam filter on that account just doesn’t work very well. I think I had almost 4,000 pieces of spam in there and it pretty much blocked everything up. If anybody wants to reach me its [firstwardstbernard@yahoo.com](mailto:firstwardstbernard@yahoo.com) It will come directly to a special account that I’ve got set up and I’ll be very happy to get a reply back to people as quickly as possible.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – Tonight the Laws, Contract and Claims Committee met. We were going over possible Ordinances concerning whole house cleanouts and evictions. We did come up with an Ordinance that we like and I’m going to go ahead and draft that and I’d like to be place on the COW agenda next week so we can discuss the proposed Ordinance.

BUSINESS AND INDUSTRY, Mrs. Brickweg – I received a notice that the Hamilton County Park district is accepting pre-paid orders for native trees and shrubs. These trees are regionally grown from seeds collected which are given a

special root maker to insure a healthy root system. Fall is a great time to plant new trees since this is the time of year when plants start putting out new roots. These trees come in a variety of types and sizes and cost \$25.00 a piece. A few example types are Birch, Flowering Dogwood, Maple, Oak, Poplar, and Sycamore. The order deadline is September 21<sup>st</sup> and supplies are limited. The orders must be picked up on September 26<sup>th</sup> or 27<sup>th</sup> at either Farbach-Warner Nature Preserve on Saturday, September 26<sup>th</sup> at Sharon Woods and Woodland Mound. For more information you can call Nature's Niche at 513-923-3665 and for a list of the type of trees and their size please go to [www.greatparks.org/giftshop/treesale](http://www.greatparks.org/giftshop/treesale). This is a great opportunity for the City, businesses and residents to get trees and shrubs at low prices.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – For the month of August the total of passengers for the Dial-A-Ride was 2124, year to date, 17,066. For the month of August total passenger for the Medical Bus, 28, year to date 207.

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

**ST. BERNARD COMMITTEE OF THE WHOLE AGENDA  
AUGUST 27, 2009**

**NEW OR REFERRED ITEMS:**

1. Council approved the minutes of the August 20<sup>th</sup> council meeting.
2. Council went into executive session to get and update on activity at the land fill.
3. Gerry Weidmann asked council for a resolution stating that the City will pay for the engineering fees and inspections for the Vine Street resurfacing. The City has received a grant from OKI for the work but the City is responsible for the engineering and inspections. Council voted 7 to 0 to place a resolution on the table for the next council meeting.
4. Fire Chief to asked council for an ordinance to transfer \$5500.00 from the general fund to ambulance supplies, line item 7-A-3. This is EMS grant monies which the city received and were deposited in the general fund. He also asked for and adjustment of 10,711.00 from line item 7-A-21, Radio Equipment & Repair to \$ 3520.00 to 7-A-2A Tuition and training for confined space rescue, driver training, and fire trailer and \$7191.00 to 7-A-2 Paramedic & Firefighter training for training overtime for 7 paramedics to recertify for advance cardiac life support to maintain paramedic certification. Council voted 7 to 0 to place an ordinance on the table for the next council meeting.
5. Fire Chief Scherpenberg informed council that there will be an Incident Command Training session on September 28<sup>th</sup> and 29<sup>th</sup> from 8:00 AM to 4:30 PM in Centennial Hall. The Safety Director, Rodney Chatman encouraged council to attend.

**REPORTS OF ADMINISTRATIVE OFFICIALS:**

**Mayor, Bill Burkhardt:** absent

**Auditor, Walt St. Clair:**

1. Walt informed council that he needs an ordinance for additional funding of \$2600.00 for County Collection Fee, 2-C-3 line item. This line item accounts for the fee charged by the county for disbursing property tax receipts. It is actually a deduction from the disbursement of our receipts. We book the gross amount as a receipt and therefore have

to book the deduction as an expense. He also requested additional funding of \$287.95 for line item 2-I-9A Civil Service Legal Consulting. This relates to the transcripts for the Civil Service Hearing on June 29<sup>th</sup>. Council voted 7 to 0 to place an ordinance on the table for the next council meeting.

2. Walt requested an ordinance to assess properties for the cost of City's services in cutting grass and cleaning up. Phil will get a list of the addresses to add to the ordinance and he is looking into increasing the fees for next year. Council voted 7 to 0 to place an ordinance on the table for the next council meeting.

**Law Director, Kate Bedinghaus:** no report

**Safety Director, Rodney Chatman:**

1. Rodney reminded everyone that the Fire and Police Steak Fry would take place, August 28<sup>th</sup> from 4:00 PM to 11:00 PM in the Pavilion.
2. Rodney informed council that the residents at 127 Albert Street have moved and the property will soon be available for sale. He also stated that the Nuisance Abatement Task Force which handled this problem will continue to address future nuisance problems.

**Service Director, Phil Stegman:**

1. Phil informed council that when the Service Department was removing the concrete from the pool on Tennis Lane they discovered that there was over 14 inches of concrete. He had originally had a bid of \$3,100.00 to have the pool removed but thought the Service Department could do it and save the City some money. After discovering the two layered pool and the use of 10 dumpsters at \$350 a piece, Phil went back to the company he first talked to and they said they would finish the removal, not charge for the 10 dumpsters and complete the work for \$3,100.00.
2. Phil informed council that a very large dying tree was removed on Imwalle and that hedges were trimmed down at Franklin Park to allow the children to be seen. He is also getting prices from Natorps for new landscaping since they are having a huge sale going on.
3. Phil informed council that the second part of repair to the railroad crossing at Vine and Spring Grove will be starting soon.
4. Phil informed council that the gas leak on Ross Avenue has been repaired.

**Tax Commissioner, Ed Geiser:** absent

**Treasurer, Jamie Sipe:** absent

#### **REPORTS OF STANDING COMMITTEES:**

**Laws, Contracts and & Claims, Mike Peck:** Mike announced that his committee will be meeting September 3<sup>rd</sup> at 6:30 PM.

**Public Improvements, Kevin Meier:** Kevin informed council that his committee met that night and had a guest speaker from the Northside CDC who explained how their CDC worked. He also announced that his committee will be meeting September 3<sup>rd</sup> at 6:45 PM to continue their work on the declining housing stock problem.

**Business & Industry, Peggy Brickweg:** Peggy asked the City's departments and committees to support local business better. She suggested when purchasing items such as flowers, drinks and food that we use local businesses. Phil stated that sometimes these businesses are higher in price and Peggy suggested going to the owners and see if they will match the price.

**Safety, Patty Hausfeld:** no report

**Highways & Transportation, Cindi Bedinghaus:** no report

**Service, Don Tobergte:** no report

**Finance, Greg Zix:** no report

**Audience Participation:** A member of the audience stated that the City needs to do a better job of communicating with the residents during emergencies, such as the hurricane last fall. Rodney informed him that the City is learning from its mistakes and is working on a plan.

**Ordinances and Resolutions for the next council meeting:**

1. Resolution for OKI grant
2. Ordinance for additional funds and transferring funds
3. Ordinance for cutting grass fees

Next Council Meeting: September 3<sup>rd</sup> at 7:30 P.M.

Next C.O.W. Meeting: September 10<sup>th</sup> at 7:30 P.M

**COMMUNICATIONS** – None.

**RESOLUTIONS AND ORDINANCES**

Motion by Mrs. Brickweg, seconded by Mr. Peck to read tonight's Resolutions and Ordinances by title only. Motion passed 7-0.

RESOLUTION 17, 2009. AUTHORIZING THE AUDITOR TO PERMIT THE CITY OF ST. BERNARD EMPLOYEES TO DONATE EARNED COMP TIME AND VACATION TIME FOR THE BENEFIT OF JOE DORNBUSCH FOR MEDICAL LEAVE PURPOSES. ESTABLISHING GUIDELINES AND PROCEDURES AND DECLARING AN EMERGENCY.

Mrs. Brickweg – Actually before I make, if this is possible, before I make a motion I think a lot of Council has questions on it or unless I'm wrong.

Ms. Hausfeld – I believe we do. We've got some emails, well some of Council have been getting emails about this. When I received my email, there was no explanation, no attachments, no nothing and I did email Phil back. We don't even know what kind of medical thing that this is for Joe Dornbusch. There wasn't a lot of explanation at all and we were, some of us were discussing this before Council and I guess before I vote on this I'd like some explanation on what it is and what we're doing and that kind of stuff.

Mr. Zix – This is what St. Bernard is all about, everybody chipping in and giving back. I think you believe that too but it is as simple as that. They're donating some of their comp time from their vacation time for one of their fellow employees.

Ms. Hausfeld – You're right, I am for that but the only time that this has been done, guys correct me if I'm wrong because it was way before any of us were up here on Council. I'm sorry Greg, you were on Council but the rest of us weren't, was for Ronny Miller and that was a pretty serious medical emergency and if my recollection has got me right, he didn't have a lot of vacation time, sick days or comp time banked up and that is why he did it back then but this particular person has been on the job for several years that I know of. He's got sick time. He's got, you know, as many vacation days and stuff and is he completely out of everything? Is he out of vacation? Is he out of Comp Time? Is he out of sick time? I guess Walt you're the best one to answer that.

Mr. Tobergte – I did talk to Mike Wiedmann down at the garage today. He's out of sick time. He's out of vacation and CompTime. He's really out of everything. He's lost five days of pay already. That's why it's retroactive to August 26<sup>th</sup>. Curtis, correct me if I'm wrong, due to hipa laws, I don't know if we can really discuss it in Council what his actual problem is.

Mrs. Brickweg – If we want to discuss it, they just have to ask for a motion to open up the floor for discussion, so it can be discussed.

Mr. Tobergte – I'm talking about his actual condition.

Mrs. Brickweg – Oh, OK I'm sorry.

Mr. Walden – I think Mr. Tobergte's concern is whether or not we should be debating the physical condition of a City employee on open Council floor.

Mrs. Brickweg – I just, basically, I know a couple of Council people have some questions and so I just wanted to, before I made a motion I just wanted to give them the ability to ask some questions.

Mr. Peck – I don't have any problem with this. It looks like it's a voluntary thing and an individual needs some help. If this is what we have to do to facilitate that I don't have any problem with it.

Mrs. Bedinghaus – I have no problem with this as far as my business I don't believe what the medical problem is. I do believe that would help him and that is what it is all about. The only question I have is and I did get that answer before Council is about vacation time and pay outs and the roll over of vacations. All of those questions have been answered for me so I am in full support of this.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to suspend with the second and third reading of Resolution 17, 2009.

## **REMARKS**

Ms. Hausfeld – Walt, Walt St. Clair, I guess I'm going to ask you. I see where it says in here where that they can donate Comp Time and vacation time. What is the reason behind not being able to donate sick time?

Mr St. Clair – I really can't answer that Patty. I really don't know. It's was always just vacation time. That's all they were allowed to use. The fact that vacation time is not, cannot be rolled over and cannot be accumulated and run up to a large amount or carried over every year, I think that's the reason. Where sick time is allowed to be accumulated and some of the employees have way over what they'll be able to cash out when they retire so I think that is part of the reason why it was just vacation and Comp Time for this particular case as opposed to. It's never been done for sick time and that was one of the reasons because they can accumulate sick time year after year after year.

Mr. Sipe – Somewhere related, the Post Office has the same type of thing. We're only allowed to do vacation. We don't have Comp Time, but it is the same basic principle like Walt said. You're sick time is something you earn. The vacation

time is something you're allotted through your work. That's why you can give away vacation time and not sick time.

Mr. Zix – I think the key is that sick time is capped. It's capped at a certain level so they want to keep that cap there. It would cost the City more if we didn't have a cap on it. In some cases its 125 days and others 225 days. I don't know what those numbers are anymore but it's because of that cap I believe. I would hope that everybody would vote for this. I think it's what's neat about St. Bernard that people chip in when somebody is in need.

Mr. Geiser – I was Law Director when we first did this with Ronny Miller and the real issue is; vacation time is a vested right, you earn that, that's yours, you can do with it as you want. Sick time is a conditional right. The condition is that you're being sick so that's why we only allow vacation time because it is a vested right that you earned. That was the difference.

The motion to suspend with the second and third reading of Resolution No. 17, 2009 passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to adopt Resolution 17, 2009. Motion passed 7-0.

**RESOLUTION 18, 2009. AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF TRANSPORTATION FOR THE PROJECT KNOWN AS HAM CR 604 – 3.48 (VINE STREET), AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to suspend with the second and third reading of Resolution 18, 2009.

## **REMARKS**

Mrs. Brickweg – First I would like to thank Gerry for working on this. This is one of the Grants, one of the Shovel Ready Grants from OKI. What it is basically going to be doing is, hopefully paying for all of it, but the resurfacing of Vine St. from corporation line to corporation line. Right now the maximum we can get is \$860,000. Right now we have half but its looking pretty good that we might get it totally paid for but the City does have to pay for the engineering fees and the inspection. I just wanted to thank him for taking the time and going for this Grant and I'm glad we got it.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Meier to adopt Resolution No. 18, 2009 as read. Motion passed 7-0.

Mr. Walden – Next is Ordinance No. 33, 2009 which is up for its third reading tonight.

**ORDINANCE NO. 33, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Mr. Peck to adopt Ordinance No. 33, 2009 as read. Motion passed 5-2. Mr. Tobergte and Mrs. Bedinghaus voted no.

**ORDINANCE NO. 36, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 36, 2009.

### **REMARKS**

Mrs. Brickweg – I just wanted to comment again but this time the Fire Dept. Part of this is a Grant that they received for ambulance supplies for the price of \$5,500. They received the money. It went into the General Fund so we just have to take it from the General Fund and put it back in there and according to the Fire Chief hopefully they'll be getting \$5,500 next year from that Grant. I just wanted to thank them for going for the Grant.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Ordinance No. 36, 2009 as read. Motion passed 7-0.

**ORDINANCE NO. 37, 2009. AUTHORIZING A SPECIAL ASSESSMENT ON CERTAIN PROPERTY TO REIMBURSE THE CITY FOR THE COST OF BRINGING THE LAND OR REAL PROPERTY INTO COMPLIANCE WITH CHAPTER 905 (TREES AND WEEDS) AND DECLARING AN EMERGENCY.**

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to suspend with the second and third reading of Ordinance No.37, 2009.

### **REMARKS**

Mr. Zix – I think we discussed this at the COW but I think we really need to stiffen these penalties. We need to bring these penalties up a lot higher. This is for the properties with the weeds and trees and shrubs and the litter, making our City look bad to whereas the Service Dept. has to come in and clean it up. I think we should make a higher penalty on this. I would like to bring this back up at the next COW.

Mrs. Brickweg – Just to add to that, I'll put it on the COW agenda, but Phil did say that he is addressing that. He's looking into raising the rate, but I can put it on the agenda but he already did tell us that he did plan on raising them.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to adopt Ordinance No. 37, 2009 as read. Motion passed 7-0.

### **OLD BUSINESS**

Mr. Tobergte – I just wanted to keep the rest of Council informed that I finally received the 10 year equipment list for the Capital Equipment Funds from the two

chiefs and Phil. I gave a copy to the members of the Finance Committee. If anyone else would like a copy let me know and I'll place them in your mailboxes. I'd also like to make a motion to go into Executive Session at the end of the meeting to discuss pending litigation.

Mr. Meier – I'll second.

The motion to go into Executive Session to discuss pending litigation passed 7-0.

### **NEW BUSINESS**

None.

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

None.

Council went into Executive Session to discuss pending litigation.

Mr. Walden – The September 3, 2009 regular meeting is back in session. Council was in Executive Session discussing pending litigation.

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to grant conditional authorization to our Counsel to sign EPA orders. Motion passed 7-0.

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