

ST. BERNARD CITY COUNCIL MEETING
APRIL 16, 2009

The regular meeting of the St. Bernard City Council was held Thursday, April 16, 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 Mrs. Bedinghaus seconded the motion. Council agreed 7-0.

REPORTS OF CITY OFFICIALS

MAYOR, Mr. Burkhardt – Saturday, April 11th, the Annual Easter Egg Scramble was held at Vine Street Park. Due to the beautiful weather the community turned out in record numbers. A special thank you to the Service Department for their preparation and the Tobergte's for taking the photos. I would also like to thank the St. Bernard Fire Department for preparing the beautiful colored eggs, St. Bernard IGA, Save-a-Lot, Dairy Queen, Walgreens and the St. Bernard Eagles for their donations and support of this event. Also, a great big thank you to the Holiday Activity Committee and the Recreation Department for organizing and supporting this and all community events.

As you all know this community was struck by tragedy last September and as a community we have done our best to heal. So, to remember the life that was lost during the fire a tree has been planted in the St. Bernard Elementary lot on Tower Avenue for Amanda Cushard and daughter Kiley Ann. The tree was donated and planted by Mr. Don Tobergte, the stone by Kistner Monuments, and the concrete work by Paul Finkes. Amanda and Kiley have been added to the memorial for youths in our community that have been tragically taken from us; they join Casey Strotman and Jerod Finkes. In conjunction with the placement of the memorial this Saturday, April 18th the Cox family will be hosting a picnic at their home that has been rebuilt at the corner of Bertus & Leonard Avenues beginning at 4pm. They would like to thank the community for their compassion, help, and support during their time of need. You are encouraged to bring a dish or dessert to share. Hot dogs, hamburgers and beverages will be provided.

Also, I would like to be added to the next COW agenda to discuss issues at Baker Street Park.

AUDITOR, Mr. St. Clair – No report.

DIRECTOR OF LAW, Mrs. Kate Bedinghaus – I haven't really written anything, this might be a mess but I am just going to update you on my research regarding the deputy tax commissioner. Unfortunately, it seems the more facts I get the more questions I have. This is kind of just an update, probably no real answers. It's kind of been a growing process. I know this started April 4th of last year. I was first asked to look at if hiring a full time deputy would be covered by Civil Service. Then Council further in August asked what the City would have to do and would it be Civil Service. The job description was first put together in September in the Civil Service Commission and they met on October 14th to discuss this matter. I

initially gave a recommendation at the end of October based on some that we had hired out that it would be covered classified under Civil Service. This came back up in February at a COW meeting, going back and forth whether it's classified or unclassified and I finally got a job description at the end of February or March for the first time so I'm actually just kind of apologizing for my delay. I know I haven't been around a whole lot this year, so I'm kind of just catching up a little bit on a few things and whether it's classified or unclassified at this point I don't know if that is the most significant question actually. After looking at the job description, like I said, I think I have more questions than I have answers. This is primarily because, in looking at the job description, there are some sections that where the deputy would actually perform the duties of the Tax Commissioner in his or her absence and make decisions and attend Council meetings, COW meetings and my questions, one other thing, independently make decisions regarding cases for Mayor's Court enforcement and resolutions for the case. My questions that I need to research a little further come up with the fact that the Tax Commissioner position was created in the Charter and under the Charter it refers to the duty of the Tax Commissioner to establish by the ORC. And in looking at the ORC, it states that, just for example, that the delegation, for example, the enforcement of the Income Tax Ordinances to the deputy, I would have to look at this a little further because under the ORC that's part of the duties of the Tax Commissioner and delegating that to a separate job I just don't know if that can be done outside the Charter. I'm sorry for the delay but I didn't have the actual job description until a couple months ago so it kind of needs a little more research and I started looking at it today but I don't have any answers, but I should be able to give you complete answers in probably two weeks, tops. I know you guys were probably a little bit ahead of me on this but I think I had missed so many meetings that it just didn't strike me until I actually read the job description. Other than that, I need to ask to go into Executive Session to discuss litigation matters.

TREASURER, Mr. Sipe – I have no report other than the fact of going back to Mr. St. Clair's report, he probably has the investments and the bank summaries in Council's box and it was distributed to me and also everyone else he distributes them to on a monthly basis.

SAFETY DIRECTOR, Mr. Chatman – I have two items. First of all the next Block Watch meeting will be Wednesday, April 22nd at 7:00pm in Council Chambers. The next item was, there was brief discussion last week at COW about an employee appreciation banquet. I don't know that if within that meeting we discussed a date. Since then I have secured a date but I had conversations with one of the City officials who brought to mind good reason to postpone that date a little further into the year, so I will have information on that at the next COW meeting next week.

SERVICE DIRECTOR, Mr. Stegman – Tonight I was going to have an Ordinance on the table for Ross Ave. & Sullivan Ave. to have those streets slurry sealed. I was talking to JMA about it on Tuesday night and John Goedde of JMA had asked to put a hold on Sullivan because that street is coming up for grant monies soon and if we fix it we may not receive the points to get the funding for Sullivan. He is looking into the time frame of the Sullivan Ave. project. If it is longer than 2 years we will have to fix it.

I have a meeting scheduled with Duke Energy on Monday, April 20th to talk about the new gas lines they are going to be replacing on upper Church St. and Rose Hill

Lane. They are going to start on April 27th. After that meeting I will be sending a letter to the residents letting them know more details about that part of the project. On Good Friday we had 180 residents put their garbage out for pick up. We had men working picking up dumpsters for the businesses on Friday, but it was a Holiday that was listed in the calendar for no trash pick- up. If the Service Department would not have picked the trash up on Friday, it would have sat there until Tuesday of the next week. I do not feel the residents want trash to sit on the street for that long of a time. We put information out by Call Command, calendars and letters to the residents letting them know the days we pick up. At the COW last week I had asked Council about sending warning letters to the residents and fining them the second time. I had the men write down the addresses that set out garbage on Good Friday. I would like to discuss this at the next COW meeting to discuss sending the letters to these residents and also about the Sullivan Ave. project.

TAX COMMISSIONER, Mr. Geiser – As you all know April 15th has now gone past, so the tax season for our office just now starts. Although the last couple of weeks have been very busy in the office, I believe it went much more smoothly this year, in the office. I want to thank Elaine Boeh, the Clerk in the Tax Office, for her outstanding work. She is completely organized, she is dedicated, she is here on time, she works hard, she doesn't take breaks. We're fortunate to have a little bit of part time help. Kate Anello was here this week because she works up at St. Clement and they were off. She told me, she's amazing to watch work. She's so organized and knows what's going on so she's a great asset to this City and I want to thank her.

I want to remind everybody if you haven't filed yet, the law requires a \$50 fine for not filing, plus an additional \$50 fine plus interest if you owe money so I remind everybody to get your taxes in, plus there's interest. The Tax Board of Review did approve a gradual increasing scale so again, rather than charging you \$50 for not filing if you didn't get it in until today, the fine is only \$5.00 but it gradually increases so please get your taxes in, get your payments in or at least come into the office and get a payment plan set up.

Also before Council is Ordinance No. 13, 2009. The Auditor's office prepared this Ordinance when I noticed it this morning they had not put in the request that Council had asked for, the transfer for the Tax Dept., so I redid this Ordinance. I know Council likes to have this a day in advance. I saw it this morning laying on the table so I redid the Ordinance so I hope you have the new version. It's got Section 2 in there involving the Tax Office.

One other note, and I'll have more information later about the E-filing, I believe the E-filing was a great success. Those who used it said they liked it, I asked everybody who used it, did you like it, did you use it, should we keep it. Everybody, probably 99% of the people, said yes. I liked it and I would like to keep it. We did have some bugs. I want to thank Barb Kalb, she did call the office and there was a problem with it that we did get fixed right away, but again the input from the citizens was very key. Again I want to thank those who did give me some feedback.

REPORTS OF STANDING COMMITTEES

FINANCE, Mr. Zix – The Finance Committee sent letters out to the Administration and all the Dept. Heads in preparation for the 2010 budget. We requested each department's 2010 preliminary budget by May 13, 2009. We would also like to have a three year projection of any major building improvements

and major equipment purchases over \$5,000.00 and the current building and equipment condition.

We also requested to plan to meet and review budgets on 5/26/09 or 5/27/09.

Some key dates for these finance preparations is May 13th, budgets are due. May 26th and 27th we will be working with the Dept. Heads. June 4th the Finance Committee will meet and do a final review meeting. June 11th we will present the 2010 preliminary budget to Council and on July 2nd during a public hearing the Auditor will read the 2010 budget for the Hamilton County Auditor's Office.

SAFETY, Ms. Hausfeld – Bare with me because I have a couple of reports tonight.

The Police Dept. monthly report summary for March, 2009. I didn't write this report, I just want you to know that. It says during the month of December, surely it's during the month of March officers were involved in 940 calls for service. Of those calls, officers responded to 32 accident reports and took 27 offense reports. Of those offenses, 23 have been cleared. Officers responded to 69 suspicious activity runs. Officers made 94 misdemeanor arrests along with 14 arrests for felonies. Officers responded to 44 parking complaints and issued 11 citations for parking violations. Officers issued 81 traffic citations and 92 warnings for traffic violations. That concludes the Police report for March.

I also have the Fire Dept. report for March.

Fire Run Activity

Fires	5
Motor vehicle accident responses	4
False alarms	8
Other	6
Total	23

Emergency medical responses

Transported	34
Not transported	21
Total	55

Inspection Activity

Sprinkler inspections	2
Permit Inspections	2
Commercial Fire inspections	20
Total	24

Training Activity

Paramedic protocol
Motor Vehicle Extrication
Total Hours 36 hours of training in March

This other report is very lengthy and I'm just going to touch on some of the highlights. The reason I'm touching on this is because it personally hit me on Tuesday night. Thefts from automobiles can happen anywhere and to anybody. Apparently it happened to me Tuesday night. One of the reasons it happened to me is, I'm going to call myself stupid, but I'm not stupid, I made a mistake, I did not lock my car door. The poor thief that tried to rob me, they didn't get much but

they did take my favorite CD and \$5.00. The thing is they did ransack it, they went through every part of the front seat, around the seats, and above the sun visor. I'm just urging everybody in St. Bernard to make sure you lock your car door. I unfortunately got out of my car, I have one of those clickers that clicks my doors locked, I had my hands full and said I'll get it later and I forgot and never got it. One of the major things according to the Police Dept. most of these thefts occur between 7:00pm and 6:00am. That accounts for the majority of vehicle burglaries. Actually the last time I got out of my car was 9:00pm that night and I got back in my car at 8:00am the next morning so it did happen between those times. I have talked to a couple of people that this has happened to recently and they at least left their stuff out in plain sight. They got cameras, they got cell phones, you name it, they took it from their cars. My car was opened, nothing was in plain sight except for a box of Kleenex and they didn't take that. Some of the things that they look for are cell phones, GPS navigation systems, charger cords, antennas, pagers, sports equipment, iPods, cigarettes, weapons, CDs/DVDs, briefcases, purses, wallets, radar detectors, laptop computers, removable radios, clothing, money (loose change) although they don't take pennies, I found that out, cassette tapes, address books, credit cards, console visors. Like I said, there is a whole list of things here. I'm going to give this report over the next two weeks just to touch on everything but I just urge all of the St. Bernard residents to make sure you lock your car door. If you see anything suspicious whatsoever, call the Police Dept., 242-2727 and the officers are more than willing to come up and look around and just be present there.

SERVICE, Mr. Tobergte – The Service Dept. report for March 2009 is as follows. There were 33 trucks and 21 dumpsters placed at residences along with 220 special pickups. 224 tons of garbage made its way to the landfill. There was 13 tons of recycling material, 4 tons of cardboard, 9540 pounds of scrap metal, along with 23 appliances. The City received \$247.60 for recycling in February. The City also received \$4776.94 for its City wide recycling from Hamilton County for the second half of 2008.

PUBLIC IMPROVEMENTS, Mr. Meier – Last night was the monthly CIC meeting and I'm going to give my report from that. We are losing our Administrative Assistant. Sarah is leaving and Al is interviewing people for a replacement so that's a big loss for us but she and her husband are moving. The next issue of the CIC News is going to be printed on April 20th. This will be on housing in the City. There is ad space available in that for \$100.00 for business card size ad and \$250.00 for ¼ page.

Under targeted objectives for the Nu-Maid property, we are having discussions with a company that is interested in a piece of that site. The other discussions involve using the back part of the Nu-Maid site for the Service Garage.

Canal Bed housing – Interesting discussions last night. Al came back with a plan that would allow the constructions of 5 duplexes and 1 single unit on the southern half bed of the hillside along Phillips. The footprint that each of the units would be is 25" wide by 40" deep. Supposedly it would not require the repositioning of any sewer lines or overhead power lines. There was quite a bit of discussion last night because the foundation of these would come very close to the existing sewer lines and John Goedde who is with JMA, one of the engineers with the City, made comments. He doesn't think that we've got enough room there. We would need an easement there. He showed some concern over the layout of that. Geo technical testing is underway to determine compression and excavation cost there. The cost on those, the targeted price is \$275,000. They would be three stories off

of Phillips Ave. The third floor and the garages would be off of the Canal Bed. Anybody that would come in there would walk up three floors. Again, the discussion was, Al was talking about having them set up as condos. Comments were made that it is very difficult for people to get financing for condos. We should void that if at all possible. There was discussion on if that was the most saleable site in the City. The comment to that was that we already own it and then the other discussion was about whether or not it was physically able to be built there because of the sewer lines.

On the Vine St. improvement, there has been no activity at Bertus and Vine. At Mitchell and Vine, Fischer's Restaurant is open and I've got some favorable feedback from people that have been there. There was damage to the roof on that and our insurance policy may not cover that so we may be stuck with that bill. Back at the beginning of March Al met with Mike Survey, the Director of Cincinnati Dept. of Community Development to discuss redevelopment along Mitchell Ave. He asked that they prioritize the development of that as the gateway for the City. No commitments were made and they agreed that the primary gateway for the City needs attention but there has been no commitments from the Cincinnati side to fund any improvements there.

Heritage Ohio Main Street Program – As you know we were not selected to participate in that. They are having a conference in Cleveland on May 5th and 6th. Al is going to that. The conference registration is \$430.00. There are two night hotel costs with that. Coming up May 2nd and 3rd is the St. Bernard Home Expo. This will include continuing education credit for realtors who participate. On Sunday May 3rd from the Municipal floor the realtors and the City are being invited to have a City wide open house. There will be a Home Expo in the lower part of City Hall and at that there will be mortgage lenders from Fifth Third, WesBanco and First Safety Bank for qualified perspective home buyers. The Homeownership Center will be present. They'll provide information on the home buying process, information for first time home buyers. There will be a home buyer training class if we get enough registrants. Housing Opportunities Made Equal will also be in attendance and they will be providing foreclosure prevention counseling and information on how to avoid some foreclosure scams which is in the media now. A press release was released for that so that we can get some publicity for it.

There are some other things on here that actually don't apply to the CIC. There are two festivals coming up this summer in St. Bernard. One is the St. Bernard Cruise-In which is June 27th. That is a classic car and motorcycle show. The St. Bernard Dog Days on Saturday, August 15th. Al is very complimentary of Mr. Chatman and the work that he is doing on getting this. This is growing, it's going to be a nice event.

Al and Bob Isfort visited the Virgin Bell Company on the 2nd of April to discuss gateway signage and different type of landmarks that can be used to create an identity for the City. Al is also meeting with architects to share the information that they gathered and bring some options back to Council.

There were three projects submitted to the Energy and Conservations Block Grant Program as part of the Economic Stimulus Program. Two of them were geothermal projects. The information we got back is that this program is, they're funding solar but they're not funding geothermal. The third one is an energy audit and upgrade program. It's \$250,000 requested to perform a home energy audit to provide loans for homeowners for energy upgrades. These are things that would be based on income. That one may qualify, hasn't been approved but at least it fits the requirements to be considered.

LAWS, CONTRACTS AND CLAIMS, Mr. Peck – I'd like to be placed on the COW next week to discuss the satellite dish ordinance. I gave that to the rest of Council last COW. It was refused by the Law Director and I'd like to discuss it next week.

BUSINESS AND INDUSTRY, Mrs. Brickweg – The Vine St. Business Assoc. met last night and needless to say I was not able to attend because it was April 15th. I will be meeting with Al Kanters to get an update on that. I will be attending the First Suburbs Meeting at the end of this month and he has also asked me if I will speak to the realtors at the May 2nd meeting regarding the financing and tax breaks that we're looking into giving new developers so I will be reporting to the realtors on that.

HIGHWAYS AND TRANSPORTATION, Mrs. Bedinghaus – No report.

Mrs. Brickweg – The COW report has been submitted to the Clerk and Kevin will be giving one final change to her.

COMMITTEE OF THE WHOLE

AGENDA April 9, 2009

NEW OR REFERRED ITEMS:

1. Approved the minutes of the April 2nd council meeting.

REPORTS OF ADMINISTRATIVE OFFICIALS:

Mayor, Bill Burkhardt:

City Hall will be open on Saturday from 10 until 1.

Auditor, Walt St. Clair:

Walt was not at the meeting, but had previously emailed a copy:

Additional appropriation request to Service Dept Equipment Outlay (2-0-13) \$12,600 for generator per Phil at the last COW. Additional appropriation request from Police Chief to Drug Offenders Fines Expenses (12-01) of \$2,994.46 and to Criminal Act Forfeiture Expenses (13-01) of \$8,037.83. This will allow the expenditure of cash accumulated in their respective cash accounts from fines, forfeitures etc.

Resolution: "Then and Now" certification greater than \$3000: \$3976.90 to I.C.R.C. for 4th quarter 2008 Franchise Fee (calculation of fees due was not invoiced till 1/30/2009).

\$3375.00 to Reliable Hydrant Services for new hydrant frm a motor vehicle accident. (will be reimbursed from responsible party's insurance)

Walt will not be at the April 16th Council meeting

Law Director, Kate Bedinghaus:

Kate will have her report on the Deputy Tax Clerk at the April 16th Council meeting.

Safety Director, Rodney Chatman:

No report

Service Director, Phil Stegman:

Add to Ordinance next week \$76,000 to Terry Asphalt for the repairs to Ross Avenue. Repairs do not include painting stripes.

JMA looked at repairs at Delmar Court and recommended a structural engineer be involved.

They did not give figures on the cost of the study but it could cost \$4 – 6000.

The Washington Ave & Rose Hill project is out for bids which will be opened April 22.

Phil presented information on signage in St. Bernard. Much of our signage is not to ORC code. He will have an update at the next COW.

Tax Commissioner, Ed Geiser:

Ed requested an additional \$7000 (1/6 of the proposed deputy tax commissioner salary) to fund temporary help for another 2 months.

Treasurer, Jamie Sipe:

No report.

REPORTS OF STANDING COMMITTEES:

Laws, Contracts and & Claims, Mike Peck:

Mike passed out a sample ordinance regarding the placement of satellite dishes. We will discuss at the next COW.

Public Improvements, Kevin Meier:

No report.

Business & Industry, Peggy Brickweg:

Don Tobertge gave the report for Peggy. The next Vine Street Business Association meeting will be Wednesday April 15 at 5 pm in the lower level of City Hall.

Safety, Patty Hausfeld:

No report.

Highways & Transportation, Cindi Bedinghaus:

Cindi discussed issues with parking at Ross and Broerman especially in the mornings between 7-9 am and afternoons between 4-6 pm.

Service, Don Tobergte:

No report.

Finance, Greg Zix:

Letters to department heads will be going out to get preliminary proposals for the 2010 budget. Requests were made for 3 year projections for building repair needs or major purchases. The next meeting will be on June 4. Preliminary recommendations are expected to be ready on June 11.

Audience Participation:

Ordinances and Resolutions for the next council meeting:

Next Council Meeting: April 2nd at 7:30 P.M.

Next C.O.W. Meeting: April 9th at 7:30 P.M.

Mr. Walden – At this time I will be doing what I probably should have done at the beginning of the meeting. I would like to note the passing of a long time public servant in St. Bernard during the last two weeks. Lonny Wallenhorst passed. Mr. Wallenhorst was a prior fireman, previously he was a Safety Director and also held the position of Street Commissioner in town. He was a very good, very decent man and I think we will miss him greatly. At this time I would like to have a moment of silence in honor of Lonny Wallenhorst.

COMMUNICATIONS – None

RESOLUTIONS AND ORDINANCES

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

RESOLUTION NO. 6, 2009. A RESOLUTION PROVIDING FOR THE PAYMENT OF TWO (2) INVOICE COVERED BY "THEN AND NOW" CERTIFICATIONS OF PURCHASE ORDERS EXCEEDING \$3,000, AND DECLARING AN EMERGENCY.

Motion by Mrs. Brickweg, seconded by Mr. Meier to suspend with the second and third reading of Resolution No. 6, 2009. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to adopt Resolution No. 6, 2009 as read. Motion passed 7-0.

ORDINANCE NO. 13, 2009. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS, ADJUST CERTAIN APPROPRIATIONS AND DECLARING AN EMERGENCY.

Mr. Tobergte – I would like to amend Ordinance No. 13, 2009 to include a transfer of funds \$2500.00 from line item 01-2-I-9a Civil Service Legal Consulting which is a Law Directors budget to line item 1-2-L-12 Legal Consulting which is in the Civil Service Budget.

Mrs. Brickweg – I'll second that.

Mr. Walden – Motion by Mr. Tobergte, seconded by Mrs. Brickweg to amend Ordinance No. 13, 2009 as Mr. Tobergte specified.

REMARKS

Mr. Tobergte – I was at the Civil Service meeting Tuesday night and they have to have a Civil Service appeal hearing. They plan on hiring 2 lawyers to serve on the Appeal Board. This transfer would show a separation from the City Law Director and Civil Service so there would be no conflict of interest questions. The hearing is tentatively scheduled for either the last Monday in this month or the 1st Wednesday of May, that's why I wanted to amend this ordinance tonight so they have the money in place so it doesn't interfere with the case or anything.

Mr. Zix – I will be voting against this for two reasons. 1. We just heard about it tonight and 2 we agreed in the Finance Committee that all those transfers would come from the Law Director and she would set herself aside so she can always OK that money so I just think this is the right way to do it.

Mrs. Brickweg – Greg, as I had stated before, I wasn't even in agreement with the way you did it and this is exactly why. We have an employee who is going to have a hearing. You cannot have, if an employee is having a hearing and he is going against the City, the City basically can't pay. The Civil Service is supposed to be a separate entity all by itself for this purpose and that's why Civil Service always had their own line item for legal things. It is a huge conflict of interest when the City is paying for the attorney and the employee is basically going against the City. You cannot vote, but I don't know how you expect them, I mean it's easy to sit up here and say I'm not going to vote but how do you expect them to do this. Are we just not going to have anybody there and then the employee can go against us even

more. The Civil Service needs to have money in their line item. Granted I understand that a lot of people got upset last year when they spent money on things that many thought they shouldn't but to not give them a legal fund is ridiculous and this is exactly what has happened and I don't understand how you cannot give them money so basically if everybody took the same vote you have, we'd be in a lot of trouble. We'd have no magistrate at this hearing and then this employee can sue us even more. It doesn't make any sense. I guess my question to you is, how should this be handled? Should we not have the hearing?

Mr. Zix – First of all this legal line item just went in place a few years ago. Civil Service never did have a legal line item, it all just came through the Law Director's Budget for as long as I can remember. Just a few years ago this transferred over. The way it was agreed on with the Law Director is that she would OK that money for that so that's how it would be, she would OK that money. I feel this is the right thing to do and that's why I'm voting against it. I feel this is the best for the City, the monies directed through the Law Director to the Civil Service Board.

Mrs. Brickweg – Could I ask Kate what your feelings are on this?

Mrs. Kate Bedinghaus – Actually it's fine with me. The problem is that most of the time I am in conflict with them. It's pretty much just a blanket, you know, I sign off on it. I know before it was in the Law Director's budget before, you know, the attorney's fees but I can't really say that they can't use them. You know what I'm saying, I can't really do much about it.

Mrs. Brickweg – So basically there is a conflict of interest.

Mrs. Kate Bedinghaus – Oh, yes, I mean I can't control their legal fees on that. When it's something, when I, you know when I would be representing the City on this matter, technically, and they have a different interest so their legal fees areI think before this they would just sign them out of the Law Director's budget for that anyway. Has there ever been a problem with a Law Director saying or signing off on it? I don't know, I mean, I don't care. You guys do what you want.

Mrs. Brickweg – I guess my question is, from a legal point of view, is it correct to take it and transfer it into a line item for them because you are going to be representing the City and the Civil Service is supposed to be representing the employee because that is who he is appealing to.

Mrs. Kate Bedinghaus – I would have to look at it, it seems like a technicality. You guys are paying everybody's legal fees. I'd have to look at it, I'd have to research it. It's what you guys want to do.

Mrs. Bedinghaus – I have one question. If we left the money in the Law Director's line item and she just signed it over to them, would somehow they have the opportunity to say that they weren't able to get the representation that they wanted, that it curtailed them from getting the representation they wanted?

Mrs. Kate Bedinghaus – I'm sorry, I don't know anything about what is even going on in the Civil Service right now but it was just pointed out that this is actually, the attorneys are just holding a hearing, they're not representing

Mr. Sipe – They're representing the employee, they're not representing the Civil Service.

Mr. Meier – I'm kind of lost here. When is this hearing? When did Civil Service know about it? We just had a meeting, a COW a week ago, and it seems consistently Civil Service just does what they want to do. They spend what they want to spend and they come back to us after they spent money. When was it scheduled or when is it scheduled or what notice did we get. I mean all we know is that, we came in here today not knowing anything about it and we've got an amendment to an ordinance and I don't know when it is or what it's about or when it was scheduled and I'm not saying whether we should fund it or shouldn't fund it but there's got to be more notice than just drop this in our laps without any notice at all. That's my concern, this is not the first time this has happened and I'm sure that somebody must have known about this before tonight and why is it that we get this at the last minute and why is Don bringing it up rather than with Kate's report. How does Civil Service get into Service Dept., I mean who is doing what here? I have no idea what's going on.

Mr. Tobergte – Like I said, I was at the Civil Service Board meeting on Tuesday and no other Council member was there, Administration, nobody. They asked me to bring it up. I checked with Kate before the meeting and she said she had no problem. She didn't like somebody else's money in her line item anyway. The hearing is, they had it scheduled for the 21st and the employee's attorney couldn't make it so they tentatively scheduled it for either the last Monday of this month I believe is the 26th or 27th and the first Wednesday in May is the 6th of May which is before the next Council meeting.

Mrs. Brickweg – Just to help you a little bit Kevin, we were not totally blind sided. We were told about this last Council meeting in Executive Session and the employee and the issue was discussed and it was discussed that he was appealing the decision that was made, so common sense says if somebody is appealing something that it is going to come up in a hearing. I do agree it would be nice to get a report to find out what's happening. I guess we need more people to attend the Civil Service meeting than are attending but we knew or at least I knew it would be coming up after I heard Bill talk about it two weeks ago.

Mr. Burkhardt – I don't think it's a matter of Administration or Council. I think it's the head of the Civil Service should be here. He's the one who should be here explaining to Council and the Administration what he wants the money for. I think that's one of the reasons we put it back in Kate's line item was so that somebody could keep an eye on what they were spending and what for. If they need money, the head of the Civil Service comes here and asks for it or at COW.

Mr. Geiser – A number of years ago when I first became Law Director we had an issue when Mr. Strotman was on the Civil Service Commission. There was a hearing in front of the Commission and in fact it involved one of his own boys. We had to get three independent people come in and sit on the Civil Service Commission. We had to bring an attorney in. The attorney not only represented Civil Service but the attorney represented the City. If you look at the big picture, the City is paying for all of this. It all eventually goes to the Auditor. It's just a matter of technically where you're spending the money. These attorneys that come in are professional. They know who they represent, they know where the money is coming from. They know what they're getting paid for. Kate can make that

decision and she can do the research but I think if you look at it, the ultimate person paying for it is the City so if you look at it in those terms you can transfer the money around but we're still paying for it and that's what we did in the past.

Mr. Zix – The root cause of my intentions here are because I didn't feel the money was used properly so that's why I wanted to put it in, and all Council agreed to put it in the Law Director's budget. I still continue to say I'll vote no on it.

Ms. Hausfeld – I have a question and then I have a comment. First of all when, and I've only heard rumors, I haven't heard from anybody here, that they were going to have a hearing. I thought it was going to be three independent people or the Civil Service was having a hearing. My question is why are we hiring legal people to sit around a hearing, which I thought that's what Civil Service was supposed to do and be the like if anything needs to be appealed or whatever it went before Civil Service before it would go to an attorney. We have three people sitting on Civil Service. Why would they not hear the case first before we pay for legal advice outside of Kate or the realm of it?

Mr. Tobergte – Two of the members of the Civil Service Board excused themselves for personal reasons.

Ms. Hausfeld – I'm going to leave that one go. I am having a tough, if you include that legal fee on here, on this ordinance, I'm having a tough time not excusing myself and there's personal reasons there. That's what I was consulting with a couple of people here to see if that was the right thing for me to do. I guess I'll decide after we make our decision on if we're going to have this in there or not. If we're going to have it in there I will not be voting on this ordinance.

Mrs. Bedinghaus – I think, I agree with Greg, we did decide to do this because we felt that they needed to come, Civil Service needed to come through Kate in order to get some of their money since we thought that some of it wasn't being spent wisely if you will. But there's no conflict of interest and it's not going to hamper any part of this hearing then I would agree to keep it where it is and not transfer it.

Mr. Burkhardt – Just one more comment, on that committee, it's made up of three people and I guess any three people can be on that committee that they chose. It doesn't have to be lawyers. I don't know why they came up with two. I was told that it could be the Commissioner and two people that they chose. Why all of a sudden we got two attorneys doing it and one of the Commissioners, I don't know.

Ms. Hausfeld – I also heard the same thing, that we're going to be paying \$2500.00 in legal fees for that. That's why I was asking that question, why isn't our Civil Service actually taking care of this problem verses hiring outside people?

Mr. Geiser – Again, we did this in the past, we did not have attorneys. We got three independent people. In this particular hearing, all three members excused themselves. We got three independent people come in. Now we did have an attorney to guide them and instruct them on what to do, but it was just one, we did not have two attorneys. There were three independent people and they weren't paid. They came in voluntarily. The hearing was held right here in this room. We just had three independent people. I don't know anything about this, I'm just telling you what happened in the past.

Mr. Chatman – The reason for the recommendation to go with the magistrates was my recommendation and I believe because the rationale behind it is best discussed behind doors and since this is pending litigation, would it be proper to ask to have these questions answered in Executive Session and I can explain why I made the recommendation to go with the magistrates.

Ms. Hausfeld – If we need to discuss this behind closed doors, I think we should discuss it before we vote on this ordinance so that everybody is aware of exactly what is going on.

Mr. Chatman – I'm not sure of Roberts Rules of Order on that, but would it be proper to take a very brief pause and discuss this in a quick Executive Session, come back and then put it back out for a vote.

Mr. Walden – Council can certainly go into Executive Session at any time based on a motion and a second and a majority vote. Yes,

Motion by Mr. Meier, seconded by Mrs. Bedinghaus to go into Executive Session to discuss pending litigation.

REMARKS

Ms. Hausfeld – I brought it up at the last COW, I don't know, I know I'm not comfortable talking about it here where people can hear what's going on, so I don't know, Bill do you want to go into your office or

Mr. Burkhardt – I would just limit it to Council, the Law Director and Rodney.

Ms. Hausfeld – In your office?

Mr. Burkhardt – Yes.

The Motion to go into Executive Session passed 7-0.

Mr. Walden – The April 16, 2009 City of St. Bernard Council meeting is back in session. Council was in Executive Session to discuss pending litigation. I believe before we went into Executive Session the last thing in the proceedings was the motion to amend Ordinance 13, 2009.

Mr. Tobergte – I would like to rescind my motion to amend Ordinance No. 13, 2009.

Mrs. Brickweg – I'll second that.

Motion by Mr. Tobergte, seconded by Mrs. Brickweg to rescind the motion to amend Ordinance No. 13, 2009. Motion passed 7-0.

Motion by Mrs. Brickweg, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 13, 2009.

REMARKS

Ms. Hausfeld – Just so that the audience and the spectators at home know that the reason that we rescinded this motion is because Civil Service has to come to us and ask us for money and what they're planning on using it for. Until we hear from Civil Service that they need this money we decided to rescind it. Just so everybody is aware of what is going on.

Mrs. Brickweg – I'm not sure if this would be the Clerk's job or Administration's job, could we have someone get a letter to Civil Service and explain that to Civil Service that that's what Council has requested? I don't know who's job that is.

Mr. Burkhardt – I'll take care of it.

Mr. Peck – Bill, when that letter goes out could you explain, I understand that the hearing date has not been set, that they can make sure that hearing date gets set after the next Council meeting so we can make an ordinance at that time approving any funds that may be necessary.

The motion to suspend with the second and third reading passed 7-0.
Motion by Mrs. Brickweg, seconded by Mrs. Bedinghaus to adopt Ordinance No. 13, 2009 as read. Motion passed 7-0.

Ms. Hausfeld – Bill, would you also in that letter, I guess, if they're going to be requesting money, we should request them to be here at the next COW, correct?

Mr. Burkhardt – Yes.

OLD BUSINESS

Mr. Tobergte – I talked to Mr. Thompson from the State Auditor's office concerning the equipment fund. He referred me to Mr. Walker from the Auditor's Legal Dept. Mr. Walker's interpretation of Chapter 5705.13C was that we could set up a single capital improvement fund to buy police cars, fire trucks, ambulances as long as we specify each item we would be buying in the ordinance we pass to establish the fund.

Mrs. Brickweg – Just to add to what Don said, I'd like to ask the Finance Committee when they are starting to go over the budget that they look into setting up a line item like that and look at how much we could finance in the line item for that.

Mr. Burkhardt – Also, Don, if you get time, could you ask them if at any time, I guess could you amend the ordinance to add something or delete something out of there. I think that would be a big thing because as time goes on if we find something that we're going to be needing in the future if we could add it to that because it sounds like you have to be pretty specific. If we're able to add things as we see, like in maybe five years we may need a new roof on this building or something like that we could add to it.

Mr. Tobergte – I'll call and find out.

Mr. Zix – Yes, Mrs. Brickweg, that's why we asked for the three years projection and we're going to try to set that whole projection up into the system. Along with

building we're doing improvements also. Anything over \$5,000.00 we're asking along with the condition of the equipment.

Mr. Tobergte – I would like to remind everybody that May 2nd is the Soap Box Derby again.

NEW BUSINESS

Ms. Hausfeld – Just on a personal note, I know Bill has already thanked everybody as far as Easter, but I wanted to personally thank the Tobergtes, especially Raymond. He is the one that took the pictures for Walgreens that day and I developed them the next day and I had many, many people come in and pick up their Easter photos after Easter. They turned out really cute and I just wanted to thank the Tobergtes along with Elaine and Bill and everybody that helped out with that. I had a family obligation I had to go to that day unfortunately, or fortunately, and I couldn't take the pictures for Walgreens or the City so I do thank everybody for stepping in and helping out.

AUDIENCE WISHING TO ADDRESS COUNCIL

None.

Mrs. Brickweg – Since there are five Thursdays in April the next COW meeting will be Thursday, April 30th.

Motion by Ms. Hausfeld, seconded by Mrs. Bedinghaus to adjourn. Motion passed 7-0.