

**ST. BERNARD CITY COUNCIL MEETING
MARCH 19, 2009**

The regular meeting of the St. Bernard City Council was held Thursday, March 20, 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, Mr. Zix.

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

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – (read by Mr. Stegman)

The Mayor's Monthly Court Report Receipts for February 2009: Mayor's Court fines were \$3,648.00, and costs of \$240.00. Parking fines of \$258.00 Police Reports \$0.00 and Bond Forfeiture of \$110.00. Mayor's Court Computerization of \$102.00 and Clerk of Court Computerization was \$350.00. Total to the City was \$4,708.00. State fees: Victims of Crime 342.00 and General Revenue \$570.00. Indigent Driver's Alcohol Treatment Fund of \$40.50, Indigent Defense Support Fund of \$135.00 and the Drug Law Enforcement Fund of \$94.50. Total to State was \$1,182.00 Total Disbursements were \$5,890.00.

On behalf of the St. Bernard Women's Club I would like to thank the community and city departments that donated items to send to the troops in Iraq. A special thank you from Major Christopher Niesen; getting packages from home really means a lot to him and his men.

AUDITOR, Mr. St. Clair – The month of February reports for the City's investments and for the balances in our various bank accounts have been given to each Council member and the Treasurer. Also given to Council each Wednesday is a report of open purchase orders as of the date and time shown on the report. This report allows Council to see when purchases are being made from whom they are made for what and for how much.

As discussed at the COW, the Auditor's office has prepared Resolution No. 4, 2009 and Ordinance No. 11, 2009.

The Resolution provides Council approval to pay two invoices from 2008 with 2009 appropriations and to pay an invoice on a purchase order with a "Then & Now" certification. Normally the Auditor can certify funds availability for a transaction prior to purchase order presentation, but when such transactions are equal to or greater than \$3,000, Council has to approve payment by Resolution or Ordinance. Ordinance No. 11, 2009 provides for additional appropriations to the two line items for the 2008 invoices previously mentioned. It also provides additional appropriations to the transfer out line items of the General Fund and the Master Plan Fund to cover the fund transfers from Ordinance No. 9, 2009 in the amounts of \$1,855,000 and \$1,025,000 respectively. This Ordinance also

increases the appropriation for Criminal Act Forfeiture Expense by \$5,000.00 which allows for the expenditure of monies accumulated in the Criminal Act Forfeiture Fund Cash Account.

TREASURER, Mr. Sipe – Absent.

SAFETY DIRECTOR, Mr. Chatman – A couple of items, number one, the gun lock program as I reported on in the past is underway for the month of March. If you would like a gun lock for your hand guns just come up to the Police Station, pretty much a no questions asked and you'll be given one. Also at the next Block Watch Meeting, we're doing a different day and meeting time. The next one is set for Wednesday, April 22nd at 7:00pm in Council Chambers. I am still encouraged by the number of people that have not made any of the meetings thus far but continue to call and express interest. Lastly, last week at the COW there was some discussion, some suggestions and some questions that came about regarding the Fire Fighter eligibility list. As a result of that discussion and trying to decide on which direction we would go, the decision was made to contact the Law Director for some guidance and direction. So what I have done is I have placed in your email my formal request to the Civil Service to withdraw my request to submit an eligibility list until we get the answer from the Law Director and as soon as we get the clarification from her I will trust in her judgment and we can go forward at that point. At this point I have withdrawn my request to get an eligibility list for the Fire Fighters and we will proceed once that decision has come in.

SERVICE DIRECTOR, Mr. Stegman – THE ROOF ON THE MUNICIPAL BUILDING STARTED MONDAY AND THE PROJECT SHOULD BE DONE IN 3 WEEKS DEPENDING ON THE WEATHER. I'M ASKING PEOPLE TO READ SIGNS TO DETOUR TRAFFIC AND THEMSELVES AROUND THE BUILDING WHILE THE ROOF IS BEING DONE.

THE SERVICE DEPARTMENT IS WORKING HARD IN THE PARKS, STREET REPAIR, TREE REMOVAL, MULCHING, CLEAN UP, SPRUCING UP AROUND CITY HALL AND THE CITY MONUMENT.

I HAVE CALLED ALL THE PEOPLE WHO SIGNED UP FOR THE TREE PROGRAM TO SEE WHO NEEDS TREES CUT DOWN, TRIMMED BACK AND DEAD BRANCHES REMOVED. I HAVE TWO CONTRACTORS COMING INTO TOWN ON MARCH 28 AND APRIL 4 TO GIVE QUOTES TO THE RESIDENTS, SO IF ANYONE WOULD NEED SOMETHING QUOTED CALL ME PHIL STEGMAN AT 242-7770 EXT 7720 BY MARCH 26.

TAX COMMISSIONER, Mr. Geiser – Absent

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – No report.

SAFETY, Ms. Hausfeld – No report.

SERVICE, Mr. Tobergte – The Service Department report for February 2009 is as follows. There were 12 trucks and 4 dumpsters placed at residences along with

140 special pickups. 179 tons of garbage made its way to the landfill. There was 15 tons of recycling material, 5 tons of cardboard, along with 6 appliances. The Service Department would also like to remind the residents that yard waste pick up is on your first scheduled garbage day of the week. Please put the yard waste in an open container. Do not use plastic bags or pile the debris into the gutter. Tree limbs should be no longer than 3 feet.

PUBLIC IMPROVEMENTS, Mr. Meier – Last night the CIC held their monthly meeting and I would just like to go over a couple of the highlights from that. The next issue of the CIC newsletter is going to be going to print on April 20th. After that it will be distributed so people will have a more regular way of getting updates of what is going on. As people know, we discussed what happened with Graeter's in Nu-Maid. As everybody knows, the City of Cincinnati made an offer that would have been impossible for us to match.

The Canal Bed, Al is looking at preparing a site plan that consists of ten to twelve single family homes in there. The City did get some information that it might be possible for us to put a forty foot home in there coming off of Phillips Ave. By doing that, that would relieve the necessity of taking all of the grassy part of the Canal Bed so a portion of that would still be left for people. So he is going to get those plans and once he gets them we will bring them back to Council and get input from Council and have hearings from the public.

Down there at the old KFC, I guess all of the permits and the health dept., that's been cleared and the Fischers place will be opening. They were originally planning their opening this weekend, this coming weekend, but because they will be training new employees there, they're not going to open on a weekend. They will be opening during the week so people will be able to get up to speed on what they'll be doing.

Also, on the Heritage Ohio Main Street Program, as Peggy has reported in the past, the main focus of what that group is looking for is the preservation of older buildings more so than the development of an economic center on a main street. That is the main reason that our application was not approved on that. There has been some discussion about getting an associate membership in that so we could take advantage of training in other seminars that they have. Before we spend the one thousand dollars for that membership, we're going to take a look at what workshops and seminars they've held in the past year and what their calendar is for the upcoming year to see if any of the events that they have planned will a benefit to us. If they're not going to be offering anything that is going to be a benefit to us there won't be the necessity of making that thousand dollar membership in order to join that.

In the Housing and Neighborhood Stabilization Program, I guess the big thing that's coming up will be on May 2nd and 3rd. There will be a city wide open house and this is an opportunity for everybody to get involved even if it's nothing more than being available if there is an open house on your street, stopping by and saying hello to the realtor that's there. If you see people looking coming into the City, make those people feel welcome. All of the realtors will be holding open houses. The day before there will be a workshop here for the realtors and they will be able to get continuing education credit for that so that should be an incentive for them to come, learn about what's going on, what the plans are, what the opportunities are for people that come and live here. That in turn makes them an ambassador for the City and they can go out and when they have buyers, then can sell our City as a place for people to live.

The upcoming events that the CIC is going to be sponsoring; on Saturday, June 27th will be the Classic Car and Motorcycle Show and in conjunction with that on

Sunday we will be holding our second city wide open house. Again, this is a way of driving people into the City so they can come in and see what we have to offer, get some eyeballs in to see what's going on and also at that time all the recreation, the swimming pool will be in full swing. Again, it's an opportunity for the City to show off what we have for people.

On August 15, the St. Bernard Dog Days and Summer Festival, this is turning into a big event and thanks to Mr. Chatman, he is really taking the lead on this and bringing some people in. From what I understand, there will be three different canine demonstrations going on. If you've ever seen one of those it's a pretty neat deal what those handlers and those dogs can do. So those are some of things that are going on with the CIC. As I said the next newsletter will be coming out in April. Sarah Wilson, who has been the assistant to Al has been a great resource for the CIC and the City, is leaving so Al will be interviewing new people to take her place.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – Last week the Laws, Contracts and Claims committee had a meeting before the COW. We discussed an ordinance regulating live entertainment performances. We also discussed a satellite ordinance. We reviewed two sample ordinances and we're looking further into those ordinances and I would like to call another meeting, a brief meeting at 7:00 before the next COW on March 26th to come up with a draft ordinance regulating satellites in St. Bernard.

BUSINESS AND INDUSTRY, Mrs. Brickweg – Some of this might be repetitive, I'm going to give the Steering Committee report from the meeting last night since I'm a member of the Steering Co. Last night the former "Main Street Steering Committee" met and agreed to change their name to the "Vine Street Improvement Committee". The reason for the name change was because St. Bernard was not chosen to be a member of the Heritage Ohio Main Street Program. At the meeting current projects that the committee is working on were discussed. The first project discussed was the St. Bernard Home Expo which will take place May 2nd and 3rd. The committee is still in the process of contacting realtors who have homes listed for sale in St. Bernard. The plan continues to be having a City wide open House on Sunday, May 3rd from noon to 4PM. At this same time there will be a Housing Resource Center in Centennial Hall. Posters and flyers are being designed to promote the event and a press release will be issued.

The committee also discussed the Classic Car and Motorcycle Show which will take place Saturday, June 27th. The event will be held in the St. Bernard Square Parking Lot from 10:00AM to 5:00 PM. Anyone interested to show their car or motorcycle or to set up a vendor booth should contact the CIC. The final project discussed was the St. Bernard Dog Days of Summer Festival which will take place Saturday, August 15th at the Pavilion. The day will consist of a Dog Walk/Run, various exhibits, vendors and demonstrations all centered around dogs, including a dog contest. The CIC is seeking sponsors who would like their logo printed on T-shirts.

The committee has a lot of hard work ahead of them and if anyone is interested in helping out, please contact me.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – No report.

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

NEW OR REFERRED ITEMS:

1. Approved the minutes of the March 5, 2009 council meeting.
2. Council discussed the role of an Audit Committee. Two weeks ago a state auditor informed council that they need to create an Audit Committee because Ohio Revised Code has changed and council members will be held more accountable for financial issues. Cindi was unable to attend the meeting and she had questions regarding the committee. Walt explained that this committee would be responsible to make sure any findings from the state auditor are corrected in a timely manner. Peggy suggested that the city hire someone outside the city, such as a CPA firm to do the auditing. She feels by paying a firm it will make it more professional and accountable to any decisions they make. Some on council would like more time to look into this so it will be on the agenda for the next COW meeting.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt:

1. Bill announced City Hall will be open this Saturday, 10:00 AM to 12:00 PM
2. Bill reminded everyone to enter the "Name the Dog Contest".
3. Bill announced that Karen Scherpenberg started a "Sunshine Committee", which will send out cards, such as condolence; get well, etc. to employee families. Peggy and Patty volunteered to help her.
4. Bill informed everyone that the City Solicitor, Kate Bedinghaus has asked that if anyone needs something to be looked into by her, she requests that it be put in writing and given directly to her.

Auditor, Walt St. Clair:

1. Walt asked for an additional appropriation of \$5000.00 to the criminal act forfeiture line item. He also asked council to correct Ordinance 9, 2009 from last week's council meeting because it was missing the credit side of the transaction to pay off the 1.5 million dollar bond. Council approved placing an ordinance on the table for the next council meeting 7 to 0.
2. Walt informed council of an invoice he received regarding paying for the legal work to set up the C9 Trust Fund which did not have a purchase order. He needs councils permission to pay the invoice because it did not have a purchase order and because it is for \$4029.00 (if it was under \$3,000.00it could be covered under a "then and now" purchase order.) Council voted 6 to 1 (Greg voting no.) to place a resolution on the table for the next council meeting.

Law Director, Kate Bedinghaus: absent – (report read by Walt) Kate reported she is continuing to look into the deputy tax commissioner position in regards to if it has to be classified or non-classified. She will confer with civil service in two weeks.

Safety Director, Rodney Chatman:

1. Rodney reminded everyone about the free gun locks available at the Police Department during the month of March.
2. Rodney reminded everyone to check the batteries in their smoke detectors and check the items in their emergency prepare kits.
3. He informed council the Police Department recently took possession of a 2001 Chevy Malibu four door from a drug bust and \$1000.00 from another.

4. He announced that the Police Department received \$11,000.00 from the county because of the good work they do with court reporting.
5. Rodney asked the City to consider doing a City wide employee appreciation day, where the employees can celebrate years of service, new hires, retirees, promotions, etc.

Service Director, Phil Stegman:

1. Phil informed council that his department has two invoices from 2008 that need to be paid. Since they are from last year he needs council's permission. One invoice for \$3140.00 is part of a twice a year maintenance contract for the City Halls furnace. The second is an invoice for \$94.87 to get new keys made. Council agreed to add these two invoices to the resolution for the next council meeting.
2. Phil informed council that JMA is waiting on the Water Works to submit their plans for the Church and Rose Hill project. If all goes well the work should start between May and June.

Tax Commissioner, Ed Geiser:

1. Ed provided council with reports regarding the City's sources of income and comparisons to the last couple of years.
2. Ed informed council that the Tax Review Board met and made the following changes:
 - A. The interest rate for not filing income tax returns will max out by June of that filing year.
 - B. The Tax Board will not address any requests for appeal until all taxes are paid.
 - C. Senior Citizens will have the same maximum penalty of \$50.00, not \$10.00
 - D. New residents moving into St. Bernard before December 1st will have to file a tax return for that year.

Treasurer, Jamie Sipe: no report

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck: Mike reported that his committee met tonight to discuss the placement of satellite dishes and crowd control for entertainment venues. Gerry Wiedmann and Walt Moeller will look into these and the committee will meet again at 7:00 PM before the March 26th COW meeting.

Public Improvements, Kevin Meier: Al Kanters informed council of a St. Bernard Home Expo which will take place Sunday, May 3rd from Noon to 4:00 PM. He is asking realtors with listings in St. Bernard to participate in a City-wide Open House. He is also inviting local banks to have mortgage lenders present to provide pre-approval assistance. A representative from the Home Ownership Center will be there to take registrations for a St. Bernard Home Buyer Training class and a representative from Housing Opportunities Made Equal will be there to provide foreclosure prevention counseling. Al is also planning a Realtor Training Class where he will educate realtors with listings in St. Bernard of the City's history, levels of service and other benefits the City offers. Kevin suggested that the City have additional open house days during the summer when the City swimming pool is open. He also suggested that Al only invite local banks to keep the business within the city.

Business & Industry, Peggy Brickweg: Peggy asked Al Kanters to attend the meeting to explain the City's options since the City was not selected for the Heritage Ohio Main Street Program. He explained the benefits of the City becoming an associate member. Al felt the main reason the City was not selected is because one of the main goals of the program is historic property preservation, which St. Bernard has little of. He explained that for the cost of \$1000.00 the City will still be able to attend all of the programs training, conferences and use their resources to re-develop St. Bernard. The Steering Committee will meet the first Wednesday of April to discuss the associate membership and changing the name of the program in St. Bernard.

Safety, Patty Hausfeld: no report

Highways & Transportation, Cindi Bedinghaus: no report

Service, Don Tobergte: Don asked Rodney if he was able to look into why a third of the Police Department comp time line item has been used. Rodney said he is putting together the data, but usually more officer's cash in their comp time in the beginning of the year. Patty then asked Rodney if the probation period for the injured Police Officer will be extended since he is off-duty and Rodney said he is looking into that.

Finance, Greg Zix:

1. Greg asked Al if he can look into gateway signage. Al informed council that he is interviewing for a new intern and he will make this one of their projects. Al also said he will ask the CIC to start working on a basic streetscape so the City can start doing some improvements along Vine Street.
2. Greg asked council their wishes on updating council chambers and purchasing some new chairs for council members His suggestion was voted down. Phil is working on having someone come into City Hall for free to suggest upgrades that would save the City money.

Audience Participation: none

Ordinances and Resolutions for the next council meeting:

1. Additional appropriations ordinance
2. Resolution to pay invoices from last year

Next Council Meeting: March 19th 7:30 P.M.

Next C.O.W. Meeting: March 26th 7:30 P.M.

Respectfully submitted,

Peggy Brickweg,
President of Council Pro-Tem

COMMUNICATIONS – None.

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

RESOLUTION NO. 4, 2009. A RESOLUTION PROVIDING FOR THE PAYMENT OF TWO (2) UNENCUMBERED PRIOR YEAR INVOICES AND FOR ONE (1) INVOICE COVERED BY A "THEN AND NOW" CERTIFICATION OF A PURCHASE ORDER EXCEEDING \$3,000, AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Resolution No. 4, 2009.

REMARKS

Mr. Tobergte – Mrs. Brickweg beat me to it but I was wondering, I guess I would like to make a motion to amend Resolution No. 4 in Section 1 and Section 2 to spell out where the money is going instead of just saying 2 invoices to be taken from 2009 appropriations. You know with the meeting we had with the Auditor getting all nitpicking, shouldn't this be starting out in Section 1 and 2 saying where the money is going?

Mrs. Brickweg – Could we refer that question to the Auditor?

Mr. St. Clair – That’s fine if Council wants to amend the Ordinance. It may be a generic ordinance but you know if you want to get specific, that’s fine. It does cover specific invoices which we did discuss at the COW but if you want to put it in the Resolution, that’s fine.

Mr. Zix – I would like to do that because, originally I voted to not put the ordinance on the table. I understand we do have to get these cleared up I will be voting for it but I think it would be good if we actually list what those are for in this ordinance and I’d be glad to vote for it then.

Ms. Hausfeld – I’ll make a motion or I will second that motion.

Mrs. Brickweg – I have to rescind first. I would like to rescind my motion.

Mrs. Bedinghaus – I’ll second that.

Mr. Walden – We have a motion to amend Resolution No. 4, 2009 on the floor. How does Council want to amend that Resolution?

Mr. Tobergte – For Section 1, it would be invoices from Debra Kuempel and Burkhardt Hardware from last year.

Mr. Walden – So Section 1 would read that two 2008 invoices may be changed from 2009 appropriations from Debra Kuempel and Burkhardt Hardware.

Mr. Tobergte – And Section 2 would be for the C-9 Trust Fund. The one invoice for C-9 Trust Fund.

Mr. Zix – I would just like to ask the Auditor is this for the C-9 or for the legal service they had? Should we just put the legal service down, would that be better?

Mr. St. Clair – Yes, it was for legal services.

Mr. Zix – Would it be better if we put that down or should it just go on the C-9 line item?

Mr. St. Clair – We could put (the name of the law firm) for C-9 legal services. That will be real specific.

Mr. Zix – Thanks.

Motion by Mr. Tobergte, seconded by Ms. Hausfeld to amend Resolution No. 4, 2009. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Mr. Zix to suspend with the second and third reading of amended Resolution No. 4, 2009. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to adopt Resolution No. 4, 2009 as amended. Motion passed 7-0.

ORDINANCE NO. 11, 2009. AUTHORIZING AND DIRECTING THE AUDITOR 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. 11, 2009. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Ordinance No. 11, 2009 as read. Motion passed 7-0.

OLD BUSINESS

Mr. Tobergte – At last week’s COW meeting Mr. Stegman agreed to have a meeting with the residents who will be affected by the construction project on Rose Hill and Church Street. This meeting will take place before the project starts. I will pass out flyers when the date is set.

Mrs. Brickweg – I know we have it on the agenda to discuss the audit at committee again next week, but just to throw a note out there I think it’s something that we really need to take seriously. There was a little bit of joking going around last week but I think when you have three invoices/purchase orders that were missed at the end of the year that we have to have special resolutions and ordinances in order to pay them obviously we’re not doing something right and as the State Auditor recommended to us that we get somebody in here to look out for Council and look out for the City and make sure we follow everything correctly. I think it’s something we need to take very seriously and I’m still going to recommend that we hire somebody from the outside. I’m not comfortable with having somebody from the inside of the City auditing the City. I think it needs to be a professional, either a CPA or a Tax Attorney, something like that that can actually look at our books and explain to Council what is going on. And I just wanted to remind everybody that will be on the agenda for next week.

Mr. Tobergte – I’d like to ask Rodney a question. Rodney, you said something about that you withdrew your request for a new Fireman’s list. I was at the Civil Service Board Meeting about two weeks ago and they talked about having 90 days until the list that is there right now expires before they have to have a new list in 90 days. Are you going to be able to make that 90 day period or?

Mr. Chatman – My understanding on that is they have a Civil Service rule that within 60 days of me requesting a list that they are supposed to supply that list and that’s a Civil Service rule only.

Mr. Tobergte – They were talking about the ORC has a rule that when one list expired you have 90 days to establish a new list.

Mr. Chatman – I researched it and there were other city officials that researched it and we couldn’t find it anywhere in the ORC at all. And I’m very comfortable since we have a Law Director that’s her expertise at researching this stuff. I would feel very comfortable if we do have that time to bank on her knowledge.

NEW BUSINESS

Mr. Tobergte – I've been looking at the City's liability concerning the lump sum payouts when an employee retires. The liability for sick leave alone could be over 2 million dollars. I would like to discuss starting a fund that would be for the payout of these type benefits only. I have contacted the State Auditor's office and I'm waiting for a call back on this issue. I would like to place this on the agenda for next week's COW meeting.

AUDIENCE WISHING TO ADDRESS COUNCIL – None.

Mrs. Brickweg – The next COW meeting will be Thursday, March 26, at 7:30pm.

Motion by Mr. Zix, seconded by Ms. Hausfeld to adjourn. Motion passed 7-0.