

**ST. BERNARD VILLAGE COUNCIL MEETING  
SEPTEMBER 15, 2016**

The regular meeting of the St. Bernard Village Council was held Thursday, September 14, 2016 in Council Chambers.

President of Council, Mrs. Valerie Van Valkenberg-Walden – The meeting was opened with a prayer followed by the Pledge of Allegiance.

Roll call showed that all members were present: Mr. Tobergte, Ms. Haulfeld, Mr. Kalb, Mr. Asbach, Mrs. Schildmeyer, Mr. Culbertson and Mrs. Bedinghaus.

Mr. Asbach made a motion to dispense with the reading of the minutes. Mr. Culbertson seconded the motion. Council agreed 7-0.

**REPORTS OF VILLAGE OFFICIALS**

MAYOR, Mr. Estep – We had an excellent turn out last night at the meeting at Roger Bacon. A lot of information was given to the victims of the recent flood and it's an ongoing process. We had to walk people through it, they had a power point presentation which gave a lot of information. I know there were some people not very happy with some of the answers given and they're still on the phone with them.

We have our first meeting scheduled for next Tuesday at 6:00pm, that would be the Safety Director, the Fire Chief, myself and one of the union members from the Fire Department to begin to look at part time firefighters. With the drop in revenue, this would be one of the things that we must do to stay within our fiscal boundaries in the future.

We are looking for volunteers for Saturday to help those impacted in the flood. We will meet this Saturday, depending on the rain, here at 9:00am here at City Hall. If we are going to have good weather we're going to go to several different sites. One is to help build a wall down on Harvey Ct. Several places up on Woodside Hgts. And Rose Hill. And then at 2:00pm, thanks to Bradbee in Queensgate, JTM and Crosley's we'll be able to provide two cheese burgers and fries for \$4.00 for all the volunteers. Don't forget the fire and police steak fry this Friday night at Vine St. Park.

AUDITOR, Mrs. Brickweg – The Auditor office has prepared Ordinance 19, 2016 for tonight's meeting. This Ordinance provides additional appropriations to:

01-7-A-3 Ambulance Supplies \$3,500.00

05-MP-9 Streets and Sewers \$173,179.24

01-2-O-2A Service Department Overtime \$739.84

The ambulance supply revenue is from a grant the Fire Department received. The street and sewer revenue is from the Cincinnati Water Works for the Jackson Avenue work. The Service Department overtime is from a donation received from Councilmember Don Tobergte reimbursing the overtime paid out for the Soap Box Derby.

This Ordinance creates the new line item 01-58-3 - Dance and Fitness Studio and moves \$2,000.00 from 01-58-7D Tennis Court Repairs into it. Council will be putting additional money into the budget next year for tennis court repairs, since there is not enough time to get them done this year.

The Auditor's office provided Council and the Administration with the August, 2016 revenue and expense spreadsheets. The revenues year to date are \$7,871,758.58. The revenues compared to 2015 are down \$1,417,475.61. The Village did not receive the second half of county property taxes in August. Last year's second half property tax was \$398,601.46. With taking this into account the revenues are still down \$1,018,874.15 compared to 2015. The expenses year to date are \$11,669,195.82 they are up \$287,884.87. Three of the larger expenses in 2016 are \$142,309.98 in extra property taxes, \$224,073.31 for Jackson Street and \$234,565.61 additional to date for the bond payments.

This week the Auditor's Department received \$57,379.04 back from the county for taxes paid on the new Service Department building. We are still waiting to hear on the other properties.

The county met earlier this week to approve the Village's 2017 projected budget. I will prepare a Resolution for the next Council meeting once I receive the approval from the county.

DIRECTOR OF LAW, Mr. Peck – Last week we had Mayor's Court. At that time we had 43 cases for arraignment, 8 cases for HIP Inspector, 103 tax cases, 5 sentencing, 8 cases for dismissal, 10 for payment, 10 for the state, we had a rather large docket but we got through it pretty efficiently.

I also met with the Executive Board which I was part of for the Hamilton County Municipal League and I just wanted to remind everybody, everybody here is welcome to go to the next general membership meeting, September 28, 2016 at the Evendale Recreation Center at 6:00pm. Dinner will start at 6:30pm with a speaker thereafter at 7:00pm.

Additionally, and Mrs. Bedinghaus, will speak to this, we do have a grass cutting Ordinance ready to discuss at the next Laws, Contracts and Claims Committee and I've also, with Chief Moeller who actually drafted our proposed Parks Ordinance, and we will be ready to discuss that as well with Mrs. Bedinghaus.

TREASURER, Mr. Ungruhe – This evening I have prepared the Fifth Third Securities report for the funds that they have for us. The book value down there is \$1,215,000.00. The Star Ohio Account has \$1,715,547.39 which brings the total of all investments at the current time to \$2,930,547.39. Also, monument fund from First State Bank was received. At the end of August the balance in that account is \$5,631.97. I have distributed the report to members of Council along with the statements.

SAFETY DIRECTOR, Mr. Stuchell – On August 28<sup>th</sup> this entire community was in distress due to the intense storm and flooding. All of our village employees stepped up to assist our residents and I want to thank the members of the service, police, and fire departments for the incredible efforts. It is difficult to name all of the individuals who came to the aid of our residents but I must tell you about one phenomenal young man who went beyond the call of duty. These are the words of his FTO, Officer Setters:

We were dispatched to 579 Woodside Hgts. for 3 subjects trapped in the basement. We had to make a decision to cross the high water on Redwood to get to the trapped subjects. PPO Kyle Conner drove quickly through the high water and arrived at the residence. We entered and were directed to the basement where there was one subject standing on the stairs. I directed the subject to go up the steps and clear the way so we could get to the trapped subjects and assist them out. PPO

Conner immediately and without hesitation entered the flooded basement and located the one trapped individual and freed him from the debris and assisted him to the steps and out of the basement. That was the only subject in the basement. PPO Conner displayed great courage and confidence to enter the basement with 5 feet of water without hesitation to rescue this individual. It is these actions by PPO Conner that show the willingness to go above and beyond the call of duty to accomplish the mission. I am very proud of what Kyle accomplished and I believe he is a great asset to our department. I would like to commend PPO Conner for his actions and also Officer Setters.

While I am on the subject of commendations, there is another police officer that deserves to be recognized for showing great restraint in dealing with a resident that was having a psychiatric emergency. On September 1<sup>st</sup> this resident was transported to the hospital to be evaluated. While in the emergency room he became agitated and fled stealing our ambulance that was parked outside. Lt. George Nimmo was waiting with the possibility that he would return to his residence and he did. It was because of Lt. Nimmo's familiarity with this man and his family that he was able to prevent a horrible outcome.

The officer went into the basement, where the gentleman was frantically searching for something. There was a mention of a gun, the officer didn't know if he had the weapon so he decided to back out and a family member was able to get the gun and hand it over to Officer Nimmo, but he got back outside and took off in his car.

While the officers were interviewing the family he returned and got into a police cruiser and tried to retrieve the assault rifle. It was then that several residents including myself yelled to get the officers attention so that he could be stopped. He was then tased and taken into custody and returned to the hospital for evaluation.

I am very proud of Lt. Nimmo and appreciate everything he did to de-escalate this situation. This could have affected me personally as it was three doors down from my house and I was standing right there, because I was called about our ambulance being stolen, watching it unfold at 4:30am. So thank you again. Job well done!

I also wanted to point out another incident that made the news this weekend about a heroin overdose that occurred here in St. Bernard. On Sunday there was a report of a cardiac arrest/non-breather at Mitchell and Leonard Avenue. Upon arrival at the municipal lot, the St. Bernard Fire Department quickly realized that there were 3 individuals that OD'd. It was reported that this was at a residence and that was not correct. We do not have a heroin house located there. These individuals, who were not from St. Bernard, felt so comfortable here that they decided to park here and overdose. This has become a real problem in the Cincinnati area and has become very taxing on every communities resources.

This last Thursday, Service Director Tom Paul and myself met with representatives from Cincinnati Bell Fioptics and their partners about the possibility of having cameras installed in our community. We will be doing a trial run with a camera being installed near Vine And McClelland so that you will be able to see for yourself how this will benefit our police department. They will observe loitering and any other activity in that area. They will be about the size of an older street lamp but they will have four cameras being able to see the entire perimeter. They can be programmed basically to observe if there is any loitering in the area. The one camera on the bottom side would be able to focus in and capture everything that's happening. I couldn't tell you how impressed I was but I did want to share that with you and you will get more information on that.

Also, I have the Fire Department Report for August 2016: We had 32 fire details, mutual aid was given to Elmwood 1, Norwood 2, Golf Manor 1, Springfield Township 1. Mutual aid received for fire twice by Elmwood, 1 by Wyoming, 1 Golf Manor, 2 Springfield Township and Lincoln Heights 1. Details of interest

were three building fires, one cooking fire, one vehicle fire, 2 dumpster fires and one grass fire.

I also have the EMS run report for August 2016: there were 91 EMS details with 50 patients being transported. Mutual aid given for the month: for Elmwood 10, that is extremely high from what we were trending. They had an incredibly busy month and that was distributed out to other departments. We were not the only department that assisted them but they had an extremely high call volume. Also we provided mutual aid for Cincinnati 1, Norwood 1, Golf Manor 1. Details of interest: 6 Unconscious, 3 non-breathers, 3 psychiatric emergencies, 2 auto accidents and 2 overdoses.

SERVICE DIRECTOR, Mr. Paul – It has been one long and trying month and we can only hope that it now settles to near normal.

Our cleaning agreement with Suze Middendorf is working out rather well. So well in fact they want her there full time. I asked Suze and she does not have the opportunity nor the time. Thank you Suze for the work you are doing.

I have been pondering the question of why the Service Director has the responsibility and the line item to maintain the cleanliness of the police department. I cannot come up with an answer. Therefore I request of Council to allow the Auditor to move the line item to the police department and allow the head of that department to appropriate the funds to spend on why and what needs to be cleaned. He is there on a daily basis.

We have tried to salvage the fitness center floor due to water damage but have not succeeded. Therefore it will become an insurance claim. Thank you to all that helped for this took a lot of manhours. We have a mad clipper going around St. Bernard trimming bushes and weeds that block the right of way. Reminder to all is that bushes are not allowed to hang over the sidewalks. Trees must be trimmed to 8 feet above the sidewalk. You have my blessing mad clipper and we will continue to pick up your piles of clippings.

As for all the people who express discussed over our special recipe leaking out from behind the packer, these trucks are old and rusted and have been repaired. They are now to the point of not being able to stop the flow of the fluid. Yes it stinks but dries. Yes it stains the street but we no longer have the water truck nor the man power to operate such a truck. Consider it a side effect of the good that the truck does. Remember also that taking it out on the workers has little effect on plugging the rusted holes in the packer's receiver.

I have been asked the question of why the people who rent the park have the keys to turn on the lights but they are not responsible to turn them off, but rather the police are required to do so. Well, my response to that is we want to be sure that the parks are secure and no damage has occurred and no one is locked in the restrooms. I figure they need that light to see this.

I would like to remind the residents that we cannot post the Council meeting minutes on the web until they have been approved by Council.

I would also like to throw in another reminder, one that the Law Director has given us reminders of so recently, and that is be careful of speaking about what goes on in Executive Committee. It is against the law. Be very careful of your surroundings and your confident. It is alarming how citizens know more about the discussions of executive meetings than the city hall employees.

We continue to have problems with the Safety Center. As you know we have moved more money into that line item and again the HVAC system has failed. I have since let go of the company who the Village retained and chose to go with the company that handles the rest of the village's buildings. Let's hope they can help. The overhead doors also continue to have problems as well as the roof.

We are trying to tally our losses that occurred by the damaging waters. When this is completed, we will be turning it over to the insurance company.

Moving on to more pressing issues.

There is not enough money in the park line item to repair the play parks. We have enough to do one.

On Tower Ave. By Franklin Park, the neighbor has complained of a standing water issue. He has found time to try and rectify that. CIC has rented a back hoe and he has started their work. It is far from finished and is on a rather long list of work to be done by a mere 17 people who have daily responsibilities to attend to and the added grass issues as well. So I will ask of you what has been ask of me, patience. We are continuing to clean up from the flash flooding that has occurred and all the special events that have needed our assistance, this takes many, many man hours. Again I ask you for patience as I assure you things will get done and sooner or later we will catch up. Although, now that I look at the balance of summer help line item, I will only promise you that the city properties will be first on our lists. I would like to remind the flood victims that there is help available, but you must realize that you are responsible to do the leg work and get the paperwork and fill it out to be filed. We are here to assist you in any way we can. We are not here to complete your paperwork for you.

We have had our meeting about security cameras and were quite impressed with what was offered. We can start with one or two cameras and add on as time passes. Our base equipment is already established for this to occur. We can also invite businesses to join our network. This is a good thing!

Before you is Ordinance #21. It is in reference to the fence that was built on 401 Jackson Ave. I have given Council a photo of that fence. They did file for a permit and it was granted but what they failed to realize was that their fence came out onto Village property. This fence is well built and is appealing to the eye. The owners are in agreement to sign a contract with the Village to release us from any liabilities that occur to the fence since it is on our property. I would like to thank the residents for taking the initiative to improve their property. I encourage Council to pass this Ordinance.

Stigler supply has offered to show us how to care for our floors. They have volunteered to help strip and wax them with their equipment free of charge. When we are finished, they will not have to be done again for 4 years if we properly take care of them. We already have the equipment necessary to do the care. We are long term customers and they intend to keep us. This will save money. This also is a good thing.

I cannot express the gratitude I feel for all the volunteers and all those who gave donations. We are winding down and the picking up of flood damaged goods is nearing an end. So I would like to ask the residents to please return to normal procedure by placing your trash out on your regular scheduled days. Thank you.

To My Community,

I would like you to latch on to your friends. Share that special moment with them and laugh. When someone asks "What is so funny between you?" Share that and watch what happens. You will probably see another, then another, join in the laughter. You and your friends have just started a ripple of happiness that cost you nothing and in return received a wonderful benefit, a good feeling! Have a pleasant evening.

TAX COMMISSIONER, Mr. Moore – Just a couple three things on my agenda here. First of all, we had a meeting Tuesday night with the Tax Review Board to approve the rules and regulations for the tax office. The rules and regulations are the kind of the policies and procedures that we follow to interpret the Ordinance

that was passed and how we're going to administer those laws as we go forward. They had to approve it. I've got a couple of minor things to do, mainly grammatical, and then I'm going to give them to Heidi and have her load them to the internet and they will be there for the citizens and for anybody who wants to take a look at them and see how we actually do things in the tax office. Secondly, I put the August figures in your boxes this week. And I also printed something a little extra. I hope everybody knows what I was doing when I did that. If you look at those figures there is still money coming in. We brought in the second highest amount of money in the first eight months of this year that was ever brought in. The only year that they brought in more money, through August, was last year. So we're still bringing in a considerable amount of money to the tax office. I wanted everybody to realize that, sometimes I get the feeling and questions have been asked of me that gee we're not bringing any money in. Well we are. I mean in fact we're doing very well. It's just that when you compare it to last year, no, we're not. There are several reasons for that. Any questions about those I'll be glad to answer. Last, but not least, I did put a newspaper clipping in everybody's mail box. I hope you had a chance to look at it and read it. I think items like this is very germane to the city and future tax revenues and how things like this can benefit basically our bottom line.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Tobergte – On Sunday, September 18<sup>th</sup> from 10:00am until 2:00pm I will be collecting the following items for flood victims: bottled water, cleaning supplies, mops brooms, rubber gloves, personal hygiene supplies, non perishable food tarps, checks can be made out to Matthew 25 Ministries.

I did sign a contract with Renee Duncan Builders for the town homes on Tower Ave. Paul has a set of construction drawings so we should see some results in the near future.

Our budget was based on expectations that we would be bringing in \$13.2 million but we are going to be closer to \$12.2 million. Looking at the PO's it looks like the end of the year spending spree has already started. Peggy already pulled out \$1 million from the reserves. I am asking all departments to think before buying anything. Just because there is a number next to your line item that doesn't mean you have to spend it.

I am asking all department heads to turn in their budgets to Tommy and I for 2017 by October 14. When you work on your budget remember this years budget was based on an estimated income of \$13.2 million and next years' budget is going to be based on \$12.2 million.

I would like to thank Bob Hausfeld for donating his time. He finished digging up the fence, wall and tree from the lot along the Franklin Ave. Park. Hopefully the Service Dept. Will be able to remove the debris soon.

And Tommy, bah humbug.

SAFETY, Mr. Culbertson – I have the Police Department report for the month of August. During the month of August, officers were involved in 796 calls for service. Of those calls, they responded to 38 accident reports and took 15 offense reports, clearing a total of 8 offenses. Officers made 104 misdemeanor arrests and 2 felony arrest. They responded to 70 parking complaints and issued 15 citations for parking violations. Officers issued 44 traffic citations, 1 DUI arrests and 52 warnings. They responded to 34 calls for suspicious activity, vehicles or persons.

I'd also like to remind the residents that the next Block Watch meeting will be Tuesday, September 20 at 6:30pm in the lower level of Village Hall. Members from the Fire Department will be on hand to discuss flood related issues and safety.

SERVICE, Mr. Asbach – I have the Service Department report for the month of August; there were 48 trucks placed at residences, 37 dumpsters placed at residences, 321 special pick-ups at residences and 279.21 tons of garbage taken to the landfill. On the recycling side we had 33.67 tons of recycling material and 4880 pounds of scrap metal.

PUBLIC IMPROVEMENTS, Ms. Hausfeld – Tonight I have the Village of St. Bernard Planning and Development report; Administrative Duties: for the month of August the building department answered or returned over 700 phone calls. These calls are requests for Zoning Classification, information for building permits, available housing, guidance on building projects, neighbor disputes, property maintenance violations, and fence and property line issues.

Building Permit Issuance; for the month of August the department issued the following building permits; 1 residential fence

8 residential window replacement

1 residential complete porch rebuild

1 residential complete home remodel this is a complete renovation

2 residential roof replacement and gutter replacement

1 residential garage roof replacement

1 residential accessory structure

1 residential service ramp.

Please note the large number of window replacements. If you recall over a year ago we had a program through the county, that we administered, for 15 home owners to receive free windows. Through the efforts of our department we had 5 additional this month bringing our total to 30 home owners receiving new windows.

Plan Review; 8 plan reviews

Inspections; 36 inspections for the building permits.

Request for Zoning Approval:

4 request for zoning approval. 1 board of zoning appeals case.

HIP: the HIP program has had 62 initial inspections on Ross and Jefferson Avenues. 46 follow-up inspection on Bank and West Ross

Court Cases; the department currently has 4 cases in the court system.

PMC

This is the code we use for "Property Maintenance Referrals"

We have issued 4 PMC orders.

Rental Program; the department has mailed out 12 new request forms for compliance with the registration. The department has issued 20 orders with over 100 photos of individual violations. And the department has completed 60 inspections.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – As the Law Director discussed in his report, there are two Ordinances that are being prepared for discussion and that is the Grass Ordinance and the Park Ordinance. Laws, Contracts and Claims Committee meeting will be scheduled for Oct. 6, prior to the COW at 6:00pm to discuss both of these. I have left a message with Robert Evans to have him attend to discuss the Grass Ordinance with the Laws, Contracts and Claims Committee and I will contact Steve Moeller to have him there in reference to the Park Ordinance.

BUSINESS AND INDUSTRY, Mr. Kalb – No report.

HIGHWAYS AND TRANSPORTATION, Mrs. Schildmeyer – For the month of August there was 1,080 Dial-A Ride riders. Year to date that brings us to 8,158 riders. Mr. Tobergte, I was wondering if you know when the next Finance Meeting will be scheduled?

Mr. Tobergte – We haven't scheduled one yet.

Mrs. Schildmeyer - I would like to apologize for missing the MSD meeting at Roger Bacon last night. My father-in-law's 70<sup>th</sup> birthday was last night and we had planned a party. And anyone who knows our family would know how important that birthday was to us.

Mr. Asbach – The COW report has been submitted to the Clerk.

Committee of the Whole

Sept 1, 2016

1. Council approved the minutes of the August 18th Council meeting.
2. County Commissioner, Todd Portune, addressed Council about the flooding that took place on Sunday August 28th. He said that if you filed a claim with MSD and are not happy keep on them because they do things on a case by case basis. EMA, Emergency Management Agency, has toured the area and will continue to access the data to determine the extent of damage. There is a number for MSD on the Village website.
3. Council will vote on keeping two meetings a month or going back to four meeting at the next Council meeting.
4. Mayor, John Estep
  - a. Thanked Mr. Portune for coming to the meeting tonight and sharing the information he had.
  - b. Also thanked all three departments for all their hard work this week after the flood last Sunday night.
  - c. Said that EMA had met with the Village and went to the flooded areas at Roger Bacon and other areas. It looks like no funding will come from the State at this point.
  - d. Said that Pastor Dan, at Emmanuel Church, is taking any money donations and you are asked to call them at the church.
  - e. Said that there is a low interest loan thru the Hamilton County HIP program. If you need more info please call City Hall at 242-7770 and ask for Paul Myers or Walt Moeller to assist you.
  - f. Said that Kevin Strotman asked him to announce that there will be a Scout recruitment night on Sept. 7th at 6:30 at St. Clement School in the scout den and this is for boys ages kindergarten thru high school.
5. Auditor, Peggy Brickweg
  - a. Asked that the Laws, Contracts & Claims committee look into storing boats and RV's in driveways. This was placed in that committee for review.



b. Said that she cashed in \$1,000,000.00 from our investments. There are two other investments coming due in September and she will see if we can reinvest them or not.

c. Said that the contract was signed for the purchase of the Long John Silver, for \$250,000.00.

d. Said that she received some good news from the State on the tax money for the Service Garage and is waiting for word on the Safety Center and parking lot.

e. Discussed Ordinance #19, for additional appropriations and moving money for certain line items. There was a discussion about taking money from the Tennis Court Line item for the Dance Studio. Council voted 7-0 to place this on the table.

f. Said that there are some line items that she will keep an eye on since they are getting low.

#### 6. Law Director, Mike Peck

a. Said that he had the grass Ordinance finished and needs to give to the Laws, Contracts & Claims committee and have Mr. Evans there also.

#### 7. Safety Director, Jonathan Stuchell

a. Thanked the residents who helped with the flood event this week.

b. Said that he received a call from Lt. Bill Ungrhue, of the police department, about an issue at the Library. There was some trouble there, with an arrest made, but they have no exterior cameras to monitor outside activity. He is looking into placing cameras throughout the Village and will keep us updated.

c. Said that the parking improvements on Harvey Ct will be put on hold for now.

#### 8. Service Director, Tom Paul

a. Talked about the storm and will continue to gather the numbers on the damaged items.

b. Said the he showed the EMA the path that the water took during the storm last week.

#### 9. Tax Commissioner/Administrator, Rick Moore

a. Said that he will have the August figures at the next meeting.

b. Said that he will do an in house audit on companies in the Village and make sure that the info they have is correct. They will also do the same for landlords in the Village to make sure they are filing a schedule E with their taxes. Landlords are required to notify City Hall when someone moves in or out of their properties.

#### 10. Treasurer, John Ungrhue

a. Gave the Star Ohio balance at \$1,714,441.93

#### 11. Finance, Don Tobergte

a. Reported that on Sunday Sept. 18th from 10am-2pm he will be collecting the following items for Matthew 25 Ministries: bottled water, cleaning supplies, mops, brooms, rubber gloves, personal hygiene supplies, non perishable food items and tarps. Checks can be made out to Matthew 25 Ministries.

b. Said the he and Melissa McManus have begun to work on the 2016 Haunted House and Pumpkin Painting. The date is Saturday Oct. 29th and more details will follow.

#### 12. Safety, Ray Culbertson

a. Reported that the Police & Fire Steak Fry will be Friday Sept. 16th from 4-11pm. Steaks will be served until 8pm. Cost is \$15.00 and can be purchased in advance from any police or fire persons or at the gate on the night of the event.

b. Said that the next Block Watch meeting will be Tuesday Sept. 20th at 6:30 in the lower level.

c. Thanked all of the departments, City Hall employees and Mr. Paul for their work and taking phone call this week after the storm on Sunday.

#### 13. Public Improvements, Patty Hausfeld

a. Asked Mayor Estep about the tennis courts and the money that we might get from the Reds Foundation. It was also mentioned that it would take about \$8,000.00 to fix all of the equipment at the small parks.

#### 14. Laws, Contracts & Claims, Cindi Bedinghaus

a. Said that she will get with Mr. Evans and Mr. Peck to set up a meeting on the grass and boat and RV Ordinances in the near future.

#### 15. Business & Industry, Andy Kalb

a. Thanked the following businesses for their help after the flood: Skyline, Pilot Chemical, LaRosas, St. Bernard PAC, St. Bernard HS students/ alumni, Roger Bacon students/ alumni, PNC Bank, New Shoots Landscaping, P&G and Boy Scout Troop 354. He said he was sorry if he missed anyone.

#### 16. Highways & Transportation, Diana Schildmeyer

a. Talked about the water flow, from Mitchell to Johnson Alley, from the storm and said that we are working with JMA Consulting and waiting for EMA Public sector to come onsite to evaluate the total damage and to see if the substructure is sound. There are vehicles on Johnson Alley, but until this has all been evaluated the road will remain closed. Said that the three departments did an amazing job after the storm on Sunday.

b. Asked for executive session with Council, the Mayor, Safety Director and Law Director to discuss employee compensation. Council voted 7-0 to do so.

17. A resident said that the cameras at 5/3rd Bank might show what the trouble was at the Library that was discussed earlier this evening. The Safety Director will look into it.

18. Council met in executive session to discuss employee compensation.

Respectfully submitted,

Steve Asbach

President of Council, Pro-Tem

## **COMMUNICATIONS**

None.

## **RESOLUTIONS AND ORDINANCES**

Motion by Mr. Asbach, seconded by Mr. Culbertson to read this evening's Resolutions and Ordinances by title only. Motion passed 7-0.

**ORDINANCE NO. 19, 2016. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS, MOVE FUNDS AND ESTABLISHING NEW LINE ITEMS AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mr. Kalb to suspend with the second and third reading of Ordinance No. 19, 2016. Motion passed 7-0.

Motion by Mr. Asbach, seconded by Mrs. Schildmeyer to adopt Ordinance No. 19, 2016 as read. Motion passed 7-0.

**ORDINANCE NO. 20, 2016. APPROVING THE CONSTRUCTION OF A RETAINING WALL 209 HARVEY COURT ON VILLAGE PROPERTY BY THE OWNER, BIAGIO LAMASSA, REQUIRING EXECUTION AND REORDING OF AN IDEMNITY AGREEMENT, AND DELARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 20, 2016.

## **REMARKS**

Ms. Hausfeld – First of all Tom you kind of told me about the 401 Jackson Ave. one, I'm not sure about the Harvey Ct. one. I mean I know what the mix up with the 401 Jackson, but I don't know what's going on with the Harvey Ct.

Mr. Paul – This one I believe, I didn't put this on the table but it was put on the table, because the one on Jackson Ave. the guy built the wall, the neighbors liked it. It was ran by the, this was maybe two months ago because I was talking to Jonathan about it and Jonathan didn't know anything about it either. It was kind of funny that I remembered it but no one else does. But I didn't, I wouldn't do this Ordinance so, but what is happening is I went down and did look at the wall and when I was looking at the concrete to be laid out for Harvey Ct. And it's a nice wall. What he did was he brought it out, again, like the fence on 401 Jackson, he brought it to the sidewalk. Above that he's waiting to plant. So it's actually a retaining wall holding his land up from the sidewalk and it is a well built wall and he'll have plants and flowers there in the front of his yard and if well cared for it will look very nice.

Ms. Hausfeld – Did this also go before the Planning and Development downstairs like the other one did and just got mixed up or?

Mr. Paul - I hate to be wrong on this, but I believe they are the ones that put this on the table.

Ms. Hausfeld – OK.

Mr. Peck - I did receive an email regarding that property from the Building Dept. as well. So I know it went through their office.

Ms. Hausfeld – My only complaint is, and you guys are going to get so tired of me talking about this, is we are supposed to discuss this stuff at COW first and nothing was discussed on that particular property and the next Ordinance and I'm sorry, I thought we were actually also going to vote tonight on the going to the meetings every week again. At least I thought that's what we said two weeks ago. But it's just one of those things that if we have our meetings every week then we won't have this problem and the Administration can bring us things the way they're supposed to on our COW night and then we would know what the heck we're voting on when it came up to voting. And that's just my two cents. I don't know how anybody else feels about that but, thank you.

Mr. Asbach – This has nothing to do with it. They went through the Department, they had the permit, they were done wrong. I will be voting against them because I always do, I always have for years and years. It's a beautiful fence but people have to start building on their property and not the City's right away. If we have to go in and tear it down they're going to have to redo it anyway, they might as well do it right the first time. So, I ask if you're doing any improvements, 1. get a permit and 2. put it on your property not ours and we wouldn't have to deal with this. The meeting each week have nothing to do with this. They went through the proper procedure, they did it on a Sunday and there was nobody there to go watch them when they were doing it so that's the problem we've got.

Mrs. Schildmeyer - I don't know if this is a Mr. Peck question, I know it says that "no additional property rights are transferred", does that mean it will be attached to the deed so that if they sell their property the next owner can't come back and say I didn't know?

Mr. Peck - I believe so. But if you wanted more on that I could get back to you. But yes, it should go with the property.

Mrs. Schildmeyer – inaudible.

Mr. Kalb – Just to kind of quickly answer Diana's question, down printed on the back page, there is a part that says it has to be recorded at Hamilton County, Ohio and then it says the agreement shall be binding upon any future transfers of the property. But going back to my question, I believe these should have gone through COW and be voted on to be placed on the table for this evening so with the Building Department not being here, and us having no information and receiving these tonight, I'm not comfortable voting on these this evening. It should have gone through proper channels and be voted on at COW to be placed on the table. These two Ordinances, in my opinion, cannot even be on the table tonight.

Mr. Asbach - I'll take somewhat of the blame for that. I was in here Tuesday talking with Mr. Paul and what I understood, and what he explained what the picture was all about I suggested that he call every member of Council, like the other Law Ordinances that we passed time and time again if there's any work to be done the property owner is responsible and although they would have to wait a whole month its passed and he's wanting to plant some things on there before fall hits and have some retention of property plotted, but regardless, bottom line goes back to if he did it right we wouldn't have to have this on the table to begin with.

Mrs. Bedinghaus – The question that I have is, my understanding and I was looking mainly at the fence, my understanding is the property owners took a picture of, or looked it up online, took a picture of where the property line was, so everything was accurate on the permit and it was approved, but then when they started it they didn't have the right property line. So is there any way that our Building Department can actually justify and clarify that that is right.

Mr. Paul – They need to be here. Bottom line is the people went up and thought they were doing it properly so they went up on the same site that Walt would go up on and the property lines are drawn out. They took that and instead of having their land surveyed they looked at that property line and drew it up just like that. Turned it in for approval. It was approved. They built the fence. The Building Department goes up to inspect it and tells them that it's on the City property. Measurements throughout, this I know, measurements throughout the City vary Street by Street. They are either measured from the middle of the street to the property line or it's from the curb to the property line. What confuses me and I'm not going to confuse the public or Council, is that when they say three foot off the curb, that tells me that they can put the fence on our sidewalk. But that's, however that is worded and why it's worded that way I do not know. But they're telling me that that fence actually has to be three foot away from the sidewalk. If that's the case half her yard is not fenced in so it's like Okay. My problem with everything that is happening, now Harvey I am not sure of because that was not ran by me. This was a shock to see it. My Ordinance, the one I pushed through on, I talked to Steve and I said you think this is a nice fence, look at it, they have said there is nothing there that can happen to that fence and I warned the people from my studies if we half to tear up the sidewalk, you're responsible for your own fence. You can't hold us, and they know that. So then I found, Heidi presented me with the contract that they have to sign, so once they signed that it takes us out of all the liabilities. Whether a child comes down with a back pack and scratches the fence that happens to be on City property, we're not responsible and they know that and they're both willing to sign the contract. Then again, I agree with Council, if it was done right in the first place we wouldn't be sitting here but the fence is up and to ask them to tear it down when they thought they were doing it properly to me is kind of, should be addressed by the property department

Ms. Hausfeld – My other question and you may not know this and Jonathan you may not know this, are either one of these Ordinances in that emergency type. Do we have to vote on them tonight? Can we wait two weeks and have the building department come and explain what they need to explain for other Council members? I'm just asking.

Mr. Stuchell – As far as urgency I don't believe that there is an urgency. I don't believe we're going to be taking a course action to make the property owners take the fence down at this point. I mistakenly got involved in it. It was referred to me because apparently we have a directory that may not be correct. So the individual, the property owner, actually left the message on my voicemail, it was forwarded to me. Well I immediately got upset, thinking that someone is trying to get me to basically what I'm getting at is why it was even being referred to me because I was so unaware of the situation. Basically I talked to the property owner and what the property owner explained to me is again, after going to the Auditor's website and downloading an exact plot plan of the property because again trying to get, I guess, the surveyor out to determine the exact line, the whole issue is they took it from the website. They went back, presented the complete plan for the Building Department, the permit was approved. So based on the measurements that they laid

out, was the exact measurement that they constructed the fence. That was my problem on the one side of it. I guess we do need further explanation from the person that issued the permit and for everyone's knowledge, but again, I do agree with the inspector in that case because of we've given the information why it would be nice to work with the property owner in this one instance. I have no issue with the idea of delaying it. I don't think it affects anyone.

Mr. Asbach – At this time I will withdraw my motion to suspend with the second and third and make a motion that these two Ordinances go regular course.

Mrs. Bedinghaus – I'll second that.

## **REMARKS**

Mrs. Brickweg - I have to, the amount of flack I take if I even add one line item to one of my Ordinances and no one is going to question why we have an Ordinance. I think somebody should ask, how did it get here? How did that Ordinance get here?

Mr. Asbach - I already told you how it got here.

Mrs. Brickweg – No that's the thing. That's what I'm saying. Everybody keeps saying, nobody knows how this got here. I add one line item and send an email out to everybody and I get ripped but I think that's the issue that really needs to be looked into. Can anybody just print an Ordinance and put it on the table? I don't think so. That's part of the issue but another suggestion I would ask, I'm here at the meetings, always anyway, and I would especially be here if I have an Ordinance but I would suggest that if the department has an Ordinance on the table they need to be here and then you wouldn't even have this big deal. But it just amazes me that nobody knows how it got here.

Mayor Estep - I'll be down there to see him tomorrow and ask the Clerk to keep the Ordinance for the next COW.

Mr. Peck – Traditionally it is a rule that even if we have to do it right before the start of regular business you have to vote to put an Ordinance on the table. I didn't think that happened this time. That at least should have been done.

Mr. Kalb – While you're on the spot, my question, since they were never put on the table, it shouldn't even be here in front of us. You don't have to suspend with the second and third reading or go regular course because we never even voted to put these on the table so these should not even be in front of us.

Mr. Peck – Well now you've got the .....

Mr. Kalb – We had the first reading of something that wasn't on the table.

Mr. Peck – It's your rules. If you are comfortable allowing it to go regular course, that's up to you. But there's nothing stopping you from putting it on the table for tonight retroactively. But I don't think that's necessary.

Mrs. Schildmeyer – Mr. Peck that brings up another question. Who can put an Ordinance on the table? Is it only Council?

Mr. Peck - I believe so.

Mrs. Schildmeyer – So any Council member can put an Ordinance on the table?

Mr. Peck – Well it would have to be voted on.

Mrs. Schildmeyer – Yes, I realize that. But, Ok.

Motion to have Ordinance No. 20, 2016 take it's regular course passed 5-2. Mr. Kalb and Ms. Hausfeld voted no.

Mrs. Brickweg – Can I interrupt? I think there was a little confusion when Dianna, I think we can explain how an Ordinance gets on the table. You can't just write it, you have to bring it, present it.....

Mrs. Schildmeyer – Yes, I know, I understand.

Mr. Asbach – Before we read Ordinance No. 21, 2016, I make a motion that it be put on the table.

Mrs. Schildmeyer – I'll second that.

## **REMARKS**

Mr. Kalb – We kind of discussed two Ordinances under one. So I understand now we're talking about the fence Ordinance on Jackson. My understanding was to wait until the Building Department was here to answer questions so if they're not here to answer questions why are we putting it on the table, we can just wait for the next COW, they can do it and then we can put it on the table for the following Council meeting.

Mr. Asbach – Whatever. If it's just going to go regular course we can discuss it at COW and cut out a reading here tonight. I guess take a vote to put it on the table.

Tom Rolfsen, 30 Clay – First of all I'd like to know why anybody sitting down here has anything to do with this Ordinance. We have a Zoning Board, we have a Planning Commissioner, they're not here so anybody says here has no legal thing, any precedent or anything. I don't know why you're asking people sitting here. You should be having the building services and you should have the zoning board doing this. I'd like to ask each of the Council members when they were first made aware of this, was it when they came in tonight or was it or did they know anything about this?

Ms. Hausfeld - I know I called Tom about an issue Tuesday and he told me about the 401 Jackson. As far as the 209 Harvey I didn't know about that until I walked in here tonight.

Tom Rolfsen 30 Clay – And when did you see the picture of the fence?

Ms. Hausfeld - I actually, because of me talking to Tom, I actually went down and saw that myself and he told me that he was going to take a picture and put it in all of our mail boxes. That's what I would have like to have done with the Harvey Ct. one as well. That's why I didn't know anything about that until tonight. I was aware of it from the phone call from Tom.

Tom Rolfsen 30 Clay – OK, but is that his job or is that the zoning board and the building thing that should be talking about this? I could contact you and say hey here's a fence here but does that make it right?

Ms. Hausfeld – Like Tom, correct me if I'm wrong Tom, it kind of fell in his lap and he kind of took the ball and ran with it and did something with it.

Tom Rolfsen 30 Clay – But is that his job? Is that the correct way to do this? And coming up here you don't even know who submitted this, OK, and you're being asked to pass it in an emergency, which you always do everything else. And now it's like well I don't know who put this up, he's not here to talk about it, you got people that's not their job to do this kind of stuff and I just applaud that people are saying get rid of it, OK, until they can come up to a COW meeting and tell you guys what's going on, show you the pictures, OK, and if you OK it for these people what's going to happen for the next people. And I think it was put in commission that made the problem here, OK, and if you go on the Auditor's website it will say on the bottom, these are not legal descriptions of property lines on the site, OK, so you're saying they went off of the Auditor's thing and used that when it's already stated on the Auditor's site that it's not, you know, they're not swearing to those things. You need to get your own surveyor. So I want to thank the people that are voting against this, OK

The motion to put Ordinance No. 21, 2016 on the table passed 5-2. Ms. Hausfeld and Mr. Kalb voted no.

Motion by Mr. Asbach, seconded by Mr. Culbertson for Ordinance No. 21, 2016 to go it's regular course.

## **REMARKS**

Ms. Hausfeld - I did talk to Tom and where I did commend the residents, at least the 401 Jackson because that's the one that I know about that they are actually investing in their property and making it look presentable and better. I don't disagree with what they are doing. I just disagree with the way things came to Council. It wasn't looked at COW first. It wasn't brought to us by the proper channels. That is the only reason that I was voting no on this tonight. The other one is a little bit different story because I didn't know anything about it until tonight but this particular thing I was aware of it. I did go look at the property, where I commend the residents for investing in their properties, I give them 110% shout-out in thanking them, It needs to come to Council in the proper channels so that we know what we're doing up here before we vote on something.

The motion for Ordinance No. 21, 2016 to take it's regular course passed 6-1. Ms. Hausfeld voted no.

## **OLD BUSINESS**

Mrs. Bedinghaus – This is sort of Old Business because I mentioned it a while ago in my report, so I did forget one thing that we discussed at Laws, Contracts and Claims and that's the storage of vehicles in residential districts. That was asked to go in the Laws, Contract and Claims too. So October 6<sup>th</sup> we will have three items to discuss.

Mayor Estep - I also wanted to add, make this under Old Business, on Jonathan, the Safety Director's report, about that incident at 4:30 in the morning, I know the family very well, that lady was very upset, she came to my house and asked if she could speak with me, she was in tears. I talked with her for a while and we got in some questions and I said I'd really like to have you meet with the Chief and talk to



him about it. And all through the conversation she couldn't have been more complementary of Officer Nimmo. How he knew the history of the family and how he handled the situation. After that I called the Chief and asked, could we meet today at 2:00 in the afternoon. So we had another meeting with the Chief. He said I'll sit down with you right now. I did leave him a message, I like to compliment people publicly too. He showed a lot of compassion meeting with this lady for like 45 minutes and she called back and said it was very nice of him on a short notice and I wanted to mention both of those guys.

Mr. Tobergte – Tom when you talked about the cameras, do we have any idea the cost?

Mr. Stuchell – That's basically left open for right now. I didn't want to bring that out prematurely because basically what we're looking at I would say starting small and they're going to be getting back with us on potentially the type of equipment that we want. There are two different options, so I felt it premature to sit there and bring out cost and get everyone all excited right from the beginning. I'd rather you see what the technology can bring, let them come forward with a proper estimate for what we're looking for in starting a platform that we can build upon. So I just thought it was premature to start with that if that's alright. But that will be forthcoming.

Mr. Tobergte – Any idea what line item it would come out of? Do you have a line item with money in it for cameras or?

Mr. Stuchell – Basically, you're putting me on the spot with this one, but the fact is I didn't say that we were going to be jumping right on this. I would like to go through, get the estimate from them based on what we would be doing. The whole idea is that what we are bringing this for is exploring options based on whether or not it's a matter of purchase or it's a matter of a lease option. So rather than coming forward prematurely, I didn't want to go that route. No, I don't.

Mr. Tobergte – Also, we had talked, do you want to do recommendations for the Chief at the next COW?

Mr. Stuchell – That is correct.

Mr. Tobergte – One more if I may, John you talked about the part timers for the Fire Department, are we looking at the other departments also? Service, Police, City Hall?

Mayor Estep – We have part timers now in the Service Department. Seasonal workers I guess we call them. No we haven't looked at the Police Department as of yet. We're going to start with the Fire Department and see where we go from there. I think with the revenue the way it looks for next year if we're one million down we're going to have to do something different than we've done in the past.

Mr. Tobergte - I was just checking if other departments would be involved too.

Mayor Estep – We looked at the fire, we're looking at guys down there who could retire very soon and I'd like to have this in place to be implemented so we don't add more on to the full time and save money on benefits and everything else.

Mrs. Schildmeyer – Mayor Estep can I see how your process is going to be for bringing on part timers?

Mayor Estep – We're going to take it and find out some of the answers in the meeting tonight with the Safety Director and the Chief. We're going to find out how they do it in other departments. I don't know how you can do it without saving money. I think it's a no brainer. It's a third grade math question. You pay one guy \$30.00 an hour and pay the other one \$15.00. It's a pretty simple answer. I don't think the process is going to be that simple and there's more cost to it. I know we have to buy turn-out gear to make decent training involved. We have to make some decisions. Do we want a paramedic only? We're going to have the paramedic issue, you know trained or can we settle for an EMT. Are we going to compete with other departments that are paying \$15.00 an hour or are we going to try and get somebody we may have to pay \$17 or \$18.00 an hour. There's different people out there looking for different jobs and there maybe somebody that favors St. Bernard or are they going to say I want to work in Cincinnati and do 20 runs a day or do I want to come to St. Bernard where maybe I won't have the workload I have in other departments. So there's some benefits to work in St. Bernard. I hope that works in our favor.

Ms. Hausfeld – John I'm on the same line for the part time firemen. You say you're having a meeting Tuesday, what time is that meeting?

Mayor Estep – 6:00pm.

Ms. Hausfeld – And is that open or is it just a certain few you included.

Mayor Estep – Well we're going to have the Chief, the Safety Director, a member of the Union, Park and Petty. He is out of town but he's going to have somebody here in his place and myself. There will just be four of us at the initial meeting.

Mrs. VanValkenberg-Walden – Are you asking if this is open to the public?

Ms. Hausfeld – Well public or Council, I mean, you know I didn't know what he was calling. If he's calling a special meeting that should be open or if it should be a closed meeting under the Sunshine Law, I don't know what.

Mayor Estep - I don't think it has anything to do with the Sunshine Law. I mean it's a meeting to take some initial steps of working our way through this procedure.

Ms. Hausfeld – OK I was just asking.

Mayor Estep – That's fine.

Mr. Tobergte - I have one more question please. Did you have a health care committee meeting recently?

Mayor Estep – We had one today at 4:00pm.

Mrs. Brickweg – I'm sorry, it wasn't a major meeting, it was just to get together again because we haven't had a meeting in like a year and a half. Sarah who handles our account is getting ready to have her third baby and she just wanted to meet with us before the numbers came back. So we just kind of went over a few things. It was nothing major. We discussed maybe some different ideas where we could save additional money. But we're going out for bids right now so we have no idea what the numbers are. So after that we'll probably do another meeting in

November. But this was, she just wanted to touch base with us before she went out on maternity leave.

Mayor Estep – And Patty when I compliment somebody publicly I'll also apologize publicly. I hope that didn't come off as a smart aleck answer when I said it didn't have anything to do with it I just.....

Ms. Hausfeld – No, no, just asking.

Mayor Estep – We're good then.

Ms. Hausfeld – Yep. Library and Fifth Third, problems still with kids. I was at Fifth Third today, talked to the manager, Mr. Hackney and he said it is an ongoing problem especially since the kids are back in school. I did tell him that we did bring it to Council last, two weeks ago. That somebody had suggested to me we go to them and see if they had cameras. He actually said that they do but that would be like a higher up thing that he couldn't approve giving them to us to identify the kids. But I did ask him if somebody contacted them and he says he believes that somebody contacted Fifth Third, not him personally. So I just wanted to give you guys a heads up that he did say that there are cameras there in case we want to go that avenue with the problem there as well along with what Jonathan is working on.

Mayor Estep – After that meeting I went directly to the superintendent and the assistant principal there who handles all the discipline. He says I go down there after school, he says the last incident was like at ten till five. He said by ten till five I'm usually home with my own kids. So it's an ongoing issue and we need to keep working on it.

Ms. Hausfeld – Boy, I'm talkative tonight. The other question I have is, it's the end of September, what are we going to do with the meetings? Every Thursday, I thought we were supposed to have that for a vote tonight and we didn't so are we going to put that on the agenda for the COW? If nobody else is I will put that on the agenda for the COW because we need to know by the next meeting if we're having an every other meeting Thursday or is it an every Thursday night meeting?

Mr. Asbach – It was on the agenda last week at COW and as I stated then, Council needs to vote tonight on it otherwise it reverts back to Council meeting on October 6 and COW, it reverts back to four meetings. The vote was for the end of September. So as I stated last week, Council needs to vote tonight if we are keeping it at two meetings a month instead of four. I have it under Old Business and I'm opposed to it so I'm not going to make the motion.

Ms. Hausfeld - I will make the motion to go to every Thursday night meeting every other week. COW and then the following week our Council meeting. Four meetings a month, whatever you want to call it.

Mr. Tobergte - I'll second it.

## **REMARKS**

Mr. Culbertson – All you guys down there in the Administration, is this working out for all you guys? Are you getting the tools, are you getting the money put in the right line items, is everything working on your end to run the Village on a day to day basis?

Mayor Estep - I see no problems down here. The general consensus to the people I talk to, they're comfortable with two meetings a month. We still have those other two weeks if something does come up we can always call a special session. Two meetings a month seem to be working out fairly well. Peggy you might want to sound in on that.

Mrs. Brickweg – As I suggested a couple of weeks ago but I didn't get any feed back, if there is a major concern come November and December I gave you two suggestions. Put additional funding in the miscellaneous line item like we've done before in December. Finance Committee gets all the PO's. It's not like I go out and buy clothes for myself out of that line item. I only spend it on city things so that's one idea or go ahead and schedule special meetings before the November and the December COW and if we need it we'll have them and if not we'll cancel them. But personally, especially in December you have the Christmas and New Years and honestly I haven't looked at the calendar yet I don't know how it falls, but we've always put additional money in that line item just because health care tries to pay all their bills by the end of the year. That would be my main suggestion to actually trust the Auditor Department to pay the bills correctly. But those are the two options you have. Besides that it's working fine with us.

Mr. Asbach – Just for clarification, the motion is to go back to the regular schedule. So if you are in favor of that you vote aye, if you do not want to go back to four meetings you vote nay.

Ms. Hausfeld – You guys, I don't know how anybody is going to vote up here but you guys know how I'm going to vote. I don't have to tell you, but here we are again with something that it's going to take how many more weeks to get resolved and passed because there was a mix up because somebody didn't do something properly and that's just my thing. As long as we have a meeting every other week we can correct it on a more timely fashion and get things moving versus having to wait a whole month before we have another voting meeting to vote on something and I don't know who everybody else has been talking to but I talked to people at the senior luncheon just yesterday and they're so confused on when the meetings are that they don't know if it's the first, the third, the fifth, you know, and it's not just those guys, there are other people out there that they would like to come to a meeting but yet is it this Thursday, is it next Thursday. At least if we have a meeting every Thursday they'd know that there's a meeting every Thursday and they are more than welcome to come and find out what's going on with the City. That's all I will say on it. I'll just keep my mouth shut.

Mrs. Brickweg - I just wanted to make a suggestion before I forget that if they vote to continue to do this twice a month for the rest of the time or whatever maybe we could put that in the Newsletter. Maybe that would help the Seniors. I know it's not in there now because nobody wanted to put anything in there in case you went back. I'm just saying whatever schedule they vote on tonight I suggest we put it in the Newsletter. And the website and the channels it's on and I'll help Heidi with that and we'll figure that all out. So whatever they vote on tonight we'll put it in the Newsletter.

Ms. Hausfeld – That was the other question, sorry, I'm going to talk again. That was the other question I had yesterday from the Seniors. I had to refer to Peggy. I don't watch these on TV when they are televised because the Seniors didn't want to

watch them as well. If that could go in the Newsletter that would be greatly appreciated.

Tom Rolfsen, 30 Clay - I want to ask Mike Peck a legal question.

Mr. Asbach – Point of order. There's no audience discussion on the motion.

Tom Rolfsen, 30 Clay – Are you going to have it before you vote on it? Am I going to have an opportunity before you vote on it?

Mr. Peck – A citizen shouldn't have any input on this.

Mr. Asbach – At the COW when this was discussed would have been the time to participate.

Tom Rolfsen, 30 Clay – It wasn't on the schedule here to vote on. Somebody just brought it up.

Mr. Asbach – It was on the COW agenda last week and it was decided last week that they would vote on it tonight.

Tom Rolfsen, 30 Clay – People should get to (inaudible)

Mr. Asbach – There is no Ordinance. This is a motion of Council on Council rules.

Tom Rolfsen 30 Clay – And it's perfectly legal to do that without the citizens knowing you're going to vote on something tonight that wasn't put out to the citizens. That's why I'm asking Mike Peck, the attorney, is this illegal.

Mr. Peck – Yes.

The motion to go back to four meetings a month did not pass. 4-3. Mr. Tobergte, Ms. Hausfeld and Mr. Asbach voted aye.

Mr. Tobergte – Steve, Mike, since the regular thing was to wait until September 30 and then we revert back to four even though it failed my impression is we still revert back to four unless we make a motion to only have two.

Mr. Peck - I was going to say something, yes. The vote that Mr. Asbach indicated should have been, do we continue to go two meetings, because my understanding it was passed on a temporary basis. The vote should have been in my opinion do we continue going two meetings rather than revert back to four meetings. Ultimately .....

Mrs. Van Valkenberg-Walden – That is not the way the motion was worded.

Mr. Peck – There is a distinction to be made without a difference but I feel comfortable if you did it the correct way.

Motion by Mr. Kalb, seconded by Mrs. Bedinghaus to continue to have only two meetings a month with the first Thursday of the month being COW and the third Thursday of the month being Council meeting.

Motion passed 5-2. Mr. Asbach and Ms. Hausfeld voted no.

## **NEW BUSINESS**

Ms. Hausfeld - I promise this is my final thing I'm talking about tonight. And you guys are going to bare with me because if I was here yesterday I would be cussing everybody out. But I was advised by a couple of very dear friends to keep my temper in check so I'm going to try my best to keep my temper in check. I might get emotional up here, I'm telling you now because I'm really PO'od. This meeting that I am telling Peggy everything that needs to be said about Executive Session. My first response is you guys can all kiss my big toe because Peggy and I are friends outside of this political stuff. Peggy and I talk about numerous things that I don't talk to any of you guys about and just because I didn't show up at Eagles to have those special meetings with either one political party or the other political party I'm accused of leaking out of Executive Session. I'm calling each and everyone of you out right now because I have been told by very good resources that people have overheard me tell her things out of Executive Session from two weeks ago and I can assure you that Peggy and I may have talked at the most five minutes. She had to go home and color her hair, sorry Peggy, because she was leaving on vacation the very next morning and before I went over to Eagles I got a phone call from a person that I have been up in Indianapolis with alcoholism and I talked to him for at least a half an hour to forty minutes before I showed up at the Eagles. And because of that I'm being accused of something that is not correct and I am very pissed off because this isn't the first time that people up here or the Administration in the past have accused me of this and I'm calling you out now. You got something to say to me, you say it to my face and you say it on camera. You don't go behind my back and you don't talk to other people. And the rumors get back to me, not only from Administration but other Council members and the funny part is I show up at a residents house the other night to tell him what I had discussed with the Mayor and Tom and he says to me, Oh I heard you guys in Executive Session talked about this, this and this. I'm like how the heck did you hear about it. I'm going to be accused of this too. And it wasn't me, he heard it from one of you guys. So, you know what, the funny part is, I know half of you go to the Eagles afterwards and have your drinks and you discuss things that happen up here or in Executive Session or the other half of you guys go up to Meiners and do the same thing. And you know what, I've been told from both places some of the things that people discuss and it really burns my britches that here I am again, ten year veteran up here, and you guys still don't trust me enough to, you know, when I have a problem, if somebody reported something on Don Tobergte and I called Don Tobergte and I had enough curtesy to say, hey Don what's going on here, what's the truth, what's not the truth. You guys got something to say to me, say it to my face. I'm trying, I'm forty eight years old, I'm not a damn two year old. Sorry I cussed again. I'm not a two year old. You guys have something to say to me, say it to my face. And if you can't tell, I am highly ticked off. Because I didn't hear it from just one person, I heard it from several people. You got something to say to me come to my face and say it. If not, keep your mouth shut.

Mrs. Brickweg - I know who said it and I know who is talking about me. It wasn't hard to figure out what happened in Executive Session, sorry. When you get kicked out of Executive Session, us two, you are the finance people, it's not hard to call Executive Session and why it went on. But for anybody who actually who had the (inaudible) Patty is right, I colored my hair last Thursday and I packed. I did not talk to her, she (inaudible) I said I got to go. I got on an airplane so I'm not really sure how I got all this information but that's what I figured out myself and not, I'm not really smart sometime. I'm not going to name names but you know who you are. I don't appreciate it. First of all I don't appreciate it when you're kicked out of Executive Session (inaudible) that's what we do. And when you do it you know we

might not agree with you. But we know the finances, I've never had that happen to me, whatever, but don't (inaudible) I got little secrets. Don't do it. That's so immature and so childish and I will agree with Patty on one thing, I have been accused more than one time when I was on Council of saying things on Executive Session because I was married to a firefighter. The funny part would always be when Kurt would come home from the fire department and tell me what he heard at the fire department that happened in Executive Session that I didn't share with him. But guess what, it's not me. But I do agree with her, it's very childish, so to come home from vacation and hear all these different Administrative people and Council people have been talking about me I just think it's pathetic. This is my professional job, I'd like to be treated professionally and that's all I'm saying. But I did not talk to Patty because I was too busy coloring my hair.

Mr. Asbach – For the record, no one was kicked out of Executive Session, no one was kicked out of Executive Session. There was a motion made, and you can refer to the tape, you can point all you want, Peggy, I wrote it down at COW, and I'm just telling you, the motion was made. I don't care if somebody didn't listen to it, the motion was made for the Mayor, the Safety Director, and Council so no one was kicked out. That was what Executive Session was called for. I wrote it that way, I looked at the ICRC tape and double checked, that's the way it was so we need to stop playing all these games. That's the reason Executive Session was called for. No one was kicked out.

Mrs. Brickweg – He is right to a point, that was what Dianna suggested, but there is you forget where Andy, Don and Patty asked you to go back out (excuse me, I'm still talking) and revote and you said oh we're not going to go back so you know when Dianna did that I going to say this for the last time, a lot of people don't listen to the complete sentences of everybody and I do think that's what happened that night and that happens a lot and that's sad in itself but I guess you're right, you are right I was not kicked out but I have not even realized that but when you have four Council people saying we would like our finance people to stay in here because they are in charge of our finance and we're discussing finances, and you don't even want to talk about it, that's fine, do whatever, but I'm the one that enforces contracts, I'm the one that does the Ordinances and I'm the one that does the money. And so obviously my opinion is not welcome for some reason which is fine. But I do think that when you do this in Executive Session I do think we should listen who is included and who is not.

Ms. Hausfeld - I know I said no more but I forgot I had a thank you. I did get a phone call from a resident about a couple of issues. One of the issues was the piece of property up at by Franklin Park next to where my brother just built a house and I was not, even though he is my brother, I was not aware of him working with the CIC to clean up this piece of property and it wasn't until this resident called me to inform me what was going on and I then called Tom Paul and then a couple of different issues but he was the one that informed me that it was taken care of with the help of my brother and the CIC and I'm assuming city workers themselves will be taking up the trash so I just want to thank him and the people involved with cleaning up that mess because it was dangerous and is dangerous for the young kids. Especially with the school kids and stuff. One thing I do have to say and I saw it done, I think it was today, the orange fence was still down and that was a concern of this person because it wasn't roped off with the school kids, so if we could just make sure that is up. Thank you Tom.

## AUDIENCE WISHING TO ADDRESS COUNCIL

Tom Rolfsen, 30 Clay St. - This is a picture of my granddaughter, she's three years old, Okay, and I take her to a City parks here and today I went to every park in St. Bernard. I have pictures that I want to submit to all you guys to see what condition our parks are in, Okay? You guys are going to be made aware of this and if she goes down a slide and cuts her leg, I'm suing the City, Okay? Anybody else will be able to. I want you all to look at these picture or I would like you to go on a (expletive) bus tour and look at the parks themselves, Okay? This picture, down at Ross, this is mold and mildew on the play sets, Okay? Here boarded up places. We don't have \$8,000.00 for our kids to play in the parks? Here's another one, a board down on Vine St. in place of a broken step. Here's another one, rusty steps, if a kid trips on that and cuts his leg he'll have to get a tetanus shot because it's rusty, Okay? This is ridiculous for this town, you waste money, you give a \$1 million dollar property away and you can't even take care of our kids and parks. Here's another one, down on Greenlee Ave. This is where we're supposed to be posting stuff, it's wide open, it's all broke and I don't know if it's glass or plexi-glass but it's broke and it's sitting there. Here's another on, here's a slide up on Franklin, you guys put duck tape on it, Okay? And this is how cracked it is. Here's what Patty was talking about. You got this orange fence up there, you got kids coming out and going to that park after school and there's all kind of concrete, there's tree stuff and there's no fence there to keep them from going over. Here's another slide in another park, the slide that has the little things on it. A big crack right there where they would go over it. Here's park benches here that haven't been painted for years, Okay? They look like garbage. Inner city parks are better than our parks. Here's another one, this little climber thing, it's a foot off the ground, Okay? That's ridiculous. Here's another slide with a big crack at the bottom where the kids go down. Here's the fountain down there on Greenlee Park down there, Okay? What's left of the fountain, it's just sitting there. Here's another park bench down on Chalet or something, here's a better view of where the glass or plexi-glass or whatever it is all broken on down. I think it's ridiculous you can't come up with the money to fix our parks. The landscaping is muddy, the little platforms aren't in the right place, you guys are sitting here and we got kids and grandkids playing at these places. You're liable for anything that goes on because now you know, it's been brought up on Council. Anything that's gets hurt that you don't fix it, you're liable for it. My second thing is, here's pictures here, I'm asking the Law Director if it's ethical or legal for somebody that's on CIC that votes to give away a million dollar property and is also on Council, he can be down there cutting grass on a property we gave away, if that's ethical or if there's some kind of something wrong with that.

Mr. Peck – You asked a couple of legal questions of me and I need to make it clear that I'm the lawyer for the City and the City only so any questions need to come through the Mayor's office or the Administration or Council. I'm not the lawyer for individuals, but for the City.

Tom Rolfsen, 30 Clay – This is all City stuff I'm talking about.

Mr. Tobergte – Mr. Rolfsen, yes I'm on the CIC board, yes I'm on Council, yes I started cutting Imwalle's grass, the CIC still owns the property, it has not been deeded over to Mr. Newberry yet. The City was only cutting that grass every three or four weeks with Mr. Newberry coming down there with investors looking at investment property, I decided since I'm down that way anyway on weekends I'd start cutting it. I am not getting paid a dime. I'm volunteering my time.



Tom Rolfsen 30 Clay – Well I'm going to look into it more because I don't think it's ethical and I think it's a violation so I'll be checking with the State of Ohio and as for Mike Peck this is making you guys liable if anything happens to a kid on the park that goes down those slides.

Ms. Hausfeld – Tom as far as, I can't answer to all of those parks but I have been complained to about Franklin Park at least on a few occasions and I have made Tom aware of that within the last month or six weeks I guess. I know he is checking into somethings because I was actually told by a city worker that some of that equipment is still under guarantee but it wasn't a separate, I think two weeks ago when we were told that its not under guarantee anymore so I'm not sure if Tom can answer anymore, if they're looking into it more or not. I know it was brought up because it was brought up by me because citizens were complaining to me about the Franklin Park especially.

Tom Rolfsen, 30 Clay – Well I'd like it to be entered into something here that you have some proof what I'm talking about. I'm not making this stuff up, Okay? You guys spend \$250,000.00 for Long John Silver's and you can't spend \$10,000.00 for our kids and grandkids to play. Every park I went to had something wrong with it and I believe you're all responsible now that it's been brought out. I know you answered letters into record. I like you to enter all these pictures in.

Mrs. VanValkenberg-Walden – Do you have other copies or is that your only copy.

Tom Rolfsen, 30 Clay – It's on my phone.

Mrs. VanValkenberg-Walden – Are you wanting to leave those with Council?

Tom Rolfsen – Yes.

Mr. Asbach - I also think it's a shame that Mr. Tobergte is being accused. With the CIC there are required number of elected officials that have to be on that Board. That is what Mr. Tobergte is doing on there and I think it's a shame that he's being accused of doing something illegal. I commend him for what he's doing.

Mrs. Brickweg - I just noticed something. Dan Driehaus is in the audience. He was here in case anybody questions. He attended the meeting last night. He's been working hand and hand with Tommy on all the claims. I told him I discussed with all of you that we might have deductibles and things like that but I think he just came here tonight just in case anybody had any questions for him.

Ms. Hausfeld - I think I'll apologize to you now because I don't usually talk that much.

Mr. Driehaus – If anybody has any questions I'd be more than happy to answer them but Tommy, Mr. Paul, seems fine.

Ms. Hausfeld - I do have one question. It's my time to talk. I know you had a meeting last night and it was brought to my attention that some of the residents didn't know about that meeting. From what I understand from Chief Meyer yesterday is they had hand delivered certain letters to certain people. What happens if somebody was missed and they missed the meeting. Are you having any other meetings any time.

Mrs. Brickweg – Patty, he isn't with them.

Ms. Hausfeld – Oh, ok that wasn't a question for you.

Mrs. Brickweg – Tommy can answer that for you.

Mr. Driehaus – My role is, I'm involved with the insurance for the City so if there are any coverage questions regarding the water claims. I was here if there were any questions that came up but none did and that's fine.

Ms. Hausfeld - I thought you were at that meeting last night, I'm sorry. So my question I guess to Tommy is there going to be any other meetings?

Mr. Paul – There was a meeting in Norwood tonight and there was one in Cincinnati, they haven't announced a date for that one yet. We sent out 150 letters to the people that were in the flood zone. The Fire Department actually, the Chief, volunteered the firemen to pass them out. So we passed them out to the ones who got the most damage. It was on Call Command. It went out twice on Call Command and I believe that I, that's about it, no it was on the radio station, WLW and on channel 9 that we were having that meeting that night and as a matter of fact we had probably 200 participants show up. So the ones who didn't, I apologize. Is there going to be any more meetings, no but you have two years to file and that will be made and the power point presentation I asked to be mailed to me and I received it tonight at three until five. I sent it to Heidi immediately and that will end up on our website so they'll be able to get all the information that was at that meeting and they can start filing their papers. MSD is taking the brunt and the lead and I believe everybody will get it reimbursed who is entitled and who is approved. They had terrible problems when they first happened because they are not manned for that. They didn't have enough people to cover so when you dialed the phone number that was given the very first time they apologized and you actually got a recording of we cannot help you at this time due to the fact that they weren't prepared. Now what they have done is they still have low manning but they are making progress and they have hired outside help. There's different companies that MSD is sending out to help the people clean. With that being said I think everybody will be happy with the outcome. The meeting went well until the end when people started going after papers and you couldn't hear the speaker any longer but I think that was kind of expected so I imagine Norwood is going to be the central point from now on where we will meet with Red Cross. Not only do the people should know that they're going to start with the insurance claim then they go to MSD and then it ends up with Red Cross. That will all be posted on our website and it's very easily followed. Actually on our website if you go to the MSD site we have made the link go directly to the form that you need to fill out. That made it super simple so you don't have to go to the MSD and start searching. They're excited if you actually click on our link it'll take you to the form you need for the flood. We couldn't have made it anymore simple but we do advise you to fill out the paperwork, claim everything because they'll go through it and see what is covered and what is not. Now remember this is for in home stuff. It is not for outside the home. So if your condenser of your air conditioner which sits outside your home was damaged, that is not what MSD is about. MSD is about back flow into your house and it's about the goods that were in your house, appliances and such, so with that being said, keep that in mind. You can't claim a car unless the car was in your garage which is under your house or within your house. If the garage is outside your house it is not MSD. That'll be insurance and hopefully Red Cross. That's where they left us last night and I think there was a good meeting. I

think they're trying to hold up their end. So it was catastrophic, by the way for anyone who didn't go there they're now realizing, and the reason they are understaffed is because what turned out to be for St. Bernard, 43 homes, our initial total when I started going to all these meetings we had 608 homes involved, that was it, and three major, major are if families have been displaced, the building is condemned, business is stopped, they can no longer, those are major. There were three in the entire area, 608 homes, they are now well above 15,000, \$15,000,000.00 in damage. It has now affected 10,000 to 15,000 people here in the area. So they apologize and now you see why we feel understaffed and are understaffed because the phone calls keep pouring in. But they are responding so that's where we'll leave that. Good luck to everyone.

Mr. Tobergte - I also would like to thank Mr. Culbertson for his excellent interview Cincinnati meetings.

Kerry Meyer, Fire Chief – I just wanted to add one thing to what Mr. Paul said. He did a great job of giving a synopsis of what happened last night but the thing about the inside and the outside which is accurate. They also wanted to stress that people had outside damage to go ahead and file for that. There still is some chance that could be covered. So what Mr. Paul said was correct but they also added to go ahead and just claim everything and then let them sort it out. I just wanted to add that.

Mr. Stuchell – Actually since the Fire Chief is up there one thing I forgot I just want to remind the citizens, this is old information but, the ISO rating of our fire department has risen from a 3 to a 2.

Chief Meyer – The ISO of insurance is an organization that rates Fire Departments and their ability to respond to fires. The reason I'm bringing it up is we got a call yesterday from a citizen who had reached out to her insurance company for some other issues and had remembered from many months ago hearing on the Council floor about our rating being rated and how it could effect insurance rates. And she informed us that after talking to her agent that she did indeed save 5% due to our rating going from a 3 to a 2. I just want to remind all of our residents that if you get the opportunity to speak with your insurance company you may be able to save a little bit of money.

Mr. Stuchell – Even though we look like a bunch of idiots tonight, I just wanted to thank the Mayor. Really Tom Paul has done an incredible job and the Fire Chief and I'd also like to commend Don Tobergte for everything he does to make the community look better and taking the initiative to go and mow the grass. Don does a lot to make the community look better and I commend him for it. Thank you.

Ms. Hausfeld – One more thing, Sue, I had heard about the Senior luncheon by word of mouth and I just happened to show up because I'm off of work, or don't work, sorry, but I know all you guys had to work or maybe didn't know about the luncheon. I just assumed that because my email was still screwed up a little bit that I didn't get the email so I just showed up and John says well is so and so coming that and I said I don't know I didn't talk to them but I just want to thank John and everybody that was involved with yesterdays Senior luncheon. I got the chance to sit down with several of the Seniors and they absolutely enjoy that and really enjoyed, not only the food but just people showing up to be with them and show them that they matter and they care and I just want to in the future, I know John said he's never been invited in the past and I'm sure other Council members or

Administrations would love to be there if they know about it. It was actually something that I could do and sit down with the people and bs with them because I can't stand and walk long periods of time. So it was very enjoyable for me to sit with the people and talk to the older customers, sorry, I say customers because they used to be my customers for many, many years but it was nice to be able to communicate with them and it was a very nice day and a very nice luncheon and I know the Seniors really enjoyed it so I just want to thank you. I know Fire Chief Moeller and Meyer were there, confusing, and all of the Administration and stuff and the departments as far as the police and fire departments. I just wanted to thank everybody that was involved because it was very nice.

Mr. Paul - I was made aware also by a Council person that I think in the past it was never done as far as I know and I didn't know that. We were new to this. We were scrambling. Rick and I had kind of fun because we thought wow we had to grill and half of it worked which Rick got and I got the cool side so it was cool. So I do intend to change that next year. Everyone will be invited. You'll get an invitation that it is a wonderful experience. The elders come and it's kind of like fun to listen to them and we dole out presents which was hilarious so it is quite enjoyable and I will correct that next year for you.

Mayor Estep – And just another thank you, you know we sit here and we say thank you to Rick for grilling and Chief Meyer showing and Tommy grilling. So many people do so much like Heidi Culbertson and my secretary Cheryl Abrams. They really pulled that together and they do a wonderful job on a daily basis. I want to make sure they get a thank you.

Mrs. Valerie VanValkenberg-Walden – Actually I wanted to say a quick thank you to Mr. Tobergte to Chief Moeller and several individuals and as well as the gentlemen from the Greenlee Garage at the night of the flood when the front of my very wet house, I lost two cars in it with the water levels, they were totaled and they helped dig out the debris from the, that was blocking the sewer and they ultimately allowed the water to drain in an amazing quick amount of time. And also the gentleman from Greenlee Garage brought out some apparatus to help move the cars that had been swept into the street back to the side to the curb. So that ultimately every other vehicle could get through and they went above and beyond the call of duty and I really appreciate it. Thank you.

Mr. Asbach – To the best of my calculation the next COW is Thursday, October 6<sup>th</sup> at 7:00pm.

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