

**ST. BERNARD CITY COUNCIL MEETING
AUGUST 21, 2008**

The regular meeting of the St. Bernard City Council was held Thursday, August 21, 2008 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. Mr. Tobergte seconded the motion. Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – Absent.

AUDITOR, Mr. St. Clair – The reports for the City’s investments and bank accounts have been distributed to Council, the Mayor, and the Treasurer. Before Council tonight are Ordinance Numbers 41 and 42. As discussed at the COW, Ordinance No.41 moves funds from the General Fund Cash Account to the Following Funds’ Cash Accounts: \$15,000 to the C-9 Trust Fund, \$2,500 to the Mayor’s Court Computerization Fund, \$193,000 to the General Bond Retirement Fund, and \$300,000 to the Employee Health Plan Fund for a total of \$510,500 expensed from the General Fund. Ordinance No. 42 authorizes the City to file with the County Auditor a special assessment on properties for the costs of cleanup incurred by the City.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – Absent.

TREASURER, Mr. Sipe – I encourage Council to pass Ordinances No. 41 and 42. this evening.

SAFETY DIRECTOR, Mr. Chatman – The only item that I have is that this would be my last call for interest in the Citizens on Patrol. As of yet we do not have anyone officially who has responded in terms of having an interest. As I mentioned, this would be the last call for it. If there is no interest after this particular meeting then we will start a different route of trying to get the citizens involved in a lot of the progress that has taken place in the City.

SERVICE DIRECTOR, Mr. Schrand – I have a letter here from CSI:

To Our Valued Customers:

As a valued customer, we believe it’s important to inform you with what we need to do to stay ahead of all issues and regulations. While managing society’s waste is not a glamorous business, it is an essential one and we take our responsibility in this regard very seriously.

Ever increasing disposal costs have reached a point where we need to adjust your rate to permit us to recover these costs and to maintain a reasonable return on your account. Your next invoice will reflect the rate adjustment for our service. Please be assured that we continually review our costs to address cost pressures and provide you with high value service.

Thank you for allowing us to be your service provider. Please do not hesitate to call us with any questions.

Sincerely,

CSI Waste Services

This is the second letter in four months that we've gotten an increase.

I would like to be put on the COW agenda to discuss going out for bids for a new packer and also discuss recycling bins.

TAX COMMISSIONER, Mr. Geiser – The Tax Board of Review met this past week, actually it was the end of last week. The meeting was over three hours long. We reviewed all the changes over the past eight months in the Tax Office, reviewed all the different policies that have been generated and there's a lot on the agenda. We only got about half way through the agenda. We're going to meet again the 28th at 2:00 back in the Council Chambers to finish up all the different topics that we have. I want to thank the Tax Board of Review for their hard work. There is a lot of information we're going over and they've been very good and attentive and following up with all the different issues that have been put before them. This past week Walt Moeller and I attended a presentation put on by Pro Source for document imaging and digital software storage. Walt's been really active in pursuing this. This has been a great help to the Tax Dept. Also this software that we saw would be Citywide. The whole City could use this. Walt is going to find out more information. They're going to come out here sometime next week and sit down and talk with us more so we'll be coming back to Council later on about that software. What it's going to cost, we have no idea right now, but it might be a good advantage for the City to look into this.

We sent out over 500, close to 500 landlord letters. Some of you may have gotten them. The response has been very good, although there have been a lot of phone calls and questions. The major question is, people get the letters and they think that they're not complying with the law, that there's going to be a penalty charged. I've been telling everyone we're not pursuing penalties at this time. Basically this is to make people aware of the law because it hasn't been informed. It helps us with our census and it also makes us compliant with tax filing. Overall the response has been very good and we've received a lot of responses back. It's kind of overwhelming we've gotten so many back. I'd like to be put on the agenda for the next COW. What I'd like to address Council is that we're proceeding through the clean up. We have, and I brought this to Council some time in the past, when you look at our mid software, we have a balance due from what you would say tax payers owe the City, over \$870,000. That goes all the way back to 1989. Also we have what we owe other tax payers over \$500,000. I think the records are probably off. There's been some conversion when they went from a DOS program to a WINDOWS base. I heard from other tax offices that the numbers were just kind of jumbled. The problem we got is from 1999 on back. We don't even have the tax returns anymore, they've been destroyed. Basically we're going to probably just have to write it off the books. Clean it up. Set everything back to zero from 1999 on back. After talking to some of the other City Hall Officials, I don't feel comfortable doing that without Council's approval because, in effect, if the State Auditors come in and examine me, what authority do I have to do that? I want to bring that up to Council and possibly have an ordinance. I sent an

email off to Kate to get some investigation and get me a legal opinion on what I should do to write off these amounts and clean up the books.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance recommends passage of Ordinance No. 41, 2008.

SAFETY, Ms. Hausfeld – No report.

SERVICE, Mr. Tobergte – The Service Dept. has given me a new Street Sweeper Schedule. I have given a copy to Elaine to put on the City web site and hopefully it will be displayed on the message boards around the City. We ask that the residents please move their vehicles off the street on their assigned day so we can keep our streets clean.

PUBLIC IMPROVEMENTS, Mr. Meier – I've got a couple of things to go over tonight. The Public Improvements Committee did meet last Thurs. night before the COW. We're working on an idea of being able to acquire some of the bank owned properties within the City and we need to get something done with those. We will be meeting again next Thurs. night at 6:30. I did get a little bit of information over this last week. For people that you've probably heard about this economic stimulus package that the President signed a few weeks back, part of that that you've heard of, you've probably heard about the \$7,500 tax credit for first time home buyers. You might have heard some information about some funding to address lost mitigation and foreclosures and help people from going into foreclosures. What I found out, and I found this out through a contact of a person in the City of Middletown where I was talking to this individual. In this bill there is four billion dollars that is being funded toward the redevelopment of abandoned and foreclosed homes. Basically the way it is set up is, their financing mechanism, the money can be used for purchase and redevelopment of foreclosed homes, residential properties. You can use the money for things such as "soft seconds". A "soft second", you may have heard me talk like with Cincinnati Housing Partners has "soft second" where a down payment assistance is provided to a first time home buyer, then is forgiven maybe ten percent a year for maybe ten years or twenty percent a year for five years. That's called a "soft second" because there's no interest being paid on that and the homeowner is not making any payments. You can use it for lost reserves, you can use it for buy out on interests rates to make mortgages available for people. You can use it if we got this money for the purchase and rehabilitation of homes and residential properties in order to sell, rent or redevelop such homes and properties. The way that works is, any money or profits, first of all you have to, the City would have to buy them or the Cities partner would have to buy these properties at the below the market value of them, so obviously if the bank owned them, you'll be able to get them below market value. You cannot sell them to a home owner for more than the cost of acquisition and renovation. Any money that you got, that the City or the City's partner got, either from the sale of those, or from the rental of property if we acquired properties and used them in rental, during the first five years those monies would come back to the City. Any profit that was earned after five years that money would then go back to the U.S. Treasury. Funds could also be used to establish "land banks" for

homes that have been foreclosed upon. We've been talking about "land banks" so this is another vehicle for financing. Here's one I like, to demolish blighted structures. One of the other cities, there thought was, and I know you've heard it mentioned at our meetings here, is that on properties that are too small or run down, what they're doing is, they're planning on taking the funds to acquire those properties, demolishing them until such time they can combine a couple of homes, combine the lots and then build one larger, nicer, more modern property. It can also be used to redevelop or demolish any vacant properties. Rehabilitation of these can be used for things like energy efficiency, or safety of the property. Some that's nice of this, no matching funds shall be required in order for the State or unit of general local government to receive any amounts under this section. We don't have to put up any money folks. We just have to get the paper work in line so that we can stand to get some of this money. Normally, when we're requiring the QUINT or some other things or some of the road projects or street projects, we have to put up a certain amount of money in matching funds in order to be considered. In this one we do not. That was pretty interesting. There are some income limitations on this. The income limitations are; you cannot exceed 120% of the medium income. For here in our area that means a family of four, their adjusted gross income cannot exceed \$79,000 and a little bit. The 75% percent of the monies that are spent can be for, like I said, that earns up to \$79,000 so we want those people living here. 25% of that money has to be used for people whose income does not exceed 50% of the medium income. Here's my thoughts on that. That sounds like somebody that's retired, living on a fixed income. Obviously, we have a lot of seniors in our City and my first thought was, if we could acquire some of these of properties and make them, either handicap accessible or senior accessible, energy efficient, safe properties, make them available to somebody who is on a fixed income so that we can meet that income requirement and still serve our citizens. It is a very long document. The bill itself is 260 pages. I just printed out the parts that applied to this particular section. I'm going to get some more information. The Cincinnati Office of Housing and Urban Development does not really know how it is going to be applied. The funds for the State of Ohio will be run through Columbus or Cleveland so they've given me some contact information. I'm going to run down some of that information to bring back to us. I thought that was a pretty exciting thing and it definitely falls in line with what we're trying to do here in the City. I think we have to take advantage of it and get in line to get some of this money. The other part of this, the \$7,500 tax credit for first time home buyers, that will be available through July of next year so we can acquire property this fall and get them renovated and back on the market. We have some really nice tools to work with. I have that information. I thought that was important to bring back. Another thing I want to bring back and this is to Gerry and Walt, you know we've had the demolition going on up next to St. Clement and there was some concerns earlier this week about how that might impact the classes and the kids going back to school. I got an email from Kathy Stover today. I asked how the demolition was going. She said it was actually going quite well. They've been great to work with and they're working around arrivals and dismissals. We had a little potential issue there and Gerry and Walt and Bill stepped in and got it resolved and it sounds like everybody is happy with what's going on.

At that end of the session tonight I would like to make a motion to go into Executive Session to discuss personnel matters.

The motion to go into Executive Session was seconded by Mrs. Bedinghaus. Motion passed 7-0.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – I have one thing in response to the question of the Safety Director regarding the use of cell phones during the operation of a motor vehicle. I've looked into this and I have three different ordinances from other cities in Ohio. One from North Olmstead, one from Brooklyn, Ohio and one from Walton Hills, and I've distributed these to the Safety Director as well as the other folks on the Laws, Contracts & Claims Committee for their review. I'd like to be placed on the COW agenda next week to discuss this further and I would ask not only for the opinion of the Safety Director but also the folks on the Committee to give their opinions next week and I'll distribute these Ordinances to the rest of Council at that time as well.

BUSINESS AND INDUSTRY, Mrs. Brickweg – Just to add to what Kevin said, that bill is part of the thing that Hamilton County is working with what I had discussed, the land thing, and as they're reorganizing the port authority, they're trying to write up how that will work with that money. I'm not saying we can't get it but that's part of their plan is to run it through the County. The County can do all the paper work, get everything together and then hand out the money to the municipalities. I know that's part of that whole thing also.

For my report for Business and Industry, I just want to report that I will be attending the next Implementation Committee Members meeting for the I-75 Millcreek Expressway Project. It is next Wednesday. At that meeting I plan to look into their markings for Ludlow Park, if they made any decisions for the fire house or the post office and I also want to get their feelings on, I read in the paper the new ideas for the Hopple St. designs and per Gerry I'm going to look into if they have any criteria for the logo for the sound walls. I will also be attending the COGNIS CAP meeting next week.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – The only thing that I have is I wanted to ask Ray about the railroad tracks down at the corner of Spring Grove and Vine St. There's a lot of holes that are beginning to form and its' very rough going over those railroad tracks. If you could have that looked into for me I would it would be great.

Mr. Schrand – Yes, I'll be glad to have it checked out.

Mrs. Bedinghaus – OK.

Mr. Schrand – I did get a call from a bus driver that comes over it everyday also and asked me to check on it.

Mrs. Bedinghaus – OK, thanks.

Mr. Schrand – I'll have to get with the railroad, they're the ones that tore it up.

Mrs. Bedinghaus – Yes, they did.

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

COMMITTEE OF THE WHOLE
August 14, 2008

NEW OR REFERRED ITEMS:

1. Approved the minutes of the August 7th council meeting.
2. Peggy reminded everyone about the Preachers, Politics & Prophets, Historical Society Tour that Marge Niesen is running on Tuesday, September 9th in St. Bernard. Marge would like any council and administrative members that are able to attend be at City Hall at 9:00 AM to explain what they do for the city.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt: Bill reminded everyone of the St. Bernard Concert in the Park set for 7:00 PM to 10:00 PM Friday, August 15th.

Auditor, Walt St. Clair:

1. Walt asked requested an ordinance for liens to be put on properties that the city is cutting grass at. Council voted 6 to 0 in favor.
2. Walt requested an transfer ordinance for funds from the general cash fund to the following: (council voted in favor 6 to 0)
 - A. \$15,000.00 to the C9 Fund
 - B. \$193,000.00 to the General Bond Retirement Fund
 - C. \$300,000.00 to the Employee Health Plan
 - D. \$2,500.00 to the Mayor Court Computerization Account
3. Walt informed council that during the Department Heads Meeting he discussed some line items in department budgets that may be running low. These include the following:
 - A. Police Department Comp Time
 - B. Fire Department Regular Salaries
 - C. Paramedic and Fire Training
 - D. Service Department Part Time Employees
 - E. City Hall Building Maintenance
 - F. Fire Department Building Maintenance
 - G. Heavy Equipment/Foreman Operator
 - H. Property Management
 - I. Health Department Clerk
 - J. Employee Health Plan

Law Director, Kate Bedinghaus: absent

Safety Director, Rodney Chatman:

1. The Fire Department participated in training for forcible entry, medical review and ground ladders. Seven training sessions were conducted with each Fire Department member receiving 15 hours of instruction.
2. The Enquirer ran an article which included Police Chief Moeller. Specifically, stating that he ran in the Cincinnati to Columbus leg of the Law Enforcement Special Olympics Torch Run on June 25th. Chief Moeller along with Chief Rick Hines of Mariemont Police has participated in the Torch Run since it started in 1986.
3. Rodney would like anyone interested in participating in a “Citizens on Patrol” program in St. Bernard to contact him.

4. Don informed Rodney that he asked the Fire Chief to look into the study of the Joint Fire District that is being done by some communities.

Service Director, Ray Schrand: absent

Tax Commissioner, Ed Geiser: absent

Treasurer, Jamie Sipe: no report

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck: Mike discussed a suggestion for a “saggy pants” ordinance in St. Bernard which is supported by Police Chief Moeller. He provided council with a sample ordinance from Louisiana. Mike asked councils thoughts on such an ordinance. Greg like the idea, Cindi stated she like the idea and asked how it would be enforced and Don asked if the ordinance should also include girls that dress inappropriately, such as in running bras. Kevin stated that he is in favor of it because the wearing of “saggy pants” is copied from gang members prisoners that have to give up their belts in prison. Mike stated that this would give the Police a tool to regulate the appearance of our city. Rodney stated that other such ordinances have been challenged by organizations such as The Civil Liberties Organization based on them being racially motivated. Peggy stated that we ask Kate to look into the legality of such an ordinance and everyone agreed.

Public Improvements, Kevin Meier:

1. Kevin made a motion to go into Executive Session at the end of the meeting to discuss the purchase of property. Council voted in favor 6 to 0.
2. Kevin reported that his committee met that night to discuss the city starting a program to purchase foreclosed property to fix up and sell. They will meet on Thursday, August 28th at 6:30 PM to continue the discussion.
3. Kevin reported that the CIC met Wednesday, August 14th and it was reported there is no progress on the NuMaid Property and the Philips Avenue-Canal Bed Property requires a Phase two Geo Thermal Environment study. Kevin also reported that the demolition party was a success, but the remaining demolition of these properties has been delayed due to the requirement of asbestos removal from some of the properties. The city received \$70,000.00 in grants for the demolition, but with the additional required asbestos removal, the total cost of the demolition is \$197,574.00.

Business & Industry, Peggy Brickweg:

1. Peggy reported that she will be attending the Hamilton County Implementation Committee meeting to discuss the aesthetic of the I75 expansion.
2. Peggy explained to council that the reason she usually is the first council member to make the first motion on ordinances is because she was told this was the role of the President Pro Tem. Bill stated by having the President of Pro Tem make the first motion it makes the meeting run more smoothly, instead of waiting to see who will make the motion. Greg suggested that the Committee Head recommending any ordinances make the first motion. Peggy stated she is fine with either way she just did not want everyone thinking she was trying to take control of any meetings; she was just doing what she was told.

Safety, Patty Hausfeld: absent

Highways & Transportation, Cindi Bedinghaus: no report

Service, Don Tobergte: no report

Finance, Greg Zix:

1. Greg discussed the idea that the city update its sign ordinance. He stated that he received complaints from residents of Ward 4 regarding hand written signs. He said the ordinance we have is good, but that it needs to be enforced. Mike stated that our current sign ordinance prohibits political signs and that he would like to review the ordinance and the committee would discuss any updates to regulate it.
2. Greg asked for an update regarding fixing up Bertus Street Park. Bill explained that he is waiting on feedback from council. Peggy stated that the city is waiting for an opinion from Kate regarding if it is legal for the city to build homes on the property. Cindi stated that Kate informed her that Ed Geiser gave an opinion on this during his term as the City Attorney. Peggy stated she would like to have Kate's opinion since she is the current City Attorney. In the meantime Bill will look into the idea of putting better lighting in the park and making sure the park is kept clean. Bill also stated that he will have a public meeting to discuss the idea of building homes on the property if it is legal.
3. Greg suggested that the city look into updating the sound system in City Hall. Walt Moeller stated that is currently being looked into.

Audience Participation:

1. Joan Ronnenberg suggested that if the city votes on a saggy pants ordinance that those violating the ordinance get a warning and explanation the first time.
2. Bob Hausfeld thanked council and the administration for voting to bring back the position of the Fire Inspector. He suggested that council vote again to extend the re-all list so the other laid off Fire Fighters would have the opportunity to come back if there were any openings, such as people retiring. Bob also stated that since the Police Department is currently looking into hiring three officers, he is a trained Police Officer and he would like to transfer to the Police Department to the Fire Department, which would open up a position for someone on the re-call list. Bobby also suggested that the city look into building home in the Chalet-Heger Park.

Ordinances and Resolutions for the next council meeting:

1. Ordinance for liens of homes were the city is cutting the grass.
2. Ordinance for the transfer of funds.

Next Council Meeting: August 21st 7:30 P.M.

Next C.O.W. Meeting: August 28th 7:30 P.M.

Respectfully submitted,

Peggy Brickweg,
President of Council, ProTem

COMMUNICATIONS – None.

RESOLUTIONS AND ORDINANCES

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

ORDINANCE NO. 41,2008. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS, TO PROVIDE ADDITIONAL APPROPRIATIONS, AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 41, 2008.

REMARKS

Ms. Hausfeld – I would just like, I guess Walt, if you could explain what, I was not here at the COW so I did not get the information on this as far as what the different, like what the C-9 is for, what the mayor's court cost. If you could just explain it so I know.

Mr. St. Clair – OK, the mayor's court computerization fund we had started I think the mayor made a report the last Council meeting that there was some money that's coming into one of the computerization funds. In the meantime Mr. Moeller had asked for some money to be put into there because we're starting to work on the software and the necessary lines to initiate communication between the mayor's court, the police dept. and the mayor's court here at City Hall. The reason for that \$2500.00 is just some seed money to keep things moving in that particular activity.

The other transfer of funds from the General Fund to these other funds was to cover appropriations in those funds. We're getting to the point, where say for instance, the General Bond Retirement Fund, the cash in that account was less than \$1,000.00 and we're going to have some of the interest and principle payments coming due soon. That's the reason for the \$193,000.00, that will cover the appropriations which will be the principle and interest for the notes. The principle and interest on several things coming due in the fall. The C-9 Trust Fund, that has started to flow now from the third party administrator handling those items through the retirees, the first bill we got was in the neighborhood of \$17,000.00. We were able to cover that. Now we got less than \$7,000.00 left in the C-9 Trust Fund Cash Account so that, but we do have sufficient appropriations because we budgeted for it, so this is just to put the cash into the C-9 Trust Fund Account to cover the appropriation and the upcoming expenditures. The same with the Employee Health Plan Fund. We do that throughout the year. As the cash balance in the Employee Health Plan Fund gets used throughout the year, we keep adding money to it. The appropriation is around \$1,000,000.00 for that total within the budget and we just keep on periodically putting the cash in to cover the appropriations as they become needed. And then the transfer out from the General Fund, that is merely the credit side of the transaction. We're debiting the funds for the cash into those funds and crediting the General Fund for the cash going out of the General Fund.

Ms. Hausfeld – Thank you.

The motion to suspend passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Tobergte to adopt Ordinance No. 41, 2008 as read. Motion passed 7-0.

ORDINANCE NO. 42, 2008. AUORIZING 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 Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 42, 2008. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Ordinance No. 42, 2008 as read. Motion passed 7-0.

OLD BUSINESS

Mr. Tobergte – I'd like to be put on the COW agenda to discuss the Dial-A-Ride buses next week please.

Mr. Chatman – I don't have the flier in front of me, I think this is the last Council meeting before the tour of the City that Marge Niesen spoke of. Does anyone have information regarding what we could share with the audience members if that's the case?

Mrs. Brickweg – The only part that I know of, she has asked Council and the Administration to be here at 9:00am on Sept. 9th and the tour was going to come in here where we were supposed to explain how long we've been on Council and what we do. Then I think they're going to board a Dial-A-Ride Bus and take a tour of the City but I'm not sure from there on what's going on.

Mr. Walden – I believe the date is as Mrs. Brickweg stated it is September 9th, 2008.

Ms. Hausfeld – Mr. Chatman, we should have one more meeting before that if I'm not mistaken. Maybe we could get more information and share it at time.

NEW BUSINESS

None.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mrs. Brickweg – The next COW meeting will be August 28th, at 7:30pm.

Mr. Walden – At this time we will excuse the audience and Council will meet in Executive Session to discuss personnel matters.

Council met in Executive Session.

Mr. Walden – The regular meeting of City Council is back in session.

Motion by Mr. Zix, seconded by Mrs. Bedinghaus to adjourn. Motion passed 7-0.