

**ST. BERNARD VILLAGE COUNCIL MEETING  
OCTOBER 5, 2017**

The regular meeting of the St. Bernard Village Council was held Thursday, October 5, 2017 in Council Chambers.

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

A moment of silence was held in memory of the mother of Sharon Schildmeyer with our Recreation Department, the mother of Cheryl Abrahms, the Mayor's secretary and a long time former Police Officer Bill Tempel.

Mr. Asbach made a motion to dispense with the regular order of business to hear representatives of Issue 4 and Kate McMullan with Titan Trek and also we are scheduled to have a public hearing for block grant funding.

Mr. Tobergte – I'll second.

The motion to suspend the regular order of business passed 7-0.

Kate Labenthal – Thank you for allowing me to speak today with you about the Hamilton County Elderly Services Program, ESP. The program is funded by the tax payers of Hamilton County and serves older adults and their families. I would like to take a few minutes to explain to you how the program is funded and answer any questions that you might have.

The Elderly Services Program makes it possible for more than 5,700 Hamilton County seniors to remain in their home. It provides services like meals on wheels, home care assistance and medical transportation. Last year the program delivered more than 555,000 meals and provided nearly 229,000 hours of home care assistance. The typical woman, the typical client is a woman in her late 70's who lives alone. Due to declining health and mobility, she is unable to perform activities such as housework, driving, feeding, preparing food or manage medication. She needs help but not nursing home care. Without this program, she and many other Hamilton County seniors would find it necessary to move into a nursing home. They would lose their independence, their privacy and their connection to home and community. And for those who go on Medicaid in the nursing home, their cost would be very much higher for taxpayers. The cost of their care would be much higher for taxpayers. About \$4,000 a month.

This fall voters will be asked to approve an increase in the Hamilton County Senior Services tax levy. It's Issue No. 5 and here are just some facts about the levy and Hamilton County's older adult population to help explain the need for the increase. Today more than one in five Hamilton County residents is age 60 or older and nearly one in four have households that include at least one person who is age 65 or older. More than of those Hamilton County residents over 65 report having at least one disability where just under 20% live at or near the poverty level. Hamilton County voters have not been asked to increase the funding for the levy since 2008. Since that time revenue generated by the levy is has been on the decline. As a result, the Council on Aging has been focusing enrollment on those seniors most in need of nursing home placement. (inaudible) has also worked to create efficiency and (inaudible) in the program ensuring that it operates within its means. Because of these efforts, there is currently no waiting list for enrollment. But the program serves 27% fewer clients than it did 10 years ago. Among surrounding counties with similar programs, Hamilton County is serving the lowest percentage of potentially eligible seniors. The current levy will expire this year. For the program to continue and realize the goal to serve more seniors the County Commissioners have approved the 1.6 mil levy for the November ballot. The proposed levy will generate \$25.6 million annually and will cost the average homeowner about \$40.25 per \$100,000.00 of property value. It's only an increase of about \$11.00 per year or less than a dollar a month. For 25 years the levy for the elderly services program have served our seniors and families in need. Helping them become independent in their homes and communities. People like Florence who enrolled in the program 16 years ago when she was a young 88 years old. Today the feisty 104 year old continues to enjoy her independence thanks to the services provided through ESP. Her daughter Atlanta is certain that her mother would have withered away in a nursing home. 92% of the funding for the elderly services program comes from Hamilton County Senior Services levy. There is no other funding source in our community dedicated to the seniors. If the voters do not approve the levy in November the Elderly Services Program will end and more than 5,700 seniors will have to find care elsewhere. I shared a lot of information with you today but to really understand the impact, you can go online and look at our website where you can find stories with the seniors. This is Issue No. 5. I can answer any questions you guys have.

Mr. Kalb – What is the website that you go to for more information?

Kate – Sure, it's [www.helpourellderly.org](http://www.helpourellderly.org).

I'm decked out in my Titan gear today. My name is Kate McMullan, I live on Langley and I'm in front of you today as a representative of the Titan Fan Club which is a combination of the PTA, the Music Boosters and the Athletic Boosters at St. Bernard/Elmwood Place School District.

My co-chair and I, co-chair is Lee Jewel, and I are in our seventh year and eighth annual Titan Trek that is taking place tomorrow. I jokingly called us a sign fine because we're going to pass through (inaudible) this year to two new volunteers. But this was our first year of reaching out to both the St. Bernard and Elmwood Place communities to sponsor each of our 532 students, just elementary students in the district at the \$5.00 sponsorship level. The response was more than I could even imagine. The Fire Department, the Police Department and the Service Department, members of Council in this room, members of the community from Elmwood Place, even Elmwood Place Student Council donated to sponsor over and above our 500 amazing students but to cover all of the prizes, all of the gift cards, all of the snacks. It has been, the outlying has been amazing. So, I wanted to come and speak with you today and just to celebrate our community and to celebrate Elmwood Place's and to say thank you for our Police Department and our Service Department and our Fire Department. They were all going out of their way to help us with this check. Just FYI, it's from 12:40 until about 2:00 so you may see third through sixth graders walking around the streets of St. Bernard. And the K through third graders are walking around the track. We bus all the kids in from Elmwood Place and it's lots of fun. There's music, they're screaming, you know, bunch of kids. But I especially want to thank Siegel Roofing. Siegel Roofing donated \$500.00 to sponsor 100 kids and then Sarah Helton, a local member of the community donated to sponsor 50 children and then gave us the \$1,000.00 from her settlement for the Titan Trek and for the Titan Fan Club. So, just huge thank you for that. The numbers are still out as we still have money coming in and money going out for t-shirts and such. But we look to raise between \$9 and \$10,000 for the Titan Fan Club which will go directly back into the school district for uniforms and Secret Santa and stuff like that. But thank you for allowing the school district to have fun days in the community and thank you for the community support (inaudible).

Jennifer Vatter with JMA Consultants for the city's engineering firm and we typically handle the Block Grant funds and applications for the Village for as long as I've been doing it, for about 20 years. So, this is the first of two Public Hearings that you are required to have for the Community Development Block Grant Program. There will be another Public Hearing in two weeks from today before the COW meeting at 7:00pm. I don't know if you have to officially need to open it or Okay. The Community Development Block Grant Program is I'm sure you're

probably all pretty familiar with runs on a three year cycle. So, the upcoming cycle is 2018, 2019, 2020. Every community other than the City of Cincinnati receives funds through Hamilton County, so they administer the program and St. Bernard, it's all based upon population and low to moderate income levels and kind of formula driven. And so every community has an approximate dollar amount that you get. So, it's kind of like, you can apply for as much as you want but there's kind of a set dollar amount that they tell each community and St. Bernard looks like will be around \$150,000.00 for the next three year cycle. The types of projects that are eligible for these types of funds, they're pretty specific in their regulations. Things like improvements to public facilities and parks in low to moderate income areas. And St. Bernard has certain block groups that meet those requirements. So, and there's, you know, you're all familiar with census information. There's really no rhyme or reason to that but so we always double check, you know, if that area is eligible. Somethings that we have used as block grant funds in the past are the Ross Park rest rooms, renovations to that, we've used money for Moeller Ave., I think we did Errun Lane a few years ago, I think maybe we did some other playground equipment, possibly at Ross Park, the Vine St. Park restroom facility when that was renovated. Those were Block Grant funds so those are some of the projects the St. Bernard has used the funds for over the years. Some community wide types of projects are, if it is a handicap, a project that will benefit handicap accessibility so to remove some barriers for handicap accessibility or to benefit seniors. So, in the Senior Center to do improvements to that. I think that is about it. So, the purpose of the Public Hearing, the first Public Hearing is pretty much just to get, you know, generate ideas or to get any ideas that the public may have and then at the second Public Hearing, obviously open to discussion as well but and then refine a little bit, you know, what we might want to apply for. The applications are due in November and again we've always handled that for the city and get those in.

Mr. Culbertson – Jennifer are these usually matching funds?

Jennifer Vatter – These are not matching funds. You do not have to match. Now we've been able to use, you know for example, for the street improvement project, sometimes we use these funds to leverage other grant dollars but you do not have to go to a different thing like a SKIP application that you're familiar with. You do not have to go in and say that we're going to match a certain amount. You do not have to do that.

Mrs. Bedinghaus – Jennifer you said that was \$150,000.00 for, is that total for three years?

Jennifer Vatter – Yes, total for three years. Correct. And so that can be on one project, two projects, you know, three. We really suggest not to split it up into too many projects because there are a lot of, you know, requirements to meet. These are federal funds and so there's a lot of paper work and it increasingly more and more paper work so, you know, we usually handle all of the administration for you. But so, you know, you don't want to try to do, you know, a bunch of different small ones.

(inaudible)

Jennifer Vatter – Yes, they like it to be as specific as possible. Now sometime like we just said, you know, street improvements if we don't know that project so maybe we want to say for 2019 street improvements, we're not sure exactly what street so that's acceptable and sometimes park improvements is acceptable but if we can get more specific, that's better. But sometimes it can be a little broad.

Mr. Kalb – Probably towards John but I know Paul was looking to get some, as far as the Reds Community Fund, and redoing some of our ball fields, it might be something for an avenue we can use to maybe get some of those projects off the ground.

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

Mr. Asbach 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. Estep – I just have a couple of items. We're still in the moving forward with the other house up on Franklin and Tower. There's been some confusion with the paper work on the other parcel but we're getting close to the end on that and Mr. Wilking's house is slowly coming to fruition.

I've been in talks with Andrea Behannan from Duke, and Laura Mosley from the PAC. It looks as if they will receive \$5,000.00 for their afterschool program and I think they want to maybe present that at a Council meeting very soon. I'd also like to thank the three speakers tonight. It's nice to hear from people who come and help us keep up with everything going on in the community and outside of our community.

AUDITOR, Mrs. Brickweg – (read by Mr. Tobergte) As I reported at the last Committee of the Whole meeting I am not able to attend tonight's Council Meeting because my daughter is getting married.

Resolution No. 5, 2017 provides for Council's acceptance of the property tax rates and amounts as certified by the Hamilton County Budget Commission and estimated by the County Auditor. These rates and amounts were derived from property valuations and state reimbursements and from the tax budget submitted to the county in June for fiscal year 2018.

Ordinance 21, 2017 provides additional appropriations to Employee Accumulated Sick Pay for a Fire Fighter who retired. The Mayor's and Clerk of Court Computerization additional appropriations are from revenues received from Mayor's Court. The Employee Healthcare Expenses is from revenue received from stop-loss insurance and for premiums collected from employees.

DIRECTOR OF LAW, Mr. Peck – Tonight I have two things. Ordinance No. 20 before you tonight to be voted on. I only made one change and that was just an error at the beginning but it didn't change anything else. So, I urge passage of Ordinance No. 20, 2017.

Also, I'd like to be put on the agenda for the COW to discuss the minutes and how we're going to take the minutes with regard to our Council meetings and our COW meetings. I have communications outstanding with a lawyer who represented us recently, Casey Stansbury, discussing the proper wording we need in order to make audio or visual video recordings our official minutes rather than written summary. I think that's kind of the way Council wanted to go on this. So, I will present recommendations at the COW regarding that, the proposed wording.

Also, I would like to be placed on the COW to discuss a capias fee for the purpose of the Mayor's Court and Lt. Bill Ungruhe will be here to discuss that.

TREASURER, Mr. Ungruhe – Absent.

SAFETY DIRECTOR, Mr. Stuchell – I have the St. Bernard Fire Department report for the month of September. There were a total of 32 fire details, mutual aid was given 1 to Elmwood, 1 to Golf Manor, 1 to Cincinnati. We did not receive any mutual aid during that month. Details of interest, 1 downed power line, 2 dumpster fires, a trash fire and 1 outside fire. As far as the EMS report for the month of September; we had a total of 84 EMS details with 47 patients transported. Mutual aid was given 4 times to Elmwood 1 time to Golf Manor and 1 to Norwood.

Details of interest; 5 psychiatric emergencies, 4 unconscious patients, 4 auto accidents, 2 non-breathers and 2 overdose cases.

Also, at the next COW meeting I will have the draft Ordinances for both the Low Interest Loan Program and the contract with Cost Recovery for Auto Accident Billing. And again, just to repeat what the Law Director said, Lt Bill Ungruhe will also be in attendance to discuss the Speed Enforcement Program and hopefully answer any questions or concerns that you may have.

As far as the Ordinance 25, we will have that for you for the COW meeting.

Also, I know again, we did have a moment of silence for our retired Lt. Bill Tempel who passed away on September 24 but just an amazing amount of support for what a great man, so if I could I would like to acknowledge Bill and you won't be forgotten

SERVICE DIRECTOR, Mr. Paul – Absent.

TAX COMMISSIONER, Mr. Moore – I will have figures for you for the COW meeting for September. It looks pretty good. But I will have them, the finalized figure for you then.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Tobergte – I would like to thank all the residents who attended the Meet the Candidate night last Thursday.

I still have not received all the department's budget request. I am in the process of contacting them and getting numbers from them. The unions want to wait until after the election to meet with the Finance Committee and the rest of Council.

Thanks to Chief Meyer for setting up this years' flu shot clinic. It will be Wednesday, October 11 from 3:30pm until 7:30pm in Centennial Hall. You have to have a form of insurance to participate. There will not be a haunted house this year. I will sponsor the pumpkin painting on Saturday October 21 from 6:00pm until 8:00pm in the Sav-A-Lot store.

SAFETY, Mr. Culbertson – I have the Police Department report for August, 2017. During the month of August, police were involved in 810 calls for service. Of those calls, they responded to 40 accident reports and took 29 offense reports, clearing a total of 11 offenses. Officers made 97 misdemeanor arrests and 1 felony arrest. They responded to 50 parking complaints and issued 14 citations for parking violations. Officers issued 62 traffic citations, 2 DUI arrests and 44 warnings. They responded to 111 calls for suspicious activity, vehicles or persons.

I'd also like to remind the residents one more time about Shred It Day on Saturday, Oct. 14 from 9:00am until 11:00 am in the Safety Center parking lot. Thanks to St. Bernard Block Watch and Councilman Don Tobergte for sponsoring this event. I'd also like to remind the residents that the next CIC meeting will be on Tuesday, October 17 at 5:30pm in the lower level of City Hall.

SERVICE, Mr. Asbach – I have the Service Department report for September, 2017. There were 14 trucks placed at residences, 24 dumpsters placed at residences 177 special pick-ups at residences, 185.1 tons of garbage taken to the landfill. On the recycling side there were 31.49 tons of recycling material, and 6,220 pounds of scrap metal.

PUBLIC IMPROVEMENTS, Ms Hausfeld – I attended the CIC meeting on September 19 and this is just some of the things that has been discussed. The CIC has a lot of properties that they own and they are working on getting a link to our Village website to let people know what they are doing on those that are owned by the CIC.

They are also talking, number two, they are also talking about two properties, one on Park Place, one on Church St. going to the Port Authorities for demolition.

They are still looking at what to do with these properties afterwards.

Number three; the 301 Cleveland is the odd property out or odd house out. But the other four Cleveland Ave. properties are going to Port Authority to get torn down and get ready for two new homes on Cleveland. And the date they said was to the end of this year, but I'm not 100% sure on that. But they are going to go to the Port Authorities shortly for demolition for two new homes.

The CIC also owns property on Baker, Bank and Clay Street. These lots can be sold as is. They are still looking at other properties to see if they are ready to be listed or sold.

The piece of property at 4509 Vine St. This property is being cleared out by the person that has items in this building. The CIC is then looking to get it appraised and ready to be sold.

Actually I had something on 4426 Tower, but the Mayor already commented on that.

The shopping center, they also did, went into Executive Session to discuss a new developer search, I'm sorry, wrong one. The shopping center, the new search for a new developer is on its way. Dollar Tree has at least until the year 2021 and it is bringing in revenue every month. This is the other part. They went into Executive Session to discuss the new business opportunities which all of us since then at the last COW they brought us a Council that if the new medical marijuana facility that they want to put in there is called "The Farm" they um, we as Council members,



we talked about this last week when we met the candidates, none of us really have heard too much good or bad against it as of last week and I think all of us are interested to see and hear from the public and what their feeling about having a medical marijuana place in our Village. Also, I did have two people the night of meet the candidates that, one was for it, one was against it, but the main thing is the public that's been talking to me want a public hearing. And Jonathan, I discussed that with you and I know in front of that one resident you said after things are a little bit more ahead of itself than they are right now, that you would look into having a public hearing. Just so the public can voice their opinions a little bit better and know what's going on, um there was also talk at the CIC meeting about a Day Care Center. The Day Care Center needed to send plan to the CIC to present their plans um and then Ray already announced the next CIC on October 17 at 5:30pm. I personally get a lot out of these meetings because there is a lot discussed as you can tell but it is a very unique meeting to attend if people are wanting to learn more about the city and what is going on with the city I urge everybody to come.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – As Chair of the Laws, Contracts and Claims committee I too am urging Council to pass Ordinance No. 20, 2017. This is actually detailing about 17 activities that would be considered under a nuisance and there was information in this Ordinance action taken for those nuisances, the cost and an NCIL process. So, I do urge Council to pass it.

BUSINESS AND INDUSTRY, Mr. Kalb – The Village PAC this week is hosting a CASH Mob this Saturday, October 7 from 9:00am until 12:00 at JuJu Beans. Stop in and enjoy great food, friends and of course coffee.

Also, a huge thanks to all the residents and businesses that have and are supporting both Roger Bacon Homecoming and the Titan Trek a few weeks and this coming weekend.

And then finally, one last reminder, October 14 is the Halloween Camp Out for the Village at Ross Ave. Please contact Village Hall if you have any or if you want more information or to reserve a site. And then don't forget the trick or treat and costume contest will start down there at 7:00pm.

MARKETING, Mr. Chastain – Dial-A-Ride served 1,016 riders in the month of September. That's puts them essentially at 10,000 for the year.

Actually, I met with the St. Bernard group last night and they are doing some good word and I just want to go through completed versus almost complete. One of the things that they have done so far, Heidi Culbertson did an amazing job with the website but this marketing group put together some of the verbage that is used on

the website introducing the Village and bringing up some of the good points about it. And then you think someone just sits down and writes it and passes it on but it didn't work that way. I was on some of those emails and they were back and forth, back and forth, you know, changing each others work and so that's a completed path. There is also to Chris Sauer who heads this thing and advises the CIC involved in getting that list of properties of interest on the public website. Not marketed for sale but just to, you know, let the community know what is held by CIC and they're kind of formatting it to get it on to Heidi. Something, and this is a really good thing and it's getting close to completing, a new resident packet. You would think that we have that but what we had was kind of old and it's something that changed and we could just cross a line through it and if they needed to add something they would just stick a new page in and the font was different and everything and so they're working to clean that up and get a real nice new resident package. And they're also, because they have contingent services lately they're having to check with the different groups and make sure that everything is up to date. They're thinking about trying to put some coupon packets in there for local businesses, things like that which is a good idea, and I think they even have been reaching out to Scherpie's for a new resident basket just so we put our best foot forward for people that are coming in. That's very close to completion. Something not so close to completion, they're trying to put a realtor presentation together, so bringing those folds in with a presentation to highlight what we offer as a city. That is a little bit far off but if you have any talent whatsoever I'm sure that Chris Sauer would appreciate any input because it is a big thing to put a presentation together with lots of good pictures together and all that different stuff so. And they're working on getting walking and running trails marked off. I don't know those routes but this is an active group and they're working for free so they might do a lot of good things. So, I'll let you know what kind of status update on them.

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

#### Committee of the Whole

Sept. 21, 2017

1. Council approved the minutes of the Sept. 7th Council meeting.
2. Representatives from The Pharm Ohio explained to Council that they applied for a retail dispensing application for medical marijuana with the State of Ohio. There will be 60 dispensaries in all of Ohio, with 3 in Hamilton County. The CIC is looking to sell a portion of the old St. Bernard Shopping Center, in the far north corner which was the old Save-A-Lot, to Pharm Ohio. Council as well as the

audience asked questions of the representatives and everything was very positive. Members of the CIC board were also invited to ask questions and all questions were answered.

3. Representatives of the PAC, Positive Action Committee, discussed an after school program that they would like to start in January of 2018. They are going after a grant from Duke Energy and will do that in about 2 weeks. They have 13 volunteers and the goal is to provide a place for after school care of children from 4th-8th grade. They will also be looking for placements of 9th-12th graders to serve in mentoring roles. The program will be in the Lower Level of the Municipal Building (Teen Center) while school is in and will run from 3:00-6:00pm Monday, Wednesday and Friday. More info will come as it gets closer and children will need to be signed up with their parent's signature to participate.

4. Auditor, Peggy Brickweg

a. Asked Council for an Ordinance for additional appropriations for certain line items. Council voted 7-0 to place the Ordinance on the table.

b. Asked Council for a resolution to set the Amounts & Rates from the County Auditor. Council voted 7-0 to place the resolution on the table.

c. Said she received \$20,884.25 as part of the second half of the TIF money. The money will also be distributed to the schools.

5. Law Director, Mike Peck

a. Asked Mrs. Niesen to talk about a letter, that she received from the Cincinnati Museum Center, with a request to encourage and support Procter & Gamble against the potential action to "raid" P&G. After some discussion it was decided that some members of Council were not comfortable getting into how businesses should operate. No resolution will be on the table at this time.

b. Discussed the Ordinance that would add updates to the laws relating to criminal activity nuisances. After he went through the Ordinance, Council voted 7-0 to place the Ordinance on the table.

c. Mr. Tobergte asked Mr. Peck about the Ordinance requiring the President of Council and the Clerk of council be present and run both meetings. After some discussion Mr. Peck will look into the audio or ICRC recording being adopted as the official record of the two meetings.

6. Safety Director, Jonathan Stuchell

a. Discussed the soft billing for police and fire runs for auto accidents. He will bring a sample ordinance to the next COW meeting for discussion.

b. Asked Council to create a SEP (Speed Enforcement Program) program. He asked that a portion of the citation go directly back to the SEP line item. This line item would have to be set up for the funds to go back into that line item. Council would

need to move some money into that line item to start the program, but the money would be returned once the program is up and running. This will be discussed further at the next COW meeting.

c. Reported that the new magistrate, Rick Gibson, was working out fine. Mayor's Court is being moved to every other week, so a little more money will be needed in that line item to cover two extra sessions.

d. Asked Council about the Planning & Development's low interest fund that still has \$177,000. Since this program will help residents with low interest loans, to repair their homes, Council approved an Ordinance to be prepared to review.

e. Gave Council a copy of the current CIC properties and their values. Mr. Stuchell said the CIC is willing to sell properties that are not slated for future development. When this list is totally updated, it will be posted on the Village website.

7. Service Director, Tom Paul

a. Discussed the overtime for the seasonal employees in the service department and he felt that there was enough money in all the employee line items to last until the end of the year.

8. Tax Commissioner/Administrator, Rick Moore

a. Said that the office was open last night for Mayor's Court and things went well. The office will be open every Mayor's Court for payments that are due.

9. Treasurer, John Ungruhe

a. Reported that there was a balance of \$890,000 in the 5/3rd securities fund and \$1,557,712.58 in the Star Ohio account for a total of \$2,447,712.58. There is \$5,638.60 in the First State Bank 4th of July fund.

10. Finance, Don Tobergte

- a. Thanked the St. Bernard Women's Club for the invitation to speak at last week's meeting.
- b. Said he sent an email to the department heads asking for their numbers for the 2018 budget. He has heard back from three departments. The numbers are due next week.
- c. Reported the he and Ray Culbertson will be hosting a Town Hall Meeting on Thursday Sept. 28th at 7pm in the Upper Level of the Municipal Building. This will be a meet the candidate night and all residents are invited and can ask questions of the candidates.
- d. Thanked Chief Meyer for setting up the flu clinic this year. It will be held on Wednesday Oct. 11th from 3:30-7:30pm in the Centennial Hall.
- e. Reported that on Oct. 21st from 6-8pm there will be pumpkin painting in the old Save-A-Lot store front.

11. Safety, Ray Culbertson

- a. Reported that this year's Shred-it Day will be on Saturday Oct. 14th from 9-11am at the Safety Center. This event is sponsored by Block Watch and Don Tobergte.
- b. Thanked firefighter Jay Hausfeld for his many years of service to St. Bernard.

12. A resident said that a recording or video of the meeting could be the official record of the meetings. He also said that it looked like Council went thru a lot of paper and he would forward a link to Best Buy for an ink printer that could save us a lot of money. Another resident said that the audio version was not acceptable for the hearing-impaired residents unless there was closed captioning. She said it was used in a court of law and should be good enough for Council meetings.

Respectfully submitted,

Steve Asbach

President of Council, Pro-Tem

## **COMMUNICATIONS**

None.

## **RESOLUTIONS AND ORDINANCES**

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

**RESOLUTION NO. 5, 2017. RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Motion by Mr. Asbach, seconded by Mr. Culbertson to suspend with the second and third reading of Resolution No. 5, 2017. Motion passed 7-0.

Mr. Tobergte – Steve, I forgot to say something. Peggy already wrote this Ordinance (inaudible) so we have to have Cindi make the motion to adopt the Resolution.

Motion by Mrs. Bedinghaus, seconded by Mr. Culbertson to adopt Resolution No. 5, 2017 as read. Motion passed 7-0.

**ORDINANCE NO. 20, 2017. AN ORDINANCE ADDING CHAPTER 560 TO THE ST. BERNARD CODIFIED ORDINANCES TO UPDATE THE LAWS RELATING TO CRIMINAL ACTIVITY NUISANCES AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 20, 2017.

## **REMARKS**

Tom Crant, 551 Church St. – I just recently became aware of this. I didn't have a lot of time to prepare remarks here but I did want to wage a couple of concerns with this Ordinance. These types of Ordinances have been passed in many municipalities. These, I would really urge Council to consider the possibility for unintended consequences of this legislation. The ACLU has reported that such a nuisance property Ordinance has resulted in direct or indirect punishment of victims of crime. This is very concerning to me. I understand it's a well-intentioned Ordinance but think about the possibility of (inaudible) consequences. (inadible) victims of domestic abuse um may feel aaa afraid of reporting their domestic abuse or other crimes against them for fear of losing housing, particularly

if they are tenants rather than land owners or property owners. People that have been evicted in other municipalities by their property owners, by their landlords for reporting crimes. People have felt that they couldn't report crimes for fear of being evicted. ACLU has taken this to court at the federal level. I don't know of any cases that have been adjudicated as yet but this is something that is a civil rights issue and I really urge Council to consider this before passing this.

Mr. Tobergte – Mike, (inaudible)

Mr. Peck – Yes, I'd like to address that if I could. I don't know if anybody else wanted to but we were very aware especially as regard to domestic violence. The issues regarding the type of Ordinance and officers, I believe, have been trained and been notified with regard to, especially domestic violence and families. This is a family assault and there is a lot of discretion in this particular code on not to use to penalize victims of crime. So, we're very conscious of that and I as a prosecutor, I'm very conscious of that as well. A lot of discretion goes into how these laws are enforced and that certainly won't be enforced that way in this case. So, we're very conscious, with that being said, I do urge passage of this Um, given the issues we've had, most recently in St. Bernard.

Tom – (inaudible) So I understand the comment around the discretion. I still have concerns about an Ordinance being passed that relies solely on discretion. Um when there are no provisions in the Ordinance itself. If you look through the offenses that could lead to um a finding, um they would include violence against persons. There's nothing in here that I can see that would explicitly protect a victim of violence from having action taken against them. Um I don't want to presuppose that our Police Officers would intentionally um go after a victim of crime in this way but it still can happen. We don't know what happens in five years or ten years or fifteen years. The other consideration I would have to think about is that it may also be indirect action, um landlords who are not really the victims of these type two violations, the victims may have no opportunity for due process. they may be evicted, they may be threatened with eviction. Um so even if the state or the city or the Village is not taking action against them, the victim, there may be unintended consequences against toward the victim.

Ms. Hausfeld – So Mike you have no reservations as far as the way you wrote this for us to vote on this?

Mr. Peck – This is an Ordinance that many, many communities have passed in Ohio. So, it's been around for quite some time.

Ms. Hausfeld – What about what he's talking about that some of it's been, I think he said went to the Ohio Supreme Court or .....

Tom – (inaudible)

Ms. Hausfeld – I'm sorry, you have to come up here for Sue to record it.

Tom – All I can tell you, I haven't had the opportunity to do enough research but ACLU has taken cases, federal cases, on these types of Ordinances, so I don't know in Ohio, specifically

Mr. Peck – I'm still urging passage.

Ms. Hausfeld – Patti, you called me Peggy.

Overlapping chattering.

Mrs. Bedinghaus – I do want everybody to know that before Mike brought this to the Laws, Contracts and Claims Committee there was a group, a committee that did get together to really go over an Ordinance such as this. So, I know that they had input from not only lawyers like Mike but law enforcement officers. So, I felt very comfortable when he did bring it to the Laws committee that what he was recommending we should support.

Ms. Hausfeld – Okay.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Kalb to adopt Ordinance No. 20, 2017 as read. Motion passed 7-0.

**ORDINANCE NO. 21, 2017. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE AN ADDITIONAL APPROPRIATION AND DECLARING AN EMERGENCY.**

Motion by Mr. Asbach, seconded by Mrs. Bedinghaus to suspend with the second and third reading of Ordinance No. 21, 2017.

**REMARKS**



Mr. Kalb – Just to mention again what Peggy said that the Clerk of Court and the Mayor's Court and the Employee Health Care is the money that we have received, those aren't really true additional spending. The only one that is additional spending is the sick pay due to a retirement.

The motion to suspend passed 7-0.

Motion by Mr. Asbach, seconded by Mr. Kalb to adopt Ordinance No. 21, 2017 as read. Motion passed 7-0.

## **OLD BUSINESS**

Mr. Asbach – I would like to ask Mr. Stuchell, months ago when we finally did pass the MOU for the Fire Department, we had talked about putting that back on the agenda at the October meeting, I just want to see if that's still happening.

Mr. Stuchell – Yes, we probably should because there were several conditions that were put on that as far as when the program was okayed. So, we can put that back on and look for a port to do that. So, it would be fine to discuss that, so yes.

Mr. Asbach – Ok. Thank you. And the second thing I had, just a general reminder about we will start the COW, as Jennifer Vatter said from JMA, we will start the COW with a Public Hearing for those Block Grant Funds if anyone has any ideas to bring forward please do so at that meeting.

Mr. Tobergte – First I would like to make a motion to go into Executive Session at the end of the meeting for the purpose to consider compensation of a public employee.

Mr. Kalb – I'll second that.

Motion passed 7-0.

Mr. Tobergte – Also some residents on Langley asked me to bring up closing Langley at Mitchell Ave. again. I know we talked about it a couple of years ago. I'm not sure if it should be Safety or Public Improvements Committee or put it in everybody and discuss it at COW. Unless nobody wants to discuss it any more it's a dead issue.

Mr. Culbertson – It should probably be in COW but if you want to put it in a committee I'm fine with putting it in the Safety Committee. It doesn't bother me either way.

Mr. Tobergte – We'll discuss it in the COW next week and we'll go from there.

Mr. Stuchell – Mr. Tobergte would you like me to ask to go into Executive Session does that have to be done now?

Mr Tobergte – No, I asked Mike, no.

## **NEW BUSINESS**

Mr. Tobergte – Also, a different resident on Langley would like to make and put up a library box so children could share books. They're over in Hyde Park and the Oakley area. It looks like a little bird house, they make it to put books in there and people exchange books. They suggested maybe putting it up by the Bertus St. Park. If it's okay with Council, I will see if they could come to the net COW meeting so we can discuss this with them.

Mr. Asbach – The only thing I would do is check what our zoning laws are. We're not supposed to have, we allow signs like political season but I don't know if that would, it's a thought, it could be in some violation of a zoning code and I don't want to put in a lot of work and then have somebody say, hey, you can't do this.

Mr. Tobergte – I'll talk to Paul tomorrow. While we're talking about signs, I know in years past when they put up signs there're allowed to be up like 30 days and have to take them down. Political signs are exempt from that kind of a law and we've got the DRIVE 25 signs. Mike, would that be considered political, the DRIVE 25 signs that be considered political speech or do they fall into the same code that you're not supposed to have them up?

Mr. Peck – Good question. I'm not really sure whether they're political or not. So, maybe I'll look into that and get back to you.

Mr. Tobergte – And lastly, a question for John. It looks like the yield for the Fifth Third securities is like 1%. Isn't the Star Ohio more than 1%? Aren't they like 1.something?

Mr. Ungruhe – No, I don't believe. I'll have to look. The last time I looked it was like 1 base point which is .001% entry. So, at least keep in mind that these have been there for years and, you know, maturing and while I'm on the mic I might as well give my report.

The inventory detailed report for the Village of St. Bernard; the book value at the end of September was \$650,000.00. We have the one CD that matures towards the end of the month and I'll talk with the Auditor to scroll that back into a new CD if she feels the finding is there for it.

Ms. Hausfeld – One, Mr. Chastain, for the Marketing Committee, I know, myself, I just got involved in one of the clubs here in town and it might be something for, I know you were looking for this and ideas and stuff to for like a welcoming package and stuff. It might be kind of nice to get together a list of like clubs or, I know we have like a Historical Club, we have a Women's Club, I'm sure there's a men's club somewhere around there. It might be kind of nice to get that information and put it somewhere in the welcoming packages so that people are aware of what we do have going on. The Senior Citizens Club. And maybe a phone number adjacent to it so that people know who to call. Just as an idea, 'cause you said you were looking for ideas.

My second thing is, I know Donnie and I got a text message talking about how horrible our shopping area looks, the Long John Silver's looks, the old Fire Station which you guys all know that I've complained about the old Fire Station for a while now. But I do want to put that out to Donnie. I didn't know what the heck he was talking about when he sent me back an email but it turned out that he went down to the Long John Silvers property and actually cleaned it up himself and then the resident that was complaining he actually passed as he was available the next day to do some more work down around that area. So, I just wanted to give a shout out to Donnie because he goes above and beyond what his job is as a Council member and I appreciate it Donnie.

Mr. Tobergte – I'd also like to thank the Service Department for getting rid of the freezer and the door that was laying down there.

## **AUDIENCE WISHING TO ADDRESS COUNCIL**

Mike Wiedmann, Foreman, St. Bernard Service Department – With Mr. Paul away on a well-deserved vacation I just want to wish Mike Papia, I want to thank Mike Papia for 24 years of service and wish him the best in retirement.

Bob Wilking, 5132 Broerman Ave. - John, this is not about Tower Ave. so you can relax. Does anybody know what's going on on Moeller Ave. Two weeks and they haven't done anything. I mean there's cones up all up and down the street and people are saying, you know, what's going on?

Mr. Estep – I guess Tommy would be the one. I know they started on that project Wilk and I was over there. Somebody else did say that they took the equipment away and they haven't had any movement in over a week, possibly two weeks. Tommy Paul, well he's on vacation, as soon as we find out something I'll get back with you though.

Bob Wilking – Okay. The second thing is, one night this week, I don't remember what night it was, about 10:30, all of a sudden I hear the hollering back and forth and I live on a quiet street, it's all retired people owned. But anyway I hear this noise, I look out the window, I see flashing lights, I walk outside, there were three cop cars, there's an ambulance and these two women are hollering back and forth in the corner house of Tennessee and Broerman Ave. And even the police were hollering. You know, shut up over there, you know. This went on for a half hour. The police, well the one girl leaves and she's blaring the music and she headed up Moeller Ave. and I'm thinking what the heck is going on, you know. The police, they just let everybody go. I thought there had 'cause the ambulance was there and they asked the one girl and she said no I don't need an ambulance. So, I thought there was domestic violence. Isn't somebody supposed to get arrested or a citation or something. I don't know, you know.

Mr. Stuchell – I'm assuming the that you're talking about this occurring during second shift and I don't know either of our officers that are here were up there (overlapping chattering). As far as

Officer - (inaudible)

Bob Wilking – What was it?

Officer Petrechki- (inaudible)It was referenced a boyfriend, girlfriend, girlfriend issue. The boyfriend was struck in the head I'm not sure by whom. I was not on the scene but at the time the medical was refused by the victim that was struck in the head. He did not want to pursue any kind of charges, that's why everybody was, information was gathered on them and released from the scene at that time.

Bob Wilking – How many officers were checking on this? They all had to be there.

Mr. Stuchell – The ones that were on duty were there. That's correct.

Bob Wilking – I was just wondering, you know, it's a quiet street and from my understanding Mr. Hausfeld called it domestic violence, that's why they all showed up. I might be wrong but that's what I heard. That's what they told one of our neighbors the next day and that he called, the guy that owns the house since he doesn't live there, he lives over in Kentucky somewhere and he don't even know who lives there. There has to be fifteen people that live there. Isn't there anything that can be done about that?

Mr. Stuchell – I'll get the address and I'll check into it and find out what's whether it's a rental, I will find out about it.

Bob Wilking – It's 5131.

Vicky Zwissler – I wanted to ask a question. I went to the Marketing meeting last night and we talked a little bit about the dog piece bag. At a house on Andulas St. There's a young man who lives on the second floor in the house across the street who never ever takes a bag for his dog. And I really like to walk through that green belt and it's really not pleasant when you find one of those bombs. And it was brought up that there is that you have dog bag dispensers and that maybe that could be looked into and I just wanted to kind of bring that up again in this forum to see if maybe that's possible.

Mr. Asbach - I would, I don't know if that's something that falls into the criteria for a Block Grant money but I'll jot that on a note and bring that up at the Public Hearing on the 19<sup>th</sup>.

Vicky Zwissler – Yeah that would be great. Put them throughout the community if you put them along the walking trails that they are developing that would be a really nice thing. I was going to just hang a bag dispenser on one of the polls down there myself and be responsible for keeping it full if nobody objects to that in the interim and put a little cover over it so it doesn't get soaked with rain because it's just disappointing.

Mr. Tobergte – Mike, don't we have some of those in some of the parks now? Do we have any extra down at the garage?

Mike Wiedmann – We have to order some more. We just have one in storage but we're in the process of getting some more.

Mr. Asbach – I believe we also have an Ordinance on that, yes.

Ms. Hausfeld – I also want, I apologize, I didn't know that Mike actually retired officially. I didn't get a word and other people up here are saying they didn't know it either so on behalf of all of us, I want to wish Mike all the best in his future endeavors and being a retired city employee now. And also, the only one that mentioned my brother, Jay, was Ray and I want to give him a shout out because that was awfully nice of him two weeks ago. My brother Jay retired from the Fire Department and I also want to give him a shout out and hope everything goes well in his future endeavors. I personally am kind of a little bit upset that we don't even get like an official notice after people spend so many years with our city that the leaders of the city don't even know that they retired and the only reason I knew about my brother is because he is my brother. But Mike, I mean, has given most of his life to the city and he has and none of us knew about it. And I, I, cannot believe that our city officials didn't acknowledge either one of these guys in a speech or something either. So, I personally am asking city officials, John, you, Jonathan, the whoever's department it falls under that we at least should be notified of who is retiring or who is going out or whatever. You know because you do want to thank those people. Those people gave most of their adult life to our city to make our city what it is today and, I'm sorry, our Village and they should be praised, they should be honored.

Mr. Estep – Patty I agree 100%. I wasn't given any official information on a couple of them so I hope we do a little better job in the future. I apologize for not acknowledging all of them.

Ms. Hausfeld – That's even more sad John. You're the Mayor of our town and don't know what's going on. That's, that's, I'm sorry but those are your two people that spend 25, 45 years, whatever it is in our city and you as our Mayor don't even know enough to where you can inform us of what's going on.

Mr. Asbach – Before we go into Executive Session, the next COW meeting will be Thursday, October 19 at 7:00pm.

Council went into Executive Session to consider compensation of a public employee.

Council resumed regular business.

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