

**ST. BERNARD VILLAGE COUNCIL MEETING  
MARCH 1, 2018**

The St. Bernard Village Council meeting was held Thursday, March 1, 2018 in Council Chambers.

President of Council, Mr. Steven Asbach – The meeting was opened with a prayer followed by the Pledge of Allegiance.

Mayor Estep swore in Michael Simos as the new Chief of Police.

Roll call showed that all members were present: Mr. Tobergte, Mr. Bob Culbertson, Mr. Kalb, Mrs. Bedinghaus, Dr. Chastain, Mr. Ray Culbertson and Mr. Siefert.

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

**REPORTS OF VILLAGE OFFICIALS**

MAYOR, Mr. Estep – A couple of things, it's good to see Peggy back from a brief illness. Premature "Happy Birthday" to our Tax Commissioner who is going to be very old Saturday. Since we're friends I won't say the number. Finally, we've begun negotiations with the Fire Department. Very preliminary. We met with the lawyers that we've hired and we will begin those negotiations probably next week some time.

AUDITOR, Mrs. Brickweg – Thank you John, and I'm going to say the flu is major. That's all I'm going to say.

The Auditor's office provided Council and the Administration with end of January 2018 Expense and Revenue spreadsheets and Cash Fund Report. The Village's expenses were \$1,108,147.22 and the revenues were \$786,595.13, which makes the expenditures \$321,552.09 more than the revenues.

The Auditor's office has prepared Ordinance 13, 2018 for tonight's meeting. This Ordinance provides additional appropriations to from revenue the departments brought in from grants:

01-6-A-14 Police Training & Tuition \$6,400.00

01-7-A-3 Ambulance Supplies \$2,863.85

The Ordinance also moves \$68,184.56 from 05-MP-1A, Director/Code Assistant Officer into

05-MP-1B, Contract Staff. The reason for this is because the Building Department is now being run by a XPEX, LLC. and this is the line items they will be paid through.

I would like to place Marcie Longnecker from the Ohio Treasurer Department to speak to us about the Ohio Checkbook, which we are participating in this year.

DIRECTOR OF LAW, Mr. Peck – I just have Ordinance No. 12 tonight. We talked about it last time about going out for bids. At that time I thought maybe we would have to go item by item preparing Ordinances that way but we did look at it. I think what we had done in the past it's 7-21-15 D allows us just to create an Ordinance every year allowing us to go under contract with Hamilton County, the internet site, and bid on that regardless of value. So, we just presented that Ordinance in Ordinance form No. 12 for tonight.

TREASURER, Mr. Ungruhe – This evening I pulled in the inventory detail report from Fifth Third Securities. We have that remaining CD down there at \$150,000.00. At the end of February the Star Ohio Account totals \$1,909,661.92. I put the interest rates out there. They're sending about 1.5% interest at the current time.

SAFETY DIRECTOR, Mr. Stuchell – First I would like to start by congratulating Mike Simos on his appointment to Chief of Police. Mike has been a true pleasure to work with and there has already been progress made during his interim appointment. We are very fortunate to have him and I know that he will continue to make us proud of the service that our Police Department offers to our residents. I would also like to thank everyone who has been involved in the promotional process for Chief and I appreciate their patience. I know that it didn't exactly go as planned but I promise that we will be better in the future as we transition additional officers. Lastly, this process ended up with two final candidates, one of which was our interim Chief and the other a Patrol Officer. I feel the need to commend Patrol Officer Derek Setters for staying in the process and you all need to know that he is a leader in our Police Department. Derek, without a doubt, is our most community oriented officer. He organizes the Block Watch but more importantly, the community outreach that he has done with the youth in our community is outstanding. He has developed a rapport with the students at the library and now with those that are attending the PAC afterschool program. So again, I couldn't be more proud of our new Chief and Officer Setters for his extraordinary efforts, and for all the other members of our top notch police department who give their best everyday.

We will also have the appointment of a new Lt. for the Police Department and our goal will be to have the ceremonial swearing in at the next Council meeting. Next, I would like to address a rather controversial issue that has previously been discussed and that is the variable message sign that the residents of West Ross are dealing with. Currently, our new Building Commissioner and Chief Code Enforcement Officer, Gerry Stoker, is working on this. He is investigating the circumstances and is in the process of gathering all of the necessary documents from Norton, ODOT and the landowner, Mr. Leesman. All affected property owners will be notified by mail of the zoning hearing to address the issue. He is also working with ODOT and Norton Sign Co. to rectify the issue of the area being damaged by both the paint contractor and the sign company during the installation. He is willing to personally meet with the property owners but little can be done with any restoration until the ground dries. I know that this is a sensitive issue and we will announce the zoning hearing so that those who wish to attend may do so. I have to commend Gerry Stoker for his efforts thus far. He has been a real asset to me even with only having office hours twice a week in the Village. He makes himself available at anytime to answer questions and communicate with the residents/industry whenever he is needed. This has been a refreshing change. I have the Run Report for the St. Bernard Fire Department for the month of February, 2018; there were a total of 68 EMS details, with 46 patients transported.

Mutual aid given twice to Elmwood, twice to Norwood and once to Cincinnati. Mutual aid received once from Golf Manor. Details of interest, 4 unconscious patients, 4 auto accidents, 2 overdoses and one non-breathing patient. Fire run information for the month of February; 34 fire details, mutual aid given twice to Elmwood, once to Reading and mutual aid received once from Golf Manor. Details of interest; one structure fire, one chemical leak, and one unauthorized burning. I would also like to commend the members of our Fire Department who responded to a mutual aid fire in Elmwood Place on February 27 and rescued a tenant who was inside the structure. Capt. Greg Lipp, Firefighters Strotman and Joe Barnes potentially saved this woman and I am very proud of them for what they did.

SERVICE DIRECTOR, Mr. Paul – Due to the heavy rain fall, the potholes are much deeper and more dangerous than they have been previously. I am getting estimates from professionals to come and help due to their larger equipment. Our department will continue with their efforts also please be careful.

To My Community:

I got an early text from my oldest daughter this morning before coming to work. Hi dad, Joey, who is my 5 year old grandson, wanted to send you an emoji. The emoji was a yellow round ball, smiling, showing a whole bunch of teeth. I responded back to him, thank you Joe, this will make me smile the whole day. I love you. I leaned back and smiled, thinking, it worked! Maybe this is all any of us needs.

TAX COMMISSIONER, Mr. Moore – A couple of things on my agenda tonight, I will have the February numbers in your mail boxes by the COW in a couple of weeks. Secondly, regarding HB 49, I hope everyone got the email that was sent out that we lost the first round in our lawsuit but they're going to continue to go forward. We're going to appeal that and looking at some different things. I try to keep you advised as well as I can as this moves forward. However, one of the outcomes of that is that although we passed Ordinance No. 10 at the last Council meeting it's been discussed and decided that we really need to pass an Ordinance that is more in detail regarding the changes etc. that HB49 is going to bring about so that we're in complete compliance. And secondly, we would probably, not probably, we are going to have to change HB, or Chapter 182, which is the tax code of the Village, again to be in compliance with the new law. So, I'm working on that. I'd like to put that on the COW agenda for next, two weeks, that I will present the detailed Ordinance and believe me it's detailed. No one is going to want to read the whole thing. But hopefully the lawsuit is going to turn the other way. And last but not least, a couple people asked me the question that with the large company in town hiring, have we seen an uptake in income. I looked at those figures and compared them and of course we don't have the February payment yet but the answer right now is no. It's what it was last year which is not surprising considering when you hire somebody it takes two weeks to get them on board and then you have to wait another two weeks for their pay check etc. So, we probably won't see the effects of this, probably, I would say until maybe six weeks or so.

## **REPORTS OF STANDIND COMMITTEES**

FINANCE, Mr. Tobergte – I would like to say congratulations to Chief Simos. Also, I misread the Service Department's annual report when I reported about the recycling program. The actual numbers are that we saved \$13,662.92 by not being charged the dumping fee we are charged when we dump garbage. We did receive \$3,663.57 in recycling money. We also received \$8,877.35 from the residential recycling incentive program. That equals the \$26,204.84 that I reported last month.

SAFETY, Mr. Ray Culbertson – I too would like to congratulate Mike Simos as the new Police Chief of St. Bernard. I'd also like to thank Sandy Giles of the Better Business Bureau who gave a wonderful presentation last to the Block Watch Committee on scams and frauds, both on the internet and through phone solicitation. It was very informative and a good presentation. I think the people there got a lot out of it.

Finally, I've got a note here from Marge Niesen. The St. Bernard/Ludlow Grove Historical Society, the meeting in February was a quiz. The winners on How Well Do You Know St. Bernard are Ray Voegele, Margie Voegele, Jeannie Niesen and Sue Friedmann. A photo of the winners will be placed in the display case in the lobby of City Hall along with the trophy with their names on it. Last year's winners were Richard Berter, Don Huntsinger and Sheri and Tim Berringhaus. The next program will be March 19 at 7:00pm in Centennial Hall as a Cincinnati Heritage Program. The speaker will be Barb Jennings. The title will be the History of Greater Cincinnati Chili and again all people are welcome.

SERVICE, Mr. Siefert – I too would like to congratulate Mike Simos for being our new Police Chief.

I have the Service Department report for February, 2018. There were 14 trucks placed at residences, 19 dumpsters placed at residences, 76 special pick-ups at residences and 173.34 tons of garbage taken to the landfill. 31.84 tons of recycling material, 46 pounds of scrap aluminum and 2,200 pounds of scrap metal.

PUBLIC IMPROVEMENTS, Mr. Bob Culbertson – This month on March 20 at 6:00pm the CIC will be having a meeting in the lower level to discuss, we currently have one vacancy on the Board, this has to be filled by a resident of St. Bernard. I encourage all to reach out and put your name in the hat and see what the CIC is about. I think we got great things on the horizon. One of the things that we currently have is a new application process for the properties that we made available. If you want more information go to the Village's website under the CIC and you'll find the application for a single family development program and commercial multi-unit property program.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – No report. Just congratulations to Chief Simos.

BUSINESS AND INDUSTRY, Mr. Kalb – As I mentioned last week the Committee, the Business and Industry, had a committee meeting the first weekend for the first Thursday of this month to discuss Ordinance No. 9. Different suggestions were made and it has been put back in Committee again and Jonathan and the Building Department are going to work on coming up with a new Ordinance for us to look at for the outdoor dining and seating area in the Heritage Hill business district as well as zoning areas B-1, B-2 and B-3. And I also wanted to congratulate Chief Mike Simos.

MARKETING, Dr. Chastain – No report.

Mrs. Kathman – The COW report has been posted.

Committee of the Whole

February 15, 2018

1. Council approved the written minutes of the February 1, 2018 Council Meeting.
2. Michelle Balz from the Hamilton County Recycling & Solid Waste District presented to Council a number of different ways the Village could implement the Trash Ordinances. She explained a pay as you go, a bag and tag system and a cart system and said there were grants available for purchasing the carts. She also promoted recycling as a means of saving money.
3. Mr. Asbach stated there would be changes in Council rules and they would be discussed at the next COW.
4. Auditor, Peggy Brickweg
  - a. Reported the revenue and expenses for January 2018. She explained the revenues were down and the expenses were up compared to last January. She also told Council how there could be an Ordinance on the table that was not discussed due to needing money in line items because the reserves were so low.
  - b. Requested an Ordinance for additional appropriation for grant money we received. Council voted 6-0 to place the Ordinance on the table.
  - c. Stated the State Auditor would be doing his audit this month.
5. Director of Law, Mike Peck
  - a. Spoke about the auction items from Mr. Paul.
  - b. Stated he will bring his changes to the rules of Council at the next COW.
6. Treasurer, John Ungruhe
  - a. Reported \$150,000.00 in Fifth Third Bank and \$1,907,482.45 at Star Ohio.
7. Safety Director, Jonathan Stuchell
  - a. Reported progress on interviews for a new Police Chief. He hopes to swear in a new chief at the March 1 Council Meeting. Thanked everyone for their patience in this matter.
  - b. Said the CIC has been working with a developer and has a potential tenant he declined to name.
  - c. Also commented they were working to relocate Sky Line.
  - d. Asked to move money from one line item to another as services in the Building Department are now all contractual. This transfer will be added to the Ordinance the Auditor has requested.
8. Service Director, Tom Paul
  - a. Corrected the dumpster charges from \$700.00 initial charge and \$225.00

per quarter depending on the number of pick-ups needed. It was initially stated the dumpster cost was \$725.00 per quarter.

- b. Investigated the dwellings that contain multiple units and the procedure that is followed for collection.
- c. Explained the breakdown of the Real Estate Tax bill and determined that bulk of the bill went to the schools, not the Village expenses.
- d. Announced that Lily Middendorf will have Mathew Ministries available to you on Saturday, February 24 from 9:00am until 11:00 in front of Dollar General for paint, food and clothing.
- e. Would like an Ordinance for the sale of the generator, ambulance and Dial-A-Ride bus. Council voted 6-0 to place an Ordinance on the table.
- f. Requested and Ordinance for the property at Tower and McClelland. Council voted 6-0 to place and Ordinance on the table.

9. Tax Commissioner, Rick Moore

- a. Placed Income Tax numbers in Council's boxes.

10. Finance, Don Tobergte

- a. Thanked Dr. Chastain and Nicole Klungle for refreshments at his Town hall meeting.
- b. Supplied Council members with Jan. 1 numbers.
- c. Told Council Paul Schildmeyer did buy a treadmill and would not raise swimming every year.

11. Safety, Ray Culbertson

- a. Gave the Police report for January 2018; 22 accident reports, 40 traffic violations, 45 traffic warnings, 9 suspicious persons and 14 suspicious vehicles.
- b. Said that the next Block Watch meeting will be Thursday, Feb. 22 at 6:30pm at the Safety Center. A presentation will be given by a spokesperson from the Better Business Bureau.

12. Public Improvement Committee, Bob Culbertson

- a. Would like to invite all citizens to the next CIC meeting on February 20 at 6:00pm to elect officers in the lower level.

13. Business and Industry, Andy Kalb

- a. Brought Council up to date on how the Outdoor Café Ordinance was

proceeding and how it will be implemented legally. The minutes from this meeting will be posted on the website.

14. Marketing, Dr. Kelly Chastain

- a. Touted the data analysis of Chris Sauer.
- b. Would like to advertise the walking trail as a fitness trail and get St. Bernard known to the media with an online newsletter.

15. Mr. Asbach, gave Council the option of discussing the PITA letters at this meeting or wait for the next COW. Council decided to wait.

Audience Participation

- a. Mr. Paul – Monday is a Holiday and regular trash pick-up will go to no pick-up on Monday. Monday's pick-up will be Tuesday and Tuesday's pick-up will be Wednesday.
- b. A number of officials and Rev. Dan are working to get the Dial-A-Ride back into action. It was stated that it would take approximately \$30,000.00 to make this a reality.
- c. It was suggested to add a \$3.00 fee to the Trash Ordinance help pay for Dial-A-Ride.
- d. Questions were raised on how Ordinances were tabled and how to bring them back to the table for a vote.
- e. After a second reading an Ordinance cannot be amended, only tabled or voted on.
- f. It was reported that a business in town is hiring between 100 and 120 new employees.
- g. There was a question about the COW minutes. A compliment was made to the Service Department and a suggestion to have a place on your water bill to donate for those who cannot afford the new fee.
- h. There was more discussion on the Trash Ordinances and fees for other services such as the overnight dumpsters and the budget.
- I. A member of the audience thought the Council should commit to a vote tonight on the Trash Ordinance and would have like to ask questions of Ms. Balz.
- i. A member of the audience liked the tag system and is going to repeat this suggestion to her senior friends.
- j. A resident expressed his pleasure with the services he received for his tax dollar and felt it was right in the middle of the normal rate of taxation for this County.
- k. It was also suggested two Council meetings a month be reinstated.
- l. A member of the audience also complimented the Village Departments for their due diligence of services provided.
- m. It was established that Rumpke no longer charges St. Bernard a transportation fee for recycling.

- n. It was suggested Council take a pay cut.
- o. Last year St. Bernard was paid over \$26,000.00 for recycling.

Ordinances for next Council Meeting

The third reading of Ordinance Nos. 2, 3, and 4.

An Ordinance for the grant money transfer plus the Building Department money transfer.

An Ordinance for auctioning of properties of the Village.

An Ordinance for the Tower and McClelland easement.

Motion by Mr. Kalb, seconded by Mr. Ray Culbertson to excuse the absent member. Motion passed 6-0.

The next Council meeting will be Thursday, March 1 at 7:00pm.

Motion by Mr. Ray Culbertson, seconded by Mr. Siefert to adjourn. Motion passed 6-0.

Respectfully Submitted,

Sue Kathman, Clerk

**COMMUNICATIONS**

February 25, 2018  
Village of St. Bernard  
Honorable Mayor Estep  
Council Men & Women  
Law Director  
Safety Director

To the leaders of our community

RE: The illuminated billboard on West Ross Avenue & Trash Ordinance

I encourage each of you to put a hold on any variance requests that are scheduled for the above sign, to visit the location of the sign on West Ross Avenue, see the impact on the residents, actually walk the area, and to consider the following: The illuminated sign is on the property of 130 West Ross Avenue, residential district. It is on the property of LAL Properties, LLC, just a few feet from the buildings back wall and rises to a height along I-75 for the purpose of advertising. If this sign is on LAL Property, it is illegal based on the Ohio Revised Code for illuminated advertising signs. The separate parcel, behind LAL Properties building, is owned by Flora Byrnes, which also uses the same address of LAL Properties, 130 West Ross Avenue. The Ohio Revised Code states that any illuminated sign along an interstate highway must be advertising only for the business which property it is stationed in. This is a multi-advertisement sign, making it illegal. If it is actually on the property parceled behind it, it does not meet the distance from the highway in its restrictions, and there is no business on that parcel. Regardless, it is on property in the Village of St. Bernard, and violates our own ordinance. It should not face the front line, nor a side line of residential property. this sign is clearly illegal, and is in violation of our ordinance, and that of the state.

I understand that someone paid a lot of money to have this sign erected. I also understand that someone stands to make a lot of money in advertising from this



sign. I further understand that our former Director of Building and Planning approved this, even though it was illegal. I don't understand how our officials are allowing this, and are holding a variance request. I also don't understand how this company can in good faith destroy the value of another's property.

I beg you to put a stop to this. This is a clear violation of a residents' right to peaceful enjoyment of their property. This sign not only lights up the highway with changing advertisements, but it illuminates the back yards, and houses next to it. You will see that the base is only a few feet from a resident's fence line. I ask each and every one of you, how would you feel if this sign was in your backyard, and lit up your entire yard and house with changing advertisements? Not one of you, including Mr. Myers n Montgomery, would allow this to happen in your yard. This is a matter of doing what is right. Don't let a money person influence you to make a variance, so they can say it's now legal. Don't let big money take away the rights, the peace and enjoyment of a resident's yard. This is a loyal resident, one of your own. If you take the time to see this, you will understand. If a former employee made the mistake of allowing this for lack of caring, move it to his yard. At least consider the opposite side of I-75.

I don't understand how we are allowing any illuminated signs in our Village. I thought we wanted unified signage that represents our Village. The drive down Ross Avenue now can almost induce a seizure, seeing the one on West Ross, and the Sure Fine sign we now also have some signs in what we call "Heritage Hill" district. Is there anyone home in planning? We have too many signs visible now coming from the highway that can be viewed from the shopping plaza we are trying to develop in a more upscale manner. From a marketing standpoint, the less visual the highway is, and all its signs, the more attractive it is.

Also, regarding the new trash collection fee, I offer the following; first, I am for the fee. I understand that as our financial needs change, we need to change our policies. This fee is extremely reasonable at \$15.00 per month. We are very fortunate to have a Service Department who goes the extra mile for its residents I've had Rumpke in Indiana and in Clermont County.....it works out to about \$20.00 per month, with pick up once per week. The fact is that you can put out two cans, or ten cans, and its picked up. Yard waste is picked up. Furniture or any other disposable is picked up. I understand the concerns of some, and I sympathize. However, we must move forward to begin to meet a budget. Many other communities have this fee, we are not alone. The method to collect it is a responsible one.

My only suggestion is that this fee, when collected goes strictly to a line item entitled Trash Collection, or something similar. Do not put it in the general budget where it can be used for anything that may arise. If it's dedicated to trash, maintenance of trash equipment and future equipment purchases, then I feel it is long overdue.

We are blessed to have our streets cleaned, our trash picked up twice a week (especially in stinky summer) and all the other services that are unique to our Village. Just go outside of our Village limits and notice all the litter on the ground you don't see that here, and I'm grateful.

I believe if you make this a special line item, vote for it to be so, then you will have support. Again, I sympathize with those who are on a fixed income and can't afford it. But, as a home owner, I pay taxes for the school with no children. I pay taxes for the Senior Services, and the zoo, the library, drug addiction, etc. Some things are necessary to pay for the privilege of being a homeowner in our lovely Village. The apartment residents receive all the same benefits that a homeowner does, but they do not pay property related taxes, the landlord does. I believe the trash fee is reasonable, but we do not need trash police to count our bags and stickers. I am

familiar with some who use it, and in those communities where it is a success, they would never want their bags to remain on the sidewalk for all to see. They pay for their stickers in those communities. Other communities that have the sticker plan, there are those who will not pay for the stickers, or do they care if garbage is left in front of their homes for a week so it's a failure. Some will pay, and some will not. The Water billing sees to it that everyone pays.

Recycling is a personal responsibility that we must all try harder to do, myself included. I love the idea in Boulder, Co., but, we are light years away from becoming a community as green as Boulder. There will always be resistance, but we are not a nanny Village, it's called being responsible. Do what is right, help those we can, and govern responsibly for all citizens.

I would suggest that Senior Services come to make a presentation at one of the senior meetings. They can explain how medical transportation, meals on wheels, special services for the blind and disabled, etc., is available and some services may be free to our beloved seniors. Our churches and our neighbors are a good place to start to get help for those who need it. As our leaders, you have a tough job ahead of you to pick up the pieces from previous failures, and I commend you for it, please don't let us down.

Respectfully,  
Vickie Messer  
4301 Greenlee

Motion by Mrs. Bedinghaus, seconded by Mr. Kalb to receive and file the communication. Motion passed 7-0.

## **RESOLUTIONS AND ORDINANCES**

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

Mr. Asbach – Could we please have the third reading of Ordinance No. 2, 2018.

**ORDINANCE NO. 2, 2018. AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF CINCINNATI, DIVISION OF WATER FOR THE COLLECTION OF FEES RELATED TO RESIDENTIAL REFUSE COLLECTION IN THE VILLAGE OF ST. BERNARD.**

Mr. Asbach – Does Council still wish to open discussion from the audience?

Motion by Mr. Kalb, seconded by Dr. Chastain to open the floor for comments on Ordinance Nos. 2, 3, 4 on the third reading. Motion passed 7-0.

## **REMARKS**

Ethel Ingram, 4919 Tower Ave. - I'm a member of the Seniors and I'd like to say that I applaud the policeman for his advancement. I've been knowing him a long time. He is a good person. So, I applaud that. Also, the reason you don't see any seniors here behind me, because they're in wheel chairs, they can't breathe, they have heart trouble and they can't walk. So, I'm here to speak for all of the seniors because I'm a senior and I know I can take long so I'll do it and sit down. So, what I got for today is do not look at us as \$15.00 per unit. We're not arguing about the fee so much as its per unit. A house is paying \$15.00. A person in each of these

units are paying \$15.00. That's a lot of money coming out of one building, that's a lot of money coming out of one senior's pocket. And like I said before, its income, it's not what people think it is. It's not. So, I'm saying that we paid our taxes, we're old. We don't have nothing else but little money that they give us. And Social Security is not the answer. And if you fall into a windfall, they take more of your money and you don't have it. We're not arguing about the \$15.00, we arguing about we don't have it. And when you get talking about the bad, I think that would be a little better that everybody should contribute to this cause. Also, they want me to say reach out to us as seniors. They have been here in St. Bernard and helped build up St. Bernard and had homes and lost them because of a fixed income. That's all we're asking for is just to look at us.

Mr. Tobergte – I know last year we started the, we were going to start charging for dumpsters (inaudible). Are we going to start charging for them again?

Mayor Estep – Well we tried that Don and had it put in the street and it wasn't very successful we did try to implement that a little bit but it wasn't very successful.

Mrs. Bedinghaus – I will be voting no on this Ordinance for the garbage and the reason why is because I really believe there is a different strategy that we could take and not just the \$15.00 per unit dwelling. I do believe that we will eventually need a garbage Ordinance and most villages in town do it, say yes, but I don't believe this is the right one for this community and so I will be voting no for this garbage Ordinance.

Terry Jackobs, 4246 Zetta Ave., - I have, I spoke the last time and I have my, now that we have the new billing for the water bill, our last quarterly bill for a family of three, which we paid in December, was \$270.02. Our bill, the catch up bill that was for between, from December thru January that we paid in February was 156.69. We just got our first real monthly bill for March for \$97.30 for a family of three. So, the total for the February catch up bill and the March bill is \$253.99 which is almost what it was for a quarterly bill. So, tacking on another \$15.00 a month is really hurtful and I would suggest, I know you don't want to pay for billing itself, but what about adding the fee to your tax bill. We all pay our city taxes. Add it to that. And the people that are paying quarterly, it would eke it out over, you know, the quarterly payment and if you're paying at the end of the year or we're paying in as we're getting deducted from our pay, you know, from our pay checks. Have it go, you know, into the city tax till. You wouldn't have to go mailing bills out and we'd still be paying a fee. But you can also mention Mrs. Bedinghaus about checking into the graduated or tiered billing, you know. I definitely think the \$15.00 a month tacked on to a water bill is just going to be hurtful for everybody.

Mykala, 221 Jackson – Well I was just coming up here to say \$15.00 on top of what you have to pay if you have a washer, dryer, you have, I mean, you're already paying a bunch of water if you got more than two kids in the house, which we have more than three. I mean and on top of that \$15.00 more, than no, you already barely have enough to, you know, pay for what we want. I mean, I guess I get that it's what we have to do as people we have to pay our, you know, pay money for this and that in the third. That's part of being underdog. But \$15.00 extra coming out of your pocket ain't like, you know, \$1.00 coming out of your pocket is way more than you think \$15.00 a month add up. That's all I have to say.

Tom Rolfsen, 30 Clay – First of all I would like to know why the copies of the Ordinance weren't out there for people to read. I know it's been two months but there's people here that weren't here the first two months so, they're not going to know what you guys are even voting on. So, I don't know why the copies aren't out there like all the other Ordinances are tonight. No reason, okay. The second thing is, I was told in the last couple of meetings that Chalet was going to be paying \$700.00 for dumpsters and then it comes out that, no, that's not going to be it. The Ordinance you're going to pass tonight, how much are the owners down there paying? Are they paying the equivalent of a house owner or are they not? First it was \$750.00 and then the next time that was a mistake, it was \$245.00 so, I'd like to know what each homeowner down there is going to be paying if it's equivalent to every homeowner that has a house here.

Mr. Kalb - I can kind of address it. Was it \$240.00, was it 18 units, 14 person unit, then you just have to divide that out. It doesn't look like it's going to be as much money as if each one of those were going to be paying \$15.00 but I don't have those numbers, that's not my department for billing. Also, to go along with Ordinances 2, 3, and 4, even though I have been against these in the past, I will be voting for these this evening. I don't believe this is best solution. I'll be the first to admit that. There's a lot that can be improved on these Ordinances. The tier system would be something we could look into after the presentation last week from the Hamilton County Solid Waste was a very good one. There's a lot of good take backs from that that we can take and look, move forward. Every year we do have to pass an Ordinance to set the fee schedule so, in December of this year we're going to have to pass another Ordinance or just one of the three Ordinances to set the fee rate for 2019 and that gives us in my opinion time to look at those different options and maybe tier it and figure out how to better deliver that service. My only fear is that if we do not pass the garbage Ordinance this evening and increase that revenue that we're not going to tier and figure out how to do. We're going to have to come up with that \$200,000.00 to cut. So, that's my biggest fear is we don't pass this now, even though it's imperfect, that we have the six, eight months which they said, the Hamilton County Waste people said it was going to take anyway to implement a system like that. That kind of fits in the same time frame as our December Ordinance so, even though it's imperfect, pass these this evening and then work towards that December Ordinance which we have to pass anyway for 2018, that saves the service and we can actually, hopefully, tier it verses possibly have to get rid of the service and then there's nothing to look into doing.

Mark Rapier, 213 Cleveland – Mr. Rolfsen didn't get an answer on that. But Andy I wasn't going to get up until what you said. You seen it correct?

Mr. Kalb - I agree that it can be better done. The Ordinance of what we have, I do have this Ordinance, putting it together does what Council wants it to do. I do feel that there are better options that can be looked into but those take time and I think we (inaudible) but we do need to have some sort of revenue has to come in this year or there's going to be, I hate to say it, there's going to have to be layoffs to balance the budget. So, I feel that we do need to look at this and pass it here and then look at possibly making it, I don't want to say more fair, because no system is ever going to be fair. There is just ten different options brought there and every one of them is not going to be fair to somebody else. There all going to be imperfect in some way. It's just a matter of time to figure out which one is the least imperfect of all of them.

Mark Rapier – Okay you said its imperfect, one thing, got a question for all you Council members up there, after this Council meeting is over or when the COW meeting is over, are you, really since October when you left, well let's not worry this, the rest of the budget for this year, you guys had plenty of time. It is now March 1. You've had three months to figure this out. How much more time do you (inaudible)

Mr. Kalb – I totally understand and there are different, I agree with you, we have we could have had some more meetings and under Old Business, I was going to suggest that we put, whether they go up or down, either way that we put these two, these trash ideas, the trash Ordinance into committee. I do feel it's kind of off the Ordinance topic but I do feel the way Council is running currently is not the most efficient manner. Ordinances should be going through a committee and be brought out of a committee to Council. It's not like the Ordinance we discussed this evening. We could have all had that big meeting and discussed it but it didn't need to go to the entire Council because it wasn't perfect so it's still in committee. I think the trash fees should have, in hind sight, should have probably been put into the committee. Most likely the Service Committee because it falls under the Service Department. But I think that's the way our all Ordinances need to start going, you know, they need to start in a smaller group, which are open to the public, those committee meetings and come up with an Ordinance that, you know, 75, 80% good and then bring it to Council where all of Council can have input but also they can go to those COW meetings too. But you sat here the last couple of weeks and there was a bunch of great ideas but the meetings go on for, you know, two and a half, three hours, then we have to figure out who is, if anybody is going to be looking up those, and it's all of Council right now's responsibility, say that Ordinance was in Service Committee, then it would be Alan Siefert's job to then, you know, pick somebody in committee, find somebody down in the lower bowl to the Administration to better steer that Ordinance. So, I think in the future that's the way a lot of Ordinances need to go and then it also allows with only having two Council meetings a month we have the other two Thursdays, like I had the off Thursday I had my committee meeting, with got that, not out of the way, but we said it wasn't very good so we're still working on it, but I think in the future that's the way we need to go but in the short term, I hate to say it, we need the money. And I know it's not the best way to go but if you get rid of the guys who collect the garbage then the whole idea of small can, big can stickers, no stickers, dumpsters is a moot point. There's no system to fix or to correct or tweek. It's just going to be maybe possibly gone. We need to pass these, my personal opinion, we need to pass these Ordinances, get the fee going, get all these to work with Water Works, figure out how that's going to go, figure out, there's probably going to be some problems that we're going to have to address even after that just like with any new system, put these three Ordinances into committee and then have that committee work over the next, because the Hamilton County Solid Waste person said it was going to take six to eight months to implement a trash thing, six to or eight to like twelve months to implement stickers, a system like that, so, it's going to take time anyways so if we have to pass something in December anyways, if these pass we would have to pass something in December anyway to continue to see and or get rid of the fee altogether and I think that buys us the, Service Committee, or any committee that we decide to put it in plenty of time to look into all the research and figure out the ins and outs of everything. Like last week we got that thirty page book but the Ordinances couldn't be changed anyway at that point so, I mean, .....

Mark Rapier – I guess that's where I'm getting at, I mean, you guys come here, come to this meeting and you come each of the past three months you've had a lot of great ideas from a lot of the residents. You guys listen to us and then what happens after that? Nothing until the COW meeting. Then it's brought up again. You get a lot more information from the residents and from yourselves. What happens after that? Nothing. You got the first reading that came through on this Ordinance where the Law Director said there's a lot of mistakes in it. Here we are coming up to the third reading, we got a Council member saying, it's imperfect, it needs a lot of work. I don't think this thing deserves a final vote today guys. And if you guys do you're voting on an imperfect, that needs a lot of work on the Ordinance. If that's the way our Council is going to be run, that's why this town is on the slowly going down. Make sure it's right, make sure it's correct, talk among yourselves, listen to what we're saying, listen to what each other is saying.

Terry Jacobs, 4246 Zetta Ave. - I thought it was discussed at the last meeting that you were going to possibly table the Ordinances and start over with a better idea of what is needed. And the whole idea being that if you go with the Water Works billing and you get stuck in a five year contract whether you want to stop the fees or not the City of St. Bernard is still going to have to pay for that contract. Correct?

Mrs. Bedinghaus – That's true.

Terry Jacobs, 4236 Zetta – Well like that gentleman said, I think it really needs to be thought about a lot better before you enter into a five year contract that isn't going to, you know, assess all of our water bills.

Lisa Whitehead, 196 W. Ross Ave. - My first question on the trash fee is, does the trash fee that you're putting into place, will it balance the budget? Is it enough to balance the budget?

Mr. Bob Culbertson – The budget, if you look at what we passed at the beginning of the year was not balanced. You don't believe it's going to balance, it will get us close. I know there was some debate about taxes and if we get a certain amount for equipment so there's a lot of balls up in the air. We got contracts that we still have to negotiate that weren't included in the initial budget so, there's a lot of give and take, but at the beginning of the year the budget was not balanced.

Lisa Whitehead – My second question is what other cuts have been made?

Mr. Kalb – I can't speak to all the cuts, but they are like, the Dial-A- Ride has been eliminated, the fireworks were eliminated, some line items were cut, the Building Department's down two full time, we've contracted that out, we no longer have the health directive, it's farmed out, Hamilton County does the (inaudible) we're down currently two police officers we're down, I think, three fireman, three or four fireman and we're still not balanced. There have been many, many, many cuts to the last year and a half to get us close to being balanced. If those cuts weren't made we'd be a million something dollars over and really broke so there have been cuts made but we pretty much cut, I can't speak for everybody, we pretty much cut up to have to actually lay somebody off versus using this attrition method which we have been trying to do over the last couple of years to preserve, not jobs, but preserve the current position of the current employees. So, there have been cuts made. I think those are the ones, there might be more. And the Service Department is down one so.....

Ethel Ingram, 4919 Tower – As I said when we first started, but I don't think I got an answer, if our landlord would take care of us, would we still be penalized or would it just be on him?

Mr. Bob Culbertson – When you say take care of us, do you mean pay the water bill, the trash fee or get a dumpster or.....?

Ethel – If he would take care of his own trash because he has his own bins there?

Mr. Tobergte – My understanding, we talked to Tommy that even if an apartment owner had another business to take some garbage from that apartment to his business, the apartment would still be charged.

Ethel – Even if there's no trash there still going to be charged?

Mr. Tobergte – That's what.....

Ethel – That person? That unit.

Mr Tobergte – Yes.

Mrs. Bedinghaus – This is based on your water bill. If you, if that apartment has a water bill, I don't care if the landlord does it, you will be charged. Because you're considered a dwelling.

Ethel – Okay. If that happens or you can't pay it and your water gets cut off in your unit is that a health problem? You can't flush your toilet, you can't drink water, you can't take a bath, your toilet is backed up in your apartment, doesn't that bring other people into it?

Mr. Kalb - I mean I, sounds like it would. I couldn't give an official answer on that. It sounds like it would be an issue but I'm not the health department, I'm not the

water works, I don't know how all that, I don't know at what point they turn it off, at what point the Water Works is going to come in and say, it's bad, that'd be a health department question, not a Council question.

Ether – But it would be on you all.

Mr. Kalb – The Water Works would be the ones turning the water off, not the Village of St. Bernard.

Dr. Chastain – If that situation arises it would be a good time to talk to the landlord about the fact that worked into the rent is his or her garbage pick-up and that now that onus is on you and that there should be some type of adjustment. So, you could definitely open that conversation with that person that is currently taking your garbage and say I'm already charged. Let's have an adjustment there.

Tom Rolfsen, 30 Clay – Let me get this straight for the residents of St. Bernard that has a four family, they're paying \$60.00. If you have a condo with twelve you're paying \$5.00 a month.

Mr. Paul – At the COW meeting it was all explained. Alpine Hgts. will be charged by the unit which is 144 units. I also addressed Paragon, which has 14 units, 17 units. They will be charged by unit and also Broerman Ave. which is St. Bernard Point has 24 units. This was all discussed already. Each unit will be charged per unit. \$15.00.

Tom – That's not what I heard

Lots of overlapping chattering.

Mr. Bob Culbertson – Then our Ordinances are wrong. Because our Ordinances says that a dumpster services they (inaudible) charged \$15.00 per unit.

Mr. Paul – Dumpster service would be businesses.

Mr. Kalb – I believe at the last COW meeting you had talked about that Alpine Terrace, I don't know the exact number but because they had ten and twelve dumpsters that \$24.00 a dumpster that they weren't, they were paying for dumpsters service and that's why they weren't going to be, the units weren't going to be charged, that's been the understanding, it was confusing two months ago, and that was straightened out for the last two months it's been very clear that because they had dumpster service that they were going to pay their dumpster fee and now we're hearing otherwise.

Mr. Paul – What I have done is corrected a mistake from someone else. I caught the mistake because Alpine, I'm sorry, Paragon and St. Bernard Point are residences. They are not businesses and they were being charged so that has to be stopped because it's not correct. So, I stopped it. They will be charged per unit. It's advisable, like I said at the COW, for these people to have dumpsters because if you lay out all that trash out on the curb from a 17, 24, to 144 there are Ordinances that you can't have a trashy area. It will be written up. It's easier, more convenient to pay the \$700.00 for the dumpster and have us dump it and have the residents put it into the dumpster than it is for 144 units to place their trash out on to the street in which case all that would blow around and then we would be down to fining them which would be more than \$700.00.

Tom – That's hilarious considered it's commercial not residential, their condos are owned individually. It's not commercial, so they should be charge \$15.00 per unit.

Mr. Paul – I just said that. I'm done.

Tom – So, am I right saying they're going to be charged \$15.00 for 12 units times \$15.00 times 12? Alright because in the last couple of meetings it's been bounced around and it didn't come out that way. So, I don't mind paying \$15.00 but if I'm paying it so are they it's not a commercial, they own the place, so I'm fine with it, I just got too many answers in the last couple of months, okay, and Tommy Paul sits there and says he's done talking when he's the one doing it so he should be answering residents, okay, that's your job. Don't get upset about it.

Mr. Paul – I am not upset about it. I explained it at the COW, you were here.

Tom – No, it went from \$700.00 to \$245.00.



Mr. Paul – Mr. Rolfsen, I apologized to the citizens for the \$700.00. I said I made a mistake and I apologized and then I also said that I would make Council aware that I had found an error and I am correcting that. That is my report. Rather you keep badgering me about the mistake I made that's up to you. I already apologized.

Tom – It's not the mistake, it's how much are they being charged if you vote on this tonight? It's \$15.00 per unit, that's fine, no problem.

Mr. Siefert – I took it upon myself just to talk to residents that I met at the fitness center and at church, you know, that I know, I sent them a message, and over 90% are okay with the fee. They know the alternative. Which is, you know, if we lay off some of our service workers, because our Service Department is being depleted since the early 90's. Going from 36 employees down to 14 now who are out every day. If we deplete that, I can only see that we have no choice of going to Rumpke where they're also going to charge a fee. So, the fee is not going to go away. It's either have our guys who want to take care of our citizens and take care of us, take care of our services or you outsource it and have someone else charge us and keep on raising it every year whereas we could lower it or we can, you know, do some different things. I would rather have our own citizens in charge of taking care of those fees instead of outsourcing it elsewhere.

Mr. Bob Culbertson – I agree with Alan, I talked to a lot of residents and, you know, I thought about the fee and go back and forth, now I think we have a great Service Department but I think the thing that I keep driving back to is in my eyes the \$15.00 is a flat tax on the residents. We've done an injustice not to really dive into it and come up with a solution and work on it. I know last October or August it was brought to Council's attention at that point and kind of got shuffled to the back burner till after the elections. Now here we are as its brought back up again we just want to pass it to, you know, fill the budget because, you know, we passed the budget that was unbalanced and we're going to now attach that until the end of the year. My biggest fear is we fall back in that same trap and we're sitting here in December complaining about the same thing when no one has done anything about it. And we're just, you know, complaining like, hey we need \$15.00 or \$20.00 because our budget deficit has grown.

Mykala Williams, 221 Jackson Ave. - I still want to say if it's like we don't really know, you don't really know what you're doing basically, it's already messed up. You already got that out on the table right here, why in the heck are we going to pass it? It shouldn't be passed. If we vote people to get up there to stand for what's right, would you as a citizen want something that's not at all easy, fixed even half way. It's, even if it's amended, you can't have one that's messed up because if it's messed up and you want to buy back out we still going to have to pay for it. You all, you all going to have jobs, half of you all probably not even live here. But if you do you'll see what it comes up to when we have to pay for it and you wonder why, how many people are leaving St. Bernard. That's all I got to say. And you know just to sit up there and say okay we talked about it oh, we looked over it, well we looked over it don't mean we talked about it, actually talked about it in an actual meeting with just us actually figuring out what are the issues and how could we fix it before it comes to the table. It makes no sense. We put you up here to do what, look at it when you have to come here but if you don't you ain't worried about it. What are we doing for, what are you doing for us that's going to help us in the next situation? Nothing. I mean because if it's, as you said, if it's not 100%

proof good at all. What are you going to put it on the table for? That's like you putting a half done turkey on the table bleeding and stuff, are you going to let people eat it? That's just all I got to say.

Mr. Bob Culbertson – Real quick I have a question for the Law Director and I know this is Ordinance 4 but I think the last time you said to keep them all bundled together. On Ordinance 4, I think I'm looking at the right one, Section B it says all residential are subject to the residential solid waste collection fee except for residential property for which monthly dumpster service is paid. So, back to Tommy's point, would the people of Alpine Ter. Pay for the monthly dumpster or pay the \$15.00 as is stated.

Mr. Peck – They have dumpster fee, they don't pay per unit.

Mr. Bob Culbertson – Okay thank you.

Mark Rapier, 213 Cleveland – Mr. Siefert I like what you brought up. Like I said before, I don't think there's a lot of residents arguing the \$15.00 fee. I'm not arguing the \$15.00 fee. What I am arguing is the way you're going about it. That's it, I mean, you can talk, you can ask me, what do I think hey that's fine, let's do it. But it's the whole ordeal, the thing has gone, it's hanging with a lot of mistakes. So yeah, a lot of residents, they won't mind it, it's just really going to put a pinch on the elderly. But it's the whole situation. It's like I told you guys before, you guys don't meet, you don't talk about it, you come to the Council meetings, you check the Ordinance out real quick, see what's going on and that's it. Some of you guys might do some homework when you go home but none of you guys talk. That's where, as I said at the COW, that's where I think you guys need to start meeting twice a month. Council meeting, twice a month, COW. That way maybe you guys can talk a little more, get more information. But the people, some of these people getting us, we're not against the \$15.00, we're against us paying for the past mistakes from the government and you guys, where all the money has gone and the way this Ordinance is going through with all the mistakes in it. That's what we're against. So, I got a feeling you're going to vote yes, I hope what I said makes you vote no on this until this Ordinance is straightened out.

Mr. Ray Culbertson – Mr. Paul based on the conversation before in Mike's opinion that the dumpster fee it cannot be billed by unit are we going to simply raise the dumpster fees to equate to \$15.00 times the number of units?

Mr. Paul – The dumpster fees have been put together by the previous people. I have raised them \$25.00 a piece so they were being charged \$50.00, it went to \$75.00 a month. Those are businesses. The mistake was Paragon was being charged and St. Bernard Point was being charged, they are not businesses, they are residences. They will be charged by unit. Alpine Heights has never been charged. They do purchase dumpsters but that to me would be a convenience to keep the trash under control. That's to their advantage. And the dumpsters do last several years.

Mr. Ray Culbertson – So, Mr. Paul what you're saying is there are no monthly dumpster fees for residential property.

Mr. Paul – No. Just businesses.

Mr. Bob Culbertson – So, how can we pass Ordinance 4 that clearly states contradictory information that we just listened to?

Mr. Kalb – I've always been under the understanding that, like you said, Ordinance 4, that does state that if they have dumpster service that they will be charged for dumpster service and not by the unit. That's been my understanding since the beginning and obviously if I vote for that Ordinance that will have to be how it must be enforced because it's in law. It won't be up to me or how anybody wants to enforce it. It will be enforced per the Ordinance. So, if we wanted to change the Ordinance because that's not what everybody thought then that's a different issue. But, that's been my understanding since the beginning and that's the way the law states it, if the Ordinance passes, and that's the way the law would have to be enforced when it goes into effect.

Nicole Klungle, 551 Church St. - I noticed that consistently the trash issues are being presented as either/or situation. It's either we enact new taxes or we do lay offs and move to Rumpke. But, that's not the case. It's not like that. There were several other options presented and as you've discussed already tonight, this could move through a committee, it could've already been in committee and being worked out. I can't stress enough how much I would love to see Council spending a lot of time outside Council Chambers. If this is a four hour a month job to you then resign. Your job could do this stuff in advance to be prepared and make sure you know what you're talking about when an Ordinance comes up. This is the third reading and you guys aren't clear on the details. That's inexcusable. That is incompetence, oh my God I can't even, okay I'm sorry. Please hear and consider what you should be doing when you're voting tonight because, okay let me ask you a question. If this Ordinance doesn't pass and you consider they are, can you layoff full time employees without laying off part time employees?

Mr. Tobergte – As far as I know we cannot.

Nicole – Does that mean the pool closes?

Mr. Tobergte – I, I'm not, Mike, I have no clue.

Mr. Peck – I'm not going to answer you right now. Okay.

Nicole – Okay, so no answer on that? I was waiting for an answer to the question, is that forthcoming?

Mr. Kalb – As, we have not officially discussed layoffs in any manner, I have not researched layoffs at all because that to me, I want this trash Ordinance to go through where I don't have to consider those layoffs. And as to your comment of do I only work four hours a week, well yes you only see me on TV for four hours a week but nobody is in my house listening to all the phone calls I make, the research that I do, the other communities that I call and things like that. You're not in the house with me to see me do that. So, you don't see all the other work that I do besides just coming here for these two hour meetings. So, to be accused of not doing any work outside of coming here to the Council meeting is kind of upsetting to me. And second of all, the Ordinances, I do understand the Ordinance the way it is, that's why I'm voting for that. I'm not pointing to Tommy Paul but if he's confused on the way that has to be enforced well that's going to be, when and if the law passes, it's going to be enforced per the way I understand it and the way he

wrote the Ordinance. Not the way that a Service Director, a Mayor, a Tax Commissioner interprets an Ordinance. So, I have, to me that is written the way I want it to and the way it is correct whether other people are confused with, they might be, but I am not as a Council person, I've done my research and I'm not confused on that portion of the Ordinance.

Nicole – Okay so you are clear on whether people who are currently using dumpster service will pay a monthly fee or a dumpster fee.

Mr. Kalb – Per Ordinance 4, if they are paying for residential dumpster service they will not be charged per unit. So, then therefore per the Ordinance to my understanding Mr. Peck has said in the past that that is the way the Ordinance would be enforced because that would be the law.

Mr. Peck – That is correct.

Nicole – Is that what you understood Mr. Rolfsen? There's still a lot of confusion about this.

Mr. Kalb – I understand that the residents' confusion and I'll try to, if you want to meet after this, I'll try to explain it to them more but, I mean, not everybody is going to understand, that's why I did all the research.

Nicole – So, how will the Water Works.....

Mr. Kalb – So, nobody should be saying I should not be voting on this Ordinance because you don't understand what I read. Is that what you're asking me to do?

Nicole – I'm asking how the Water Works will be notified that these people don't get billed?

Mr. Bob Culbertson – I believe Tom will send a list of all the residents that should be charged the \$15.00 to the Water Works and then they were going to be billed accordingly to that list that he provides.

Mr. Paul – Actually the Water Works has the list. They supplied it to me to look it over and that's where I found the error. The error has been corrected. The Paragon and St. Bernard Point were the only two that were in error. All the rest will be charged per unit \$15.00 per unit.

Nicole – Mr. Paul, do any of those that are paying per unit have a dumpster?

Mr. Paul – Yes, Alpine Heights. But they do not get charged for the dumpster. They do not get charged for the dumpster pick up.

Mrs. Brickweg – I think I get it, if I'm wrong, I think what you're saying is each unit will be charged \$15.00 and they can put it in the dumpster and the dumpster will pick it up. So, they're not going to be charged for the dumpster pick up, they're going to be charged the \$15.00 and they put that garbage in the dumpster if I'm hearing correctly.

Nicole – Okay and then are there any residential units that will be charged for the dumpster but not the individual tax?

Mr. Paul – No.

Nicole – Okay, thank you, I appreciate that. Thank you, you indulged me more than five minutes.

The motion to adopt Ordinance No. 2, 2018 as read passed 4-3. Mr. Tobergte, Mr. Bob Culbertson and Mrs. Bedinghaus voted no.

Mr. Asbach – Clerk will you please give the third reading of Ordinance No. 3, 2018.

**ORDINANCE NO. 3, 2018. AUTHORIZING THE SOLID WASTE COLLECTION FEE FOR RESIDENTIAL ACCOUNTS FOR THE YEAR OF 2018.**

The motion to adopt Ordinance No. 3, 2018 as read passed 4-3. Mr. Tobergte, Mr. Bob Culbertson and Mrs. Bedinghaus voted no.

Mr. Asbach – Could we please have the third reading of Ordinance No. 4, 2018.

**ORDINANCE NO. 4, 2018. ENACTING CHAPTER 923.22 UNDER PART NINE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF ST. BERNARD, OHIO TO PROVIDE FOR THE COLLECTION OF FEES FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING.**

The motion to adopt Ordinance No. 4, 2018 as amended passed 4-3. Mr. Tobergte, Mr. Bob Culbertson and Mrs. Bedinghaus voted no.

Mr. Asbach – Clerk will you please give the second reading of Ordinance No. 5, 2018. Ordinance No. 5 was postponed until the February 1 meeting and it went regular course on that meeting so, this is the second reading of Ordinance No. 5.

**ORDINANCE NO. 5, 2018. AN ORDINANCE APPROVING THE VACATION OF A PORTION OF JACKSON AVENUE PURSUANT TO REVISED CODE 723.205 AND DECLARING AN EMERGENCY.**

Motion by Mrs. Bedinghaus, seconded by Mr. Siefert to suspend with the third reading of Ordinance No. 5, 2018.

## **REMARKS**

Mr. Bob Culbertson – This is I guess for Don and Andy. The last reading of this you guys said you wanted something for this property. Can you guys explain more what you're looking for?

Mr. Tobergte – As I stated a couple of meetings ago, I'll say it again, we're always being reamed for not getting money for properties. We either sell or give away. Our only asset that we have is really land and here we are giving land away again.

Mr. Kalb – Pretty much what Don Tobergte said. The last couple of Ordinances that we passed, we were either turning the property over to the CIC and now we've asked for a certain percentage of the reimbursement fee. I see that we sold the

property for a certain amount and I'm going to continue to ask for compensation rather than just give away Village property during a budget crisis.

Mr. Bob Culbertson – Give me a dollar amount, what are you guys looking to get for the property, I mean, if we're looking to get something for the property, I mean are we going to go get this appraised, what's your guys' vision on how we can get this moving forward?

Mr. Tobergte – As with all the real estate transactions, I would like an appraisal.

Mr. Ray Culbertson – Haven't we also been indirectly advised by the Law Director that we would not have a leg to stand on to be asking for money for this property when the school has used this property and taken care of this property for 30 years now.

Mr. Peck - I'll follow up with individual Council members, but all I'll say is you better boost my legal fee or hire for litigation if you try to exact some money in return. I'll leave it at that.

Mr. Kalb – And I am also aware that the school is saying eminent domain, correct? I understand that in the end they could just go through the court system, eminent domain that principle if we asked for anything. They haven't told us no yet. They could tell us no or yes and then we could have them that we never asked.

Mr. Asbach – At this time I would ask Mrs. Bedinghaus to take over the Chair so I can address Council on this. Could you come down? I'm not allowed to from down here.

Mrs. Bedinghaus assumed the Chair.

Steve Asbach, President of Council – Since I can't speak from the Chair. This property was done Mr. Kalb before you were born. The school has been using this property. We'll be lucky if they don't charge us for maintenance to the parking lot. This is just the most asinine thing that I've heard of in forever. All they're asking for is a little bit of property so that they can redo their building and we're sitting here going to charge them money. Sometimes I just can't understand, I agree with a lot of people up here. Sometimes I can't understand what we're doing.

Mrs. Brickweg – Somebody was just asking in the audience, what property is this? So, maybe if they weren't at a previous meeting maybe we could at least explain that so the people know.

Dr. Chastain – I was just going to say that my understanding is it's beneath the door as you walk out the high school. It's like right there underneath that and then extends underneath to the parking lot. Basically right there where the school and parking lot are. I know Tom has a better description but that was my understanding of it. It's got a bunch of concrete on top of it where kids play and dribble basketballs and stuff.

Dianne Staat, 401 Cleveland - I agree with you Steve. I was not at the last meeting, but when I read that in the Council minutes, I thought this is ridiculous. This land was given to the school all these years ago and you're going to turn around and try to charge them for it. It's just absolutely ridiculous. That's my only comment. The

school needs to have this property so they can go ahead and build their new school which will actually help this city, or this Village and I can't understand why we're making such a big deal about it, the people that are.

Nicole Klungle, 551 Church St. - Do I understand correctly that this Ordinance is going regular course?

Mr. Bob Culbertson – It was going regular course but the motion now is we're going to suspend with the third reading.

Nicole – So, it would still take thirty days to take effect if you passed it this evening and passed the motion?

(overlapping chattering)

Nicole – So, if you pass it tonight the earliest it would take affect is a month from now?

Mr. Peck – I believe the emergency clause is in there so if it passed

(overlapping chattering)

Mrs. Bedinghaus – There is an emergency clause in here.

Nicole – Can that be done on the second reading?

Mr. Peck – Yes.

Nicole – Okay, thank you.

The motion to suspend passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to adopt Ordinance No. 5, 2018 as read. Motion passed 5-2. Mr. Tobergte and Mr. Kalb voted no.

**ORDINANCE NO. 11, 2018. AUTHORIZING THE EXECUTION AND GRANTING OF A PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A STORM & SANITARY SEWER FROM THE VILLAGE OF ST. BERNARD TO THE RENEE DUNCAN, LLC AND DECLARING AN EMERGENCY.**

Motion by Mrs. Bedinghaus, seconded by Mr. Siefert to suspend with the second and third reading of Ordinance No. 11 2018. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Kalb to adopt Ordinance No. 11, 2018 as read. Motion passed 7-0.

**ORDINANCE NO. 12, 2018. AN ORDINANCE AUTHORIZING THE VILLAGE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH HAMILTON COUNTY TO DISPOSE OF UNNEEDED VILLAGE PROPERTY THROUGH HAMILTON COUNTY'S INTERNET AUCTION SYSTEM AND DECLARING AN EMERGENCY.**

Motion by Mrs. Bedinghaus, seconded by Dr. Chastain to suspend with the second and third reading of Ordinance No. 12, 2018. Motion passed 7-0.

Motion by Mrs. Bedinghuas, seconded by Mr. Ray Culbertson to adopt Ordinance No. 12, 2018 as read. Motion passed 7-0.

**ORDINANCE NO. 13, 2018. AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND MOVE APPROPRIATIONS AND DECLARING AN EMERGENCY.**

Motion by Mrs. Bedinghaus, seconded by Mr. Kalb to suspend with the second and third reading of Ordinance No. 13, 2018. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to adopt Ordinance No. 13, 2018 as read. Motion passed 7-0.

### **OLD BUSINESS**

Mr. Kalb - I'd like to make a motion to put Ordinance No. 3 or just the Fee Ordinance, that's got to be discussed and brought back up anyway this year, to the Service Committee to explore whether we want to keep the \$15.00 flat rate fee or whether we want to explore other options as far as in the future of how we want to go about billing with that.

Dr. Chastain – Second.

The motion to put the Trash Ordinances into the Service Committee passed 7-0.

### **NEW BUSINESS**

None.

### **AUDIENCE WISHING TO ADDRESS COUNCIL**

Lisa Whitehead, 196 W. Ross - I come before you tonight to express my disappointment with the electronic billboard that was erected along I-75 Northbound on Tuesday, January 16, 2018. Previously there was an advertisement billboard located between my property and the property to the right of my residence with no lighting. This new electronic sign sits solely on the property of 130 W. Ross Ave. currently Leesman Lighting. It's an interchangeable electronic sign and it's a nuisance to my family and it is a nuisance to my future enjoyment of my property which is stated under Ohio Revised Code. Agency advertising the vice control for all Ohio residents. I attended the Council meeting on February 8, when the sign was first brought to your attention by the Safety Director, Mr. Stuchell. Mr. Stuchell mentioned twice during this meeting that this type of sign was illegal under Ordinance No 7,11 from the year 2000 and that the fault resides with the Village. He also stated that he has spoken to Norton, the sign company, and Art Leesman, the owner of Leesman Lighting and that there would be a meeting with the residents that were affected to discuss what could be done. This meeting has yet to happen. I'm now being told that a variance meeting will be held with the zoning board to go around the current Ordinance. I would like to know who is on this Zoning Board and why a variance could be even issued if the current billboard



is in fact illegal and non-compliant with our own Village Ordinances. I invite everyone on Council, as well as everyone in the community of St. Bernard to drive down our street during the evening hours to see the nuisance that this sign has caused to not only me but all of my neighbors on West Ross Ave. I'm a lifelong resident speaking before you tonight about the property that I reside in the house that not only built me but is currently building my children.

Mr. Stuchell – As far as the meeting with the residents, the current Building Commissioner is willing to meet with any resident to address the issue and currently where it stands. As far as the next step, as far as the ruling on the sign as to whether it stays, whether there's a variance granted, falls within the Zoning Board. So, the investigation currently and gathering all the documents and where the (inaudible) is right now, he is still gathering what he needs from ODOT and as soon as he has the adequate information and there will be a zoning hearing conducted where all of the affected residents will be notified in writing. It will be listed. The other issue is, again, if, the, and I have actually, Lisa I left you two voice mails. One explaining that Mr. Stoker is willing to talk with you, he is going to deal with the actually disrupted are, at least with respect to the installation of the sign and also what was damaged from the painting contractor for the wall. That's going to be addressed, that will be fixed. As far as anything else, he is willing to talk with you, work with you, try to get through this but the only way the remedying the situation right now it would be going forward to the zoning variance board and go from there. Yes, I did say based on what our Ordinances allows, it is not legal, we should not have had it, I can't take it back, but we will try to remedy the situation and I do feel for everyone down there that is inconvenienced by this but there's a process to go through and it's not a matter of saying you have to take it down. So, as of right now, again, we will work through this, and as far as the members of the Zoning Board, Mr. Paul is there Chair of that Board, with Keith Geraci, we have Brian Speed, Ron Feldman and Gerry Wiedman that sit on the Board. Am I wrong? Okay. Those are the members of the Zoning Board.

Tom Rolfsen, 30 Clay – Okay, so if it comes down to these six members that have no, don't even live near the sign, they can redo what was wrongly done, and if you're doing this because you're afraid you're going to be sued by Norton, well you're going to be sued by the property owners too, okay, if you don't do the right thing and uphold the law as it's written. So, don't let that persuade you. So, these six guys, I've been to a meeting before, it's up to them. None of which have an interest in anything.

Mr. Stuchell – As far as it is right now, yes, that's correct. I'm following the direction of Mr. Stoker on this, on his specialty because again this is his field. He's a certified CVS.. So, I need to follow his direction. We will seek legal counsel. Whatever it is that you're saying in a suit that's fine I understand that. You asked as a resident or a property owner have to do what feels best. At this point right now, we're sitting on this because, again, we are gathering additional information and it will be moving forward but we are seeking legal counsel as well as how they'll advise us to move forward with this. So, I can't give you an answer to say here we're going to take it down because that's not the process.

Tom – That's fine, just do what the law says, okay? Don't, just because Paul Myers made mistakes, which he has done before, that doesn't mean that the property owners down there have to live with it, okay, do what the law says. Do what you're Ordinances say.

Lisa Whitehead, 196 West Ross Ave. - Okay so currently there's an Ordinance in place that states the sign is illegal. My question is why is it still lit up? If I don't pay my \$15.00 a month trash fee, then I'm going to be charged or my water is going to be turned off? Correct? Didn't we just vote for that? So, why is this sign still illuminating the whole street of West Ross and it changes every eight seconds. Please, come visit me.

Mykala Williams 221 Jackson – I just wanted to come up here and display my disappointment in the way Council just chose to vote anyway when they don't even know what's on that paper there. So, I mean, maybe I'm just, you know, a person that don't know much but I'm still disappointed in you. You could have done better to at least know, sat down as a group, not just one person going home, looking over their computer, or looking up and calling people, I'm talking about in a group, all you all sit there and talk about it, see where the problem is, see how you can fix it. That's just it.

Jerry Shipp, 198 West Ross Ave. - I can shed a little bit of light on this Jonathan, I talked to the State today. The man who actually issued the permit. The permit from the State is a two year permit and he did call Norton today and ask him to turn his brightness down to temper it a little bit while we're waiting for the resolution on this. Second of all, because it is now a complaint lodged against the sign, when they review their permit for renewal they have to come to the city and see if this is settled or not. So, and their (inaudible) on a variance. They said there was a variance issued by Paul Myers. It's not possible, it has to come from zoning which is Tommy and his group. And on that variance form it said the city, that they have to have as part of the variance in writing put down how this impacts the neighbors. And obviously that was never done. Because there's no way they could have a variance on that sign.

Mr. Stuchell – I said permit.

Jerry Shipp – Well the permit said.....

Mr. Stuchell – Permit to construct it, I didn't sign a variance.

Jerry Shipp – It's not been finalized, correct?

Mr. Stuchell – Correct.

Jerry Shipp– And there's no way you can convince me that a sign company spends that much money, doesn't know what our code says. They know what the State code says. They knew that they could not put that sign up until Leesman Lighting changed their zoning from R-2 to light industrial or whatever it is in September. That's when they got the permit from the State. It could not have been put up before then. It would have had a 400 ft. set back. And I asked the State man, how did they do that and he said, well it says right here they changed the zoning in September or whatever it was, and they made him change the zoning for construction. They were well aware of this. He said I didn't know there was a local Ordinance that says they couldn't do it. The State said they must follow the local Ordinances. Obviously, they didn't read them, or they thought they could get by them by cutting a deal with somebody. If you step back and look at it, it looks like somebody took a payoff. I'm not accusing anybody of anything, but doesn't it look

like that. Somebody does this and says bye, see you later. That's exactly what happened. And we're the ones paying the price. I could not possibly sell my house with that flashing billboard right over the top of it. It's right in Lisa's back yard and the further back you go the brighter it gets. That entire wall lights up down there. Every eight seconds just like you said. I don't like living like that and when you take the money out of my pocket, her pocket and all the neighbors down there. Our Ordinance is pretty cut and dry. It's pretty clear about it. I look forward to the zoning hearing. So, and the other thing was, I have a broker's license I got back in '80 some time. There's no way you can get an appraisal to get property from the school because right now it's the school's property and it's only valuable as school property right now. How you going to appraise wet ground? It's not going to happen. There's no way you can get an appraisal on that property and if you got one let me know, I'll buy it real quick and sell it back to the school because I'll jack that sucker way up.

Bill Siegel, 221 West Ross Ave. - Don't have anything to comment on the sign, I just wanted to speak earlier on the earlier Ordinances when you guys were voting on the trash. Just to let you know, there comes a time that things need to change. People need to pay for the services that we receive here. We give really good services. I actually signed my daughter up for a boxing class. And the gentleman who owns the club is actually a Cincinnati Fireman. I'm talking with him and he asked me where I live and I told him. He said I just got one thing to say about St. Bernard, he said my station is down in Northside and the last snow that we had our streets were horrible. He said we had to make a run and come through St. Bernard. I couldn't believe the way your streets looked. He said not only were they clean, they were almost dry already. I just wanted to commend our Service Department on a job, great, well done. And then the comments that we get come from Cincinnati Fire Department. That's all I just wanted to say.

Mr. Asbach – The next COW meeting will be Thursday, March 15, at 7:00pm.

Motion by Mr. Ray Culbertson, seconded by Dr. Chastain to adjourn. Motion passed 7-0.