

St. Bernard Village Council Meeting  
May 20, 2021

The regular meeting of the St. Bernard Village Council was held Thursday, May 20, 2021 in Council Chambers.

Roll call showed that all members were present: Mr. Tobergte, Mr. Ray Culbertson, Mr. Schildmeyer, Mr. Bob Culbertson, Mrs. Bedinghaus, Mrs. Miller and Ms. Hausfeld.

A moment of silence was observed for Charlotte Ungruhe, mother of John, Treasure of St. Bernard and Lt. Bill Ungruhe, St. Bernard Police Department.

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

Mrs. Bedinghaus made a motion to dispense with the reading of the minutes, Ms. Hausfeld seconded the motion. Council agreed 7-0.

MAYOR, Mr. Stuchell – Just a reminder that Clean-Up St. Bernard Day will be held this Saturday from 9:00am to 12:00 noon. If you are interested in helping, please meet in the parking lot by the lower level of City Hall to get your tongs, gloves and bags.

Also happening this Saturday, Summer and fall sports signups and aquatic center season pass presale will be held at the Aquatic Center from 11:00am to 2:00 pm. Please stop by to sign up for Summer Swim Lessons, Fall SAY Soccer and Lollipop Soccer, and purchase your pool passes before we open for the season! The Memorial Day Celebration in St. Bernard will be held on Monday, May 31 at 10:00am in the parking lot by the lower level of City Hall. Please come out to help honor the Veterans from St. Bernard who made the ultimate sacrifice.

The Law Director and I met with a local attorney who specializes in assisting municipalities with charter amendments. We will be working with this individual to guide us through the process, and we will be coming back to council with a proposal for a third-party assessment of city hall and our local government. I am asking that I be put on the agenda for the next COW to discuss text change to the zoning code for the Heritage Hill District.

AUDITOR, Mrs. Brickweg – Ordinance 12, 2021

FROM GENERAL FUND

01-5-A-19 General Fund Transfer Out \$880,000.00

TO CASH ACCOUNTS:

04-1000 Swimming Pool Cash Account \$80,000.00

31-1000 General Bond Retirement Cash Account \$500,000.00

51-1000 Employee Health Care Cash Account \$300,000.00

ADDITIONAL APPROPRIATIONS:

01-2-E-3 Tax Refunds \$100,000.00

Residents and businesses paid more than usually during Covid.

01-2-K-2 Miscellaneous \$5,000.00

01-2-K-6 Insurance \$15,000.00

The Village received a check from the company insuring 404 Jackson. We deposited as we are required to. The property was demolished, and we need to pay the insurance company back so they can pay the new owner of the property.

15-01 TIF Fund Expense \$35,000.00

Property values went up for St. Bernard therefore the Village received more TIF revenue which we have to reimburse a percentage back to the schools per an agreement.

Please place this on the COW to be discussed. We will have a public hearing on the 2020 budget before the June 17, 2021 Council Meeting, starting at 7:00 PM

DIRECTOR OF LAW, Mrs. VanValkenberg/Walden - I met last evening with the Laws, Contracts, and Claims Committee and members of the public to continue discussions of the current draft Anti-Discrimination Ordinance. We were fortunate to have a member of the Amberly Village Human Rights Commission speak to us about how Amberly Village's commission works. We established a date for town hall type meeting. One of the things I will be researching in advance of the meeting is whether participants who wish to comment or ask questions will need to identify themselves, as they have to do at the Council Meeting.

We also discussed, briefly, the drafting of a Transient Guest lodging ordinance, and some of the concerns the Committee would like to see addressed, such as usage permits consistent with zoning, insurance requirement for property damage,

compliance with building codes, and the possibility of precluding such usage as inconsistent with our residential neighborhood. I am continuing to review existing ordinances in Ohio and will provide to committee members ahead of our next meeting.

Additionally, you have received a copy of Resolution No. 3, 2021. Last week the representative from JMA addressed the COW about moving forward with applying for no interest loans to fund planned infrastructure projects if grant monies were unavailable. Mr. Tobergte moved for an Ordinance to be heard tonight if a review of the enabling Resolutions suggested an Ordinance we needed. In my review, I don't believe an Ordinance is needed as the enabling Resolution was broadly worded. However, I drafted the proposed Resolution No. 3, 2021 to address any concerns that the previous resolution did not encompass the matter of no-interest loans. And I would ask that the council vote to pass the Resolution.

Lastly, I would ask that we go into executive session to discuss ongoing litigation matters.

TREASURER, Mr. Ungruhe – Absent.

SAFETY/SERVICE, Mr. Paul – I would like to announce the Service Department is able to take appliances with refrigerant in them now. Remember that safety is first, so if it is an appliance that a child can enter, please remove doors, and secure it.

To My Community:

You are all set to live your life to the fullest. Then a twist of fate occurs that alters the way we do things or perhaps it just does not fit into the plans we had for ourselves. Many times, you hear of tales that make us feel lucky we are who we are until one day it is our tale. Acceptance takes practice but can be achieved. Happiness takes practice, it can be achieved. Hopelessness should not be practiced as that too can be achieved. Live with all your heart.

TAX ADMINISTRATOR/DIRECTOR, Mrs. Helmes – Tax collections for April: \$856,377.

- Tax refunds for April: \$-56,270.81
- The Village is up 2.86% in tax revenue from April of 2020.
- The Village is down -7.81% for the first Quarter of 2021 vs. the first Quarter of 2020.
- \$55,380 in delinquent tax is with Capital Recovery.

- \$103,242 in delinquent tax is with our Attorney for judgement/garnishment collection work.
- \$129,990 in delinquent tax is with the Ohio Attorney General's Office, this includes tax assessments.

I should have all of the money/checks in the bank by Friday. However, it will not be until the end of June until I can get all of the tax returns, including e-files, processed.

Want to thank everyone who gave the St. Bernard E-file a try. I anticipate that the e-file system will have more features over time. Send me an e-mail if you have any suggestions that I can forward to our software providers.

## **REPORTS OF STANDING COMMITTEES**

FINANCE, Mr. Tobergte – Motion by Mr. Tobergte, seconded by Mr. Ray Culbertson to go into executive session to discuss pending litigation. Motion passed 7-0.

SAFETY, Mr. Ray Culbertson – Just another reminder the next Block Watch will be on Thursday, June 24 at 6:30pm. In the main level of the Municipal Bldg.

SERVICE, Mr. Schildmeyer – No report.

PUBLIC IMPROVEMENTS, Mr. Bob Culbertson – Congratulated all that graduated.

LAWS, CONTRACTS AND CLAIMS, Mrs. Bedinghaus – Last evening, 5/19 the Laws, Contracts and Claims committee met to further discuss the Anti-Discrimination Ordinance. The main focus of discussion was bringing forward concerns from some citizens relative to this ordinance, i.e: cost to the Village, purpose of the Human Rights Commission, authority that the commission would have, etc.

At the COW meeting on June 10, the Laws, Contracts and Claims members and the Law Director, Valerie, will present an overview of the contents of the ordinance. The purpose of the presentation at the COW meeting is not to get approval to put the ordinance on the docket for vote at the Council meeting on June 17, but wanted to be able to give Council the opportunity to discuss prior to

the Town Hall meeting that is being planned. We are hoping to have the Town Hall on a Thursday in July. More to come when we have the date and time scheduled. This Town Hall will be in person and virtual.

We are planning on mailing a post card around two weeks prior to the scheduled date as a reminder and a link if you will be attending virtually.

Another item that was discussed at the Laws, Contracts and Claims meeting was relative to the airBnB's in the Village and some concerns and questions raised about regulations that the Village has regarding airBnBs. There will be a Laws, Contracts and Claims meeting on Thursday, June 3<sup>rd</sup> at 6:30pm in Centennial Hall for further discussion. We would like to have good representation at that meeting of owners of airBnBs and other citizens that would like to understand rules and regulations relative to them.

MARKETING, Mrs. Miller – I will be sending out an e-mail to gather Newsletter information for the June, 2021 Newsletter on Monday, May 24.

BUSINESS AND INDUSTRY, Ms. Hausfeld – No report.

Mrs. Kathman – The COW report has been submitted to Council and the Administration and read as follows:

Committee of the Whole

May 13, 2021

A moment of silence was held for Joe Carter, former Fire Fighter, who passed away a few days ago.

Roll call showed that all members were present: Mr. Tobergte, Mr. Ray Culbertson, Mr. Schildmeyer, Mr. Bob Culbertson, Mrs. Bedinghaus, Mrs. Miller and Ms. Hausfeld.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to approve the written minutes of the April 22 council meeting. Motion passed 7-0.

Jennifer Vatter came to Council to discuss the potential OPWC project, Orchard Avenue. The village applied for 50/50 grant loan through the OPWC, which was not funded in the most current round. They are now being offered a 0%, 30year loan for the Total Project Cost. The Project limits are Orchard Avenue, from Vine Street to Bertus Street. Project Scope:

1. Curb removal and replacement, curb ramps

2. Full depth pavement removal and replacement
3. Replace storm sewer facilities
4. Roof drains and underdrains
5. Replace drive aprons and walk, as necessary
6. Seeding and mulching restoration
7. Repair retaining walls and steps as required

Total project cost estimate, including construction and engineering: \$948,000.00

Estimated payments, with a 0% loan for 30 years: \$31,600.00/  
year.

Construction would take place in 2022, and loan payments would begin in 2023.

Motion by Mr. Tobergte, seconded by Mr. Ray Culbertson to place an ordinance on the table to go out for the project bids at the next council meeting if needed.

Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to change the May Council to May 20 and the June Council Meeting to June 17. Motion passed 7-0.

Motion by Mr. Tobergte, seconded by Mr. Ray Culbertson to put Ordinance No 11, 2021 on the table for the next council meeting. Motion passed 7-0.

Mayor, Mr. Stuchell – Just a reminder, this year's Cleanup St. Bernard Day is Saturday, May 22, from 9:00am to 12:00pm. Tongs, trash bags, and gloves will be provided. If you are able to help please send an email to [mayorofcityofstbernard.org](mailto:mayorofcityofstbernard.org) or text to 543-3780 so that we can put some routes together. We will meet in the parking lot by the lower level of city hall. A big thank you to Don Tobergte for helping organize this event.:

The Memorial Day Ceremony will be held in the parking lot by the lower level of city hall on Monday, May 31 at 10:00am Please come to pay tribute to those from our community who made the ultimate sacrifice. There will not be a parade this year, just the ceremony.

Also, those wishing to learn more about the proposed Non-discrimination Ordinance please go to the Village website and to the news tab to access the May

Newsletter. There is an explanation of the ordinance as well as a link to the entire ordinance to review. We are asking for those that might be interested in coming to participative in the public forum virtually to please complete and submit the online survey by Saturday, May 15.

I am also requesting that we go into executive session to discuss collective bargaining.

Motion by Mr. Tobergte, seconded by Mrs. Bedinghaus to go into executive session to discuss collective bargaining. Motion passed 7-0.

Auditor, Mrs. Brickweg – The Auditor’s office provided the end of April revenue and expense spreadsheets to Council and the Administration. At the end of April, the Village revenues were \$4,098,604.89, compared to last year they are down \$407,188,16. One of the main differences compared to last year was of BWC payment of \$212,303.30 that was received last April. The expenses were \$4,066,740.43. Compared to last year they are up \$263,449.51.

Ordinance 12, 2021

From General Fund

01050A-19 General Fund Transfer Out	880,000.00
To Cash Accounts	
041000 Swimming Pool Cash Account	80,000.00
311000 General Bond Retirement Cash Account	500,000.00
511000 Employee Health Care Cash Account	300,000.00
Additional Appropriations	
012E3 Tax Refunds	100,000.00
Residents and businesses paid more than usually during Coved	
012K2 Miscellaneous	5,000..00
012K6 Insurance	15,000.00

The Village received a check from the company insuring 404 Jackson. W We deposited as we are required to. The property was demolished, and we need to pay the Insurnace company back so they can pay the new owner

of the property.

15-01 TIF Fund Expense 35,000.00

Property values went up for St. Bernard therefore the Village received more TIF revenue which we have to reimburse a percentage back to the schools per an agreement.

The mayor and I are working on the 2022 projected budget which is due to Hamilton County this summer. Please place this on the COW to be discussed. We will have a public hearing on the 2022 budget before the June 17, 2021 Council Meeting, starting at 7:00 pm.

Law Director, Mrs. VanValkenberg - We will have a Laws, Contract & Claims Committee meeting on Wednesday, May 19. In advance of that we will be discussing the anti discrimination ordinance which has gone out in the Newsletter.

I've also been collecting copies of ordinances dealing with short term renters. My plan is to copy several such ordinances for the Laws, Contracts and Claims Committees for the members to review.

Motion by Mr. Tobergte, seconded by the Mr. Ray Culbertson to place Ordinance No. 12, 2021 on the table next week. Motion passed 7-0.

Treasurer, Mr. Ungruhe – This evening I have the statement from First State Bank for the Fourth of July Fund that we have there. The balance for the city's account at the end of April 30, 2021 totaled \$5,657.64.

Safety/Service, Mr. Paul – I have an announcement, the Village is now capable of taking appliances that have freon, for example refrigerators, so you can place them out to the curb, we'll collect them and then we can recover the freon and dispose of it properly.

Safety, Mr. Ray Culbertson - I would like to thank everyone who came out for the Block Watch Meeting. It was a great turnout. The next Block Watch Meeting will be on Thursday, June 24 at 6:30pm in the main level of the Municipal Building. Thanks to Chief Simos and Lt. Ungruhe for attending the last meeting.

Service, Mr. Schildmeyer – I have the Service Department Report for April, 2021. There were 41 trucks placed at residences, 36 Dempsters places at residences, 375 Special pick-ups at residences 212.89 tons of garbage taken to the landfill. For



recycling there was 45.94 tons of recycling material, 56 pounds of scrap aluminum 4 pounds of brass, 2 pounds of copper and 11,028 pounds of scrap metal.

Public Improvements – Mr. Bob Culbertson – The CIC is looking for prices to demo that building. The CIC will be looking to walking a route around St. Bernard. The next CIC meeting will be Tuesday, May 25, at 6:00pm.

Marketing, Mrs. Miller – I would first like to give some recreation updates. There are more opportunities for summer, fall sports signups and pre-sale passes for the aquatic center on May 22nd and June 5th 11-2PM at the aquatic center. The breakdown of pricing is in the May 2021 newsletter as well as listed on the village website.

Our May 2021 newsletter has gone out to those residents that have registered their email addresses. Some highlights. Our business feature for May is Five Star Mediterranean. The owner Mr. Jheir has been serving up Lebanese cuisine here in the Village of St. Bernard for a year and a half. The restaurant is his dream and although the pandemic has been difficult, he would like to remind people to not give up on their dreams. You can enjoy his tasty cuisine 7 days a week and you can also call ahead for pickup. Please visit the May 2021 newsletter for the full article. Also included in the May 2021 newsletter is the draft of the Non-discrimination ordinance. The ordinance has also been posted to the St. Bernard Ohio Facebook site as well as the Village website. There is a survey embedded in the newsletter to indicate whether you plan to attend this town hall. You will also be asked to specify your preferred method of attendance (in person, via Zoom, or via Facebook Live). The survey will end on Saturday, May 15.

I would like to thank the residents of the village that have reached out to me in regards to this proposed ordinance. I have discussed your concerns in the laws contracts and claims meetings. I will also discuss a few topics this evening since they were brought up again this week. Regarding the village having an ordinance to fully support residents in ways that our local state government does not, I want you to know that I support you. Regarding the commission that the village is looking to establish, I also had concerns like you regarding the budget. I have shared those concerns. I am aware from my own personal research that there is limited data out there regarding other communities that have had complaints filed to determine a budget. There are also concerns which you have voiced regarding the individuals that will be chosen to be placed on this commission being nonpartisan in matters. Another concern that seems to keep coming up is the

possibility of illegitimate complaints being filed and will that put the village at risk for a possible lawsuit. Again, I want the residents to know that I appreciate the time you have taken to speak with me on these matters. I also have brought up the possibility of putting the commission on the ballot this year to give every voter here in the village the opportunity to vote for this ordinance. I understand your concerns with taxpayer funds being used and the uncertainty of how this commission will work out financially. We cannot foresee the future and I understand that is not the answer you want to hear from me. This is a draft document that is a work in progress.

Business and Industry, Ms. Hausfeld - I have the Building Report for March and April.

March

4 Residential Permits

3 Commercial Permits

Total Fees for Residential Permits: \$440.40

Total Fees for Commercial Permits: \$1,170.89

Amount paid back to the Treasurer, State of Ohio (Residential) \$4.40.

Amount paid back to the Treasurer, State of Ohio (Commercial) \$35.13

April

4 Residential Permits

4 Commercial Permits

Total Fees for Residential Permits: \$792.92

Total Fees for Commercial Permits: \$1,325.60

Amount Paid back to the Treasurer, State of Ohio (Residential) \$7.93

Amount Paid back to the Treasurer, State of Ohio (Commercial) \$39.77

Audience Participation:

There is someone driving around checking on up-keep of properties.

A member of the audience expressed her displeasure of the City St. Bernard attempting to come up with their own discrimination ordinance when there are

already State and Federal Laws in place. She feels we are creating a liability by creating our own ordinance.

Mr. Asbach – It has come to my attention that this is Mike Wiedmann's last day of work tomorrow. I'd like to congratulate him for all his years of service to St. Bernard.

Mr. Asbach – The next Council Meeting will be May 20 at 7:00pm.

Council went into Executive Session.

Motion by Mr. Schildmeyer, seconded by Mr. Ray Culbertson to enter into a contract with the Fire Department. Motion passed 7-0.

Motion by Mr. Schildmeyer, seconded by Mr. Ray Culbertson for a Memorandum of Understanding for the Service Department. Motion passed 7-0.

Ordinances for the next meeting

1. Ordinance to go out for bids for OPWC if needed.
2. Ordinance to change the Council meetings for May and June.
3. Ordinance No. 11, 2021 (codified ordinances) .
4. Ordinance No. 12, 2021 (transfer of funds and additional appropriations)
5. Contract for the Fire Department
6. Memorandum of Understanding for the Service Department

Motion by Mr. Ray Culbertson, seconded by Ms. Hausfeld to adjourn. Motion passed 7-0.

## **COMMUNICATION**

NONE

## **RESOLUTIONS AND ORDINANCES**

Motion by Mr. Tobergte, seconded by Mrs. Bedinghaus to put Resolution No.3, 2021 on the table for tonight's meeting. Motion passed 7-0.

**RESOLUTION NO. 3, 2021. A RESOLUTION AUTHORIZING THE VILLAGE OF ST. BERNARD TO PREPARE AND SUBMIT APPLICATIONS TO**

PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSIN STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARE AND EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to suspend with second and third reading of Resolution No. 3, 2021. Motion passed 7-0,

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to adopt Resolution. 3, 2021 as read. Motion passed 7-0.

ORDINANCE NO. 11, 2021. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF ST. BERNARD, OHIO, REVISING THE TRAFFIC AND GENIEAL OFFENSES CODES TO COMPLY WITH STATE LAW, AND DECLARIND AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 11, 2021. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to adopt Ordinance No. 11, 2021 as read. Motion passed 7-0.

ORDINANCE NO. 12, 2021. AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS AND PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARIING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 12, 2021. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to adopt Ordinance No 12, 2021 as read. Motion passed 7-0.

ORDINANCE NO. 13, 2021. AN ORDINANCE APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF ST. BERNARD, OHIO AND ST. BERNARD SERVICE DEPARTMENT ASSOCIATION, AND DECLARING AN EMERGENCY.

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 13, 2021. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson to adopt Ordinance No. 13, 2021 as read. Motion passed 6-0. Mr. Tobergte voted no.

**ORDINANCE NO. 14, 2021. ACCEPTING AND APPROVING THE TERMS OF EMPLOYMENT AGREED UPON BY AND BETWEEN THE VILLAGE OF ST. BERNARD AND LOCAL NO. 450, ST. BERNARD FIRE FIGHTERS' UNION, I.A.F.F., AND DECLARING AN EMERGENCY.**

Motion by Mrs. Bedinghaus, seconded by Ms. Hausfeld to suspend with the second and third reading of Ordinance No. 14, 2021. Motion passed 7-0.

Motion by Mrs. Bedinghaus, seconded by Mr. Ray Culbertson adopt Ordinance No. 14, 2021 as read. Motion passed 7-0.

### **OLD BUSINESS**

The first invoice was delivered to Elmwood Place for billing of Services of the St. Bernard Fire Department on the 15th of May in the amount of \$10,850.00. They have 30 days to pay this bill.

### **NEW BUSINESS**

None.

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

None.

Mr. Asbach – The next COW meeting will be Thursday, June 10, at 7:00pm. The next Council meeting will be on Thursday, June 17, at 7:00pm. As Mrs. Brickweg stated we will begin the meeting with a Public Hearing on the 2022 proposed budget.

Council went into Executive Session to discuss pending litigation.