

**ST. BERNARD SPECIAL COUNCIL MEETING
JANUARY 11, 2018**

The Special Village Council meeting was held on Thursday, January 11, 2018 in Council Chambers.

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

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.

ORDINANCES FOR THE SPECIAL MEETING

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 COLLECTIONS IN THE VILLAGE OF ST. BERNARD.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to have Ordinance No. 2, 2018 take its regular course.

REMARKS

Mrs. Bedinghaus – I did take the opportunity to talk with, actually last week, talk to Gary Wieste who is the gentleman that Tommy Paul has been working with for this project down at Cincinnati Water Works Company. I have another proposal that we can consider instead of doing the \$15.00 per family unit which is on the table now for proposal. So, for instance, a single family its \$15.00, if you have a two family its \$30.00 and so forth and so on. This could be, we could do a tiered flat rate payment system which would be any figure of a variety of ways. This is just an example. You could take a one and a two family and do a flat rate system. You could take a three and a four family and charge them \$25.00 instead of per family unit. So, there's a variety, you can do it in any of those tiered flat rates that you choose to do. There would not be any extra charge because I didn't know if they would charge extra for doing something more to set that up for that billing. It would still be a 5% charge for them and the City of Blue Ash does do this. So, I did call Tommy and he said he thought about that, he talked to Gary about that too. So, that is another option that we have on the table. So, I just wanted to make sure everybody knew that. \$15.00 per family unit is not the only option that we have out there. Now, will it decrease some of that revenue that we were thinking based on some of the numbers, some projected numbers? Yes, I don't know by how much and I don't think Tommy has answered that yet either. So, again it's just another option and something to think about.

Nicole Klungle, 551 Church St. - A friend who couldn't be here today wanted me to ask, she heard a rumor that if Council does not pass this particular Ordinance Nos. 2, 3, 4, that instead they are considering, or you are, considering laying off members of the Service Department, contracting with Rumpke and having the Village pay the fees to Rumpke. And I told her that I thought that had already been

brought up at a meeting and that that was not true but I would ask again for clarification.

Mr. Kalb – To my knowledge I, I'm with you, it has been brought up but I thought we discussed it at the time. I'm not in favor doing that currently but I don't know how the, if everyone says they're going to pass this eventually, if things don't happen then we got to find other ways to save money be it be that way or many other different options that we've thrown out but until these three Ordinances either pass and/or fail, I have no plans on laying anybody off or going to Rumpke at all.

Nicole – Thank you. May I also ask a particular question related to the Special Meeting today. I wondered if you could tell me why a Special Meeting was called for this Ordinance.

Mr. Tobergte – There was some confusion. The legality was suggested put the Ordinance on the table for the last meeting but it was not put in the written minutes. I asked if we could do it still. Mike Peck, Law Director, suggested we just wait have it at a regular meeting and in order to get it moving I suggested the Special Meeting tonight to give it the first reading, second reading would be the February, 1 Council meeting then if we could we could make a motion to dispense with the third reading at that time or give it the second reading and have another meeting. So, it was the confusion on whether or not it was put on the table for the last Council meeting.

Nicole – Then, correct me, you're saying there was confusion about a vote to put the bill, the Ordinances on the table was held.

Mr. Asbach – I was still obviously running the COW at the time. There was a motion by Mr. Kalb and I did not go back to watch the tape. There was a motion, there was discussion to put the Ordinances on the table for the first meeting in January which was last week and apparently, I missed it in writing up my minutes. But there was, and then as I say, I'll go back and watch the ICRC, but it was discussed, Mr. Kalb made the motion. I couldn't tell you who did the second but since I did not have it in the written ones, that's the one that Mr. Peck suggested don't read it at that meeting until it was brought to the table. The motion was made last week to bring them to the table this evening.

Nicole – At what time did Council check the official minutes?

Mr. Asbach – I can't answer. I did not listen to the audio version.

Nicole – The audio version that you accepted into the record last week.

Mrs. Kathman – They don't approve the audio version, they approve what I email them.

Nicole – So if I understand you correctly, the minutes that Council accepted into the record at the beginning of the last meeting were not the official minutes?

Mr. Asbach – I can't answer that without Mr. Peck here. And just for the record.....

Nicole – You can't answer that without a lawyer?

Mr. Asbach – I'm just saying what Council accepts is the written version from the Clerk. Mr. Peck is talking about bringing someone in. I think there is going to be further discussion on whether we are going to change the official version of the meetings or not so I believe Mr. Peck has talked about bringing someone in to discuss that.

Nicole – So to be clear, Council made the decision about their own official minutes but they do expect residents to consult.

Mr. Asbach – That's correct. Council has done for 30 plus years that I've been here.

Nicole – Oh, Ok I didn't realize that (overlapping chattering) Did any Council member listen to the audio minutes? To check for what errors what errors were put on the table?

Mr. Kalb – I didn't listen but I know I made the motion. So, there was confusion on whether they remembered me saying it or not but I had no confusion because I remembered making the motion and it being seconded to be put on the table. For myself at least.

Nicole - (inaudible) that the unofficial votes or the minutes or the official ones?

Mr. Asbach – We can't answer without Mr. Peck.

Nicole – You can't answer without Mr. Peck? Good to know. Thank you sooo much.

Joe Lengerich, 62 E. Ross – Member of the Service Department. I got two comments, I guess. First of all, I'll say this to John. If this all goes down, we go to Rumpke, is the City going to pay the fee?

Mayor Estep – Not to my knowledge.

Joe Lengerich – There's a lot of confusion going around that you guys are going to pick up the fee if we go to Rumpke which we know you're not. So, second of all with what Mrs. Bedinghaus just said, how many, I don't think anybody can answer but how many rentals do we have in this town? What's the % of rental units in the town, in the Village? I thought it was like 40, 45%. So, we're going to give landlords a break not to pay this fee. These slum landlords that I'm out there every day picking up their trash. I think that's ridiculous, I don't think it should be \$15.00 per unit and it's going to generate the revenue that we need.

The motion to have Ordinance No. 2, 2018 take its regular course passed 7-0.

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

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to have Ordinance No. 3, 2018 take its regular course.

REMARKS

Mr. Tobergte – Just so the residents know, this Ordinance sets the fee for \$15.00 per month for each unit.

Mr. Bob Culbertson – Don, on that \$15.00 there were questions about the condominiums down on Chalet. Is that \$15.00 per unit or is that per dumpster.

Mr. Tobergte – The condos, Tommy correct me if I'm wrong, the condos have been paying for years a dumping fee for their dumpsters so did that fee increase? Heidi was going to give you that information on the increases. Those things were discussed, do you know off the top of your head.

Mr. Paul – No, I do have to correct you. Heidi and I found out this afternoon that on the list that we fill, Alpine has never been billed. I do believe it's because there was a deal made that they were not allowed to set their trash out in front of the condos. That occurred before her and before me. So, we don't have an answer on why they are not being charged but they're dumpsters are being picked up for free.

Mr. Tobergte – Are we going to change that policy?

Mr. Paul – I don't know what the policy was. I have to find it out. Like I said, this afternoon we just found that out that they are not on the list. If that's the case then it would go by unit down there also and if you remember at the last meeting, the lady did, the president of the Chalet came down and did say I'm president and I never knew that we were charged and that's why because they weren't. So, when we brought up, Heidi and I brought up the list because this is the month where they get billed and the fee went up, Alpine is not on the list. So, I haven't found the answer of why but I do know that it's against the Ordinance and I don't know if it's an Ordinance but they are not allowed to set their trash out in front of their apartment buildings. But I don't know why.

Mrs. Brickweg – I don't remember if I was on Council or the Auditor at the time but you are correct with that. It was when everybody started charging for the dumpsters and I don't know where it is but it was explained that if all twelve units put their garbage out on the curb it was going to be 144 houses in that space, in that little area and I just kind of remember the discussion that that's how it would be. So, they put it in the dumpsters and the dumpsters were getting picked up. That was before we were even charged, I think that's when we very first started charging for dumpsters if I remember correctly. So, I don't know where the rule came in for the condos but I do remember the discussion that there really wasn't going to be any room on the street for 144 units to put their garbage.

Mrs. Bedinghaus – Just in a remark based on what Mr. Lengerich said. I wasn't trying to give slum landlords a break. What I'm trying to do is make it a little bit more equitable for those landlords who do have property and have one person maybe in each dwelling so if they have an apartment of four they would be paying \$60.00 a month. So, you can have a household too and I know you can slice this and dice this any way you want but you can have a household full of ten people in a single family and they get charged \$15.00. So, I was just trying to think of a more equitable way for those individual landlords who have those types of dwellings. I was not trying to give slum landlords a break.

Mr. Tobergte – Before I lose my train of thought, some changes made, I understand where you're coming from but like me and my wife will probably put

one bag of garbage out on Monday and Thursday. I would still be paying the \$15.00. My neighbor down the street put four of five bags out and he'll be paying \$15.00 so there is inequity but I guess Tommy, what's the plan with the condos? Are we going to charge them the \$15.00 per unit?

Mr. Paul – First I have to find out why they're not allowed. If that was put in Ordinance or Resolution then we would have to do something about that. Otherwise they do buy their dumpsters, that's for certain but to name different addresses that do get charged for dumpsters, I don't know how that occurred. I don't know the answer to that. So, first I'm going to have to find out why Alpine has never been charged but they had to purchase their own dumpsters to keep it off the street. So, once I find that out then we'll know and since it would be only fair since all the other ones get charged then we would have to charge them also by dumpster pick-up. And that is accrued by from what I can gather, it appears to be weight.

Mr. Kalb – If I'm hearing you we're saying if we charge the condos by weight we would have to be billing in the arrears.

Mr. Paul – I don't know that you could bill them in arrears, it actually comes out, its quarterly. As it, take last quarter, July August and September of 2017. They billed them. If I go to some place that's similar it would be the Broerman Apartments, ok they pay \$150.00 a quarter to get their dumpsters emptied. But what I mean by weight is if you go look at the school. The school gets emptied for \$765.00 a quarter so it has to be driven by weight, but I didn't make this chart out either but it's like most of the people pay \$150.00 but we have since raised that, so we gathered some, this October, November, December are coming in now and now the fee is \$225.00 a quarter for the same businesses who paid \$150.00 and the school went to \$840.00. So, its, but Alpine is not on this.

Joe Lengerich – I don't know what, why they haven't been charged, the condo association, they charge them \$210.00 and that's per unit and then that includes, I think, their water, the pool, the little whatever. I know they each use a dumpster, there's twelve of them down there. And they're supposed to put your garbage in those dumpsters one through twelve. Why they're not being charged, they should have been and we were told when the garbage fee was first put into effect I know they were on the list because I pick up half the town and that's on my side and why they weren't charged, it's got to be considered in their condo fees. I don't know what the rules and regulations but the Ordinance is, if there is one. But they're paying a condo fee and I assume garbage collection is a part of that fee so I don't know why the condo association shouldn't be paying like the schools. I disagreed when we started charging the schools but, I mean, we do it per dumpster at twelve times whatever, I don't think it's by weight. There's no way to weigh them. The dumpster itself is probably 400 pounds and then you put the garbage in the truck,

Mr. Ray Culbertson – Probably by frequency.

Joe Lengerich – Well yeah. That's twice a week. They get twice a week just like everybody else.

Mr. Ray Culbertson – They do the schools every day?

Joe Lengerich – They do the schools every day, yes but they're twice a week, and like I said they're paying a condo fee and I can almost guarantee, garbage collection is part of that fee. So, the condo association is who I think you should be talking to. They should be paying. I'm shocked that they haven't been. That blows me away because I know they were on the list. I gave it to whoever at the time. It might have been Joe Kempe, I think, I don't remember though. But they should have been paying. How they got out of that I have no clue. They were twice a week, twelve dumpsters, that's a lot of garbage. We go up there more than, they get special pick-ups like all the rest of the city. There was a flood the other day, picking up all that stuff up there, I mean.

Cindi I wasn't trying to, I was just saying to be fair and equitable, those are the places that have the most garbage and I think they should pay the \$15.00, that was my only point. I wasn't trying to get on you personally, it's just, the rentals need to put out their trash, it's not like home residents and they should be paying.

Tom Rolfsen, 30 Clay – I was going to wait for 3 and 4 but in light of what just went on here in the last 15 minutes, I don't think you should vote on any of these because nobody up there knows what's going on. And as far as the condos, there's twelve buildings, 12 condos, that's 144 separate things at \$15.00 that's \$2,160 a month times twelve, that's \$25,920.00. So, I don't know how you guys can vote. We don't even know what we're and we just found out that we're not charging money from them and stuff. So, I think you should put all this on hold until everybody up there is on the same page, ok. I don't know how you can vote for something that you don't even know what you're talking about. I don't mind paying \$15.00 but I think everybody should pay \$15.00 and if the condos, 144 people have not been paying anything then that's you guys' problem, ok. So, that should be addressed before you even start charging the rest of us \$15.00.

Mr. Tobergte – As I look through my list of Ordinances back to 2010, I cannot find any Ordinance to charge dumpster fees so I'll know

Mike Wiedman – Since I've been here the longest, that was news to me. I had no idea. Since I started in 1989 they've had dumpsters and that was definitely news to me. I mean, and that's something that can be rectified quickly. That's nothing that has to be thought about charging. And to back up what you're saying, the businesses around town are charged by how many dumpsters they have and how frequently they're dumped. That's how we charge. Again, that's, that was definitely a shocker to me as well. I did not know that that. I've been here almost 30 years and that's the first time I heard that. I thought they were charged like everyone else for a long time but that's my two cents.

The motion for Ordinance No. 3, 2018 to take its regular course passed 7-0.

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.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to have Ordinance No. 4, 2018 take its regular course.

REMARKS

Mr. Tobergte – Peggy, in Section 1, (d) it talks about the collection fees shall be credited to Fund line item 01-1015, Trash Fees. Did you set that line item up already or

Mrs. Brickweg – I've already done that.

Mr. Tobergte – Okay.

Mrs. Brickweg - (inaudible) I'm not going to save it until its voted on.

Tom Rolfsen, 30 Clay – On reading this, I'm reading this and its saying that you can make an exemption for units for unoccupied units, does that mean like if somebody moves out of your apartment and you don't get somebody for like 3 months you guys are going to have to contact Water Works and stop that for that 3 months. Do you have any plans on how you're going to do that?

Mrs. Bedinghaus – I can probably help answer that because I did talk to Gary about that because I was under the impression that what happened when you had somebody move out. That is not the case. If somebody moves out as long as their water is turned on that unit will continue to get charged for that. What this means is, I was asking about in city buildings and CIC buildings and so if those buildings have water on that they don't have garbage pick up there then the city can exempt them from having that charge from that water bill. It does not mean for the resident landlord like that.

Tom Rolfsen – That's not what I'm reading then.

Mrs. Bedinghaus – I clarified that with him though, so if that has any discrepancy in there that is not what Gary said that means that we at any point in time cannot just call the city and hey, it's vacated, please don't charge unit one or take it off the, he said we would have no way of being able to keep record of that, which is true.

Mrs. Brickweg – When you guys were preparing this I called Cheviot because nobody seemed to know what was going on and I just wanted to see how they did theirs and that is one thing the lady did say to me, because she said they had issues before. If anybody moves out and the water bill is in their name, they will continue to get billed until their name is taken off the account. So, basically what you get, you were saying that if you own it so yes it would stay on there but say if I own a house and I forget to take my name off the water bill it will continue to go to me. So, you are correct, it stays on the water bill no mater whoever name it is and they will continue to get billed.

Mrs. Bedinghaus – If you have one meter like I do in one of my buildings and all four of the units are off of that and I pay the entire bill, it doesn't matter if you only have one of them occupied or if none of them are occupied but your water is on.

Tom Rolfsen – Well let me just read (b) what it says; a residential property owner of a multiple dwelling unit where a unit of the dwelling is vacant and not used for residential purposes, may request from the Service Director an exemption from the per-unit charge for the unoccupied units. That's what is in your Ordinance here, ok, so that's not agreeing with what you're saying.

Mrs. Bedinghaus – Well, you know, I will ask Mike Peck and Tommy to take a look at that because that is not the information I got from Gary.

Tom Rolfsen – Well you should not vote on this because there's mistakes in it ok.

Mrs. Brickweg – I'm sorry, maybe this is a question for Mike from this discussion.

Mr. Asbach – We're on Ordinance No. 4, 2018. This Ordinance has questions.

Mrs. Bedinghaus – The question, change in that the unit, if there is a unit that is a four family and a unit is vacated. At that point in time can you call the city and say we have a vacated unit, therefore take that \$15.00 off until we get it rented? You cannot do that, at least that's what I'm hearing from Gary at Water Works. As long as the water is on and whoever's water that name is in, they will continue to get bills no matter if its apartment or if it's occupied or not.

Mr. Peck - Okay.

Mrs. Bedinghaus – I mean, you need to clarify that, because I specifically asked that. But I think you and Tommy should clarify that.

Mr. Peck – I'll take a look at it. What I did was I used the Ordinance from Parma and I don't know if that will fit ours. I'll talk to Tommy, I don't know, we can talk about that and see if we need to get rid of that section if the Water Works needs to confirm with them about that.

Mr. Paul - (inaudible)

Mr. Peck – Yeah, we'll take a look at that.

Nicole Klungle, 551 Church St. - I just want to second Mr. Rolfsen's point. I don't think Council should be voting on Ordinances that aren't final.

Tom Rolfsen, 30 Clay - I just want to mention about Ordinance 2 here. It's saying that there should have been an attachment here. But there's no attachment here. Did anybody see it? So, I don't know if it was properly put out here.

Mr. Asbach – Mr. Rolfsen we'll get to you that but Ordinance 2, 2018 is not being discussed. It's Ordinance No. 4, 2018. I apologize but we'll get copies. Council was given those. Those were attachments that were there that may have been out there Thursday but were made copies tonight. So, if anybody needs a copy of them they can get them tonight.

Mrs. Brickweg – You might want to start with the Administration. I don't have one either.

Mr. Asbach – They were out last week.

The motion for Ordinance No. 4, 2018 to take its regular course passed 6-1. Mr. Bob Culbertson voted no.

Mr. Asbach – I believe before we read Ordinance No. 5, 2018 Mrs. Bedinghaus might have a motion.

Motion by Mrs. Bedinghaus, seconded by Dr. Chastain to postpone the reading of Ordinance No. 5, 2018 until February 1, 2018 as I believe Tommy has just found out some other additional information that needs to be put into that Ordinance.

The motion passed 7-0.

Mr. Tobergte – Before, how many people need copies of this? A dozen or so?

Mrs. Brickweg – I'd also like them on the table for the next meeting too.

Mayor Estep – I'd also like to mention on the condos down there, I wasn't aware of that. Nobody was aware of that since 1989. Tommy's going to look into that tomorrow and if we're picking up their garbage unless there's an Ordinance I'm not aware of we will charge them like everybody else.

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