

VILLAGE OF ST. BERNARD
COUNCIL MEETING
November 29th, 2023

The St. Bernard Village Council Meeting was held on November 29th, 2023, in Council Chambers.

The meeting was opened with a prayer followed by the Pledge of Allegiance.

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

President of Council thanked all out going council members for their service to St. Bernard.

A motion by Ms. Bedinghaus, seconded by Ms. Hausfeld, to dispense with the reading of the written minutes of the last council meeting. Motion passed 6-0. Minutes stand as submitted.

Mayor, Mr. Stuchell- Tonight we have Dan and Catherine here from Alloy Development to make a special presentation on our agreement with have with this organization who represent us very well.

Catherine Fitzgerald, Alloy Development- Thank you. Vice President of Economic Development for Alloy Development, formerly Hamilton County Development Company. By way of background, we are a private nonprofit located in Norwood. We've been around for about 40 years and our primary functions are kind of threefold lending we do fixed. Asset financing for small businesses. Secondly, we have a business incubator and house roughly 50 businesses in Norwood start up businesses. And then thirdly, we have an economic development office. We actually contract with Hamilton County and provide economic development services throughout Hamilton County outside the City of Cincinnati, primarily because they have their own staff. And then for a handful of communities, we provide additional economic development services for a variety of reasons of which oftentimes it's more economical for the community than hiring a full-time person with and I have Dan Ferguson from our team, our Industrial manager as well we provided. Just a brief summary of the work that we've done in terms of initially just getting familiar with the community and with the players and just learning the landscape of Saint Bernard that I will say the staff and the team have been very, very helpful and we appreciate that as well as the mayor, a couple of things. Well, during our duration, three small businesses that are owned by underrepresented populations received jobs, Ohio Inclusion grants during our tenure. The three businesses were St. Pops, Goes On and Remote Bans. I'm going to call on Dan to tag team a little bit.

Dan Ferguson, Alloy Development- So we were able to help sort of jumpstart the work on Saint Bernard Square. We were able to get a grant from the county for \$340,000 to help out with the

demolition. So that just kind of gets that project going. And we did, we did conduct business retention meetings with about nine companies. The companies range from anywhere from two employees to 300 and those meetings are really to establish a relationship with the company and get a better idea of their strengths, their challenges and if there are resources that can come into play that will help them out. And then as far as what's in store for 2024, I would say it's been a challenge to give retention meetings with the largest manufacturing companies. So, if council, or really, anybody has contacts at those companies? We would love to get an introduction because those are really the companies that you're most interested in, in learning what their situation is. We do hope that we'll see some new large expansion projects like what we saw with BASF at Emory, but those are not a very frequent occurrence. I mean those take a long time to set up, but those are you know \$70 million kind of projects. We do hope to see more things like remote bans on Fisher. And these are, these are smaller companies, they are you know anywhere from 10 to 100 employees. They're 1 million in revenue up to maybe 50 million in revenue. And Remove Vans is also a good example of Alloy has what is called our Office of Innovation and Creativity where they do economic gardening. So, Remove Fans is going through that. That economic gardening program as well as they got the state grant funding. So, you know we're trying to do what we can for when the new business is coming to town and lining them up with resources.

Catherine Fitzgerald, Alloy Development- I just wanted to emphasize a little bit, when Dan talks about business retention, a lot of people associate economic development with really large types of projects, but really most job growth occurs with existing businesses. So, any good economic development program has what they call a business retention program. Where they go out, visit with the business face to face, establish a relationship, find out if there are any concerns either with being in the village or the county or whatever, trying to address those concerns and also just making the business aware that we're a resource to them if they have expansion or other needs. So that is always an important part of an economic development program. And again, in terms of what is in store for the future, just optimizing the assets of the village to bolster business, not only small business but the large businesses as well. We do focus more on small businesses, and we do offer a number of assets free of charge for small business, as Dan mentioned. For example, small business coaching. We keep a coach on staff for St. Bernard businesses. Any questions?

REPORTS OF ADMINISTRATIVE OFFICIALS

Mayor, Mr. Stuchell- Thank you, Mr. President. I first like to start off by thanking our wonderful citizens, businesses, village employees, community organizations and volunteers to help make 2023 a great year in the Village of Saint Bernard. I also would like to thank our outgoing Council members Don Tobergte, Cindy Bedinghaus, Bob Culberson and Kurt Brickweg for their service and dedication to the village and also to their dedication to their constituents. You all will be missed, and we wish all of you the best in your future endeavors. I also wanted to remind everyone I know, Mr. Culberson. Probably be touching on some of the weekend stuff, but I want to remind everyone again that Santa and Mrs. Claus we will be travelling around the village this Saturday, December 2nd from 10:00 AM to 1:00 PM or whenever we finish it. We've had our opportunity to make it around the village. Make sure you go to the Santa Tracker so that you can see where Santa and Mrs. Claus. Please go to either the Village Recreation Department Facebook

page or the Village Facebook page or website and the link will be available Saturday morning at 9:45 AM. Again, we'll be following the dedicated route, so if you miss us, my phone number will be on the page as well so that you can reach out and we'll circle back. And thank you. And that concludes my report.

Auditor, Ms. Brickweg- The Honors Office has prepared two ordinances for tonight, Ordinance 39 2023. This is an ordinance authorizing the additional appropriations of:

1-A-1 \$3,900 to Council Members

1-A-2 \$22.00 President of Council

1-B-1 \$20.00 Clerk of Council

2-A-2a \$ 1,000 Mayors Clerk

2-B-1 \$4,000 Auditor

2-E-1 \$4,000 Tax Administrator

2-O-1 \$4,000 Service/Safety Director

4-A-2 \$4,000 City Hall Clerk

Fitness Center Equipment \$13,900

Service Department Employees \$67,000

I also prepared Ordinance 40 2023. This ordinance is for the remaining four people for a raise for next year. It is a 3 1/2 percent raise, and then it will be based on the collective bargaining percentage after January 1st of 2025:

City Hall Clerk \$60,306.00

Mayor's Assistant \$49,680.00

Finance Assistant \$60,300.00

Mayor's Court Clerk \$57,960.00

Also like to be asked to be on the agenda for an ordinance at the next COW. My goal is to get the final appropriation ordinance done, which will hopefully have a lot of decreases and work with the department heads to have the budget and if we can get it all finalized and out to all the council members in time to possibly have a special council meeting after that meeting to vote on the budget, because the other meanings the 28th, and I'll pretty much have everything closed up by the 28th, so it would make it a lot easier if we could do it all on the 14th if possible. Otherwise, I guess we might have to schedule a special one on the 21st, but I'll work very hard to get it done.

Law Director, Ms. Van Valkenburg- I'm following up on this week's references to ordinances #39 and #40. By way of background, as I understand it, recently, the full-time employees of the Village's Police and Fire departments were recipients of supplemental salary payments covering

a specified period during the declared Covid-19 state of emergency via a Grant the Village obtained. The Village was initially hopeful enough grant monies could be secured so that additional sums could be paid into the pensions of those same qualifying, full-time, Police and Fire departments employees, for the time period covered by the grant. When the grant monies for the purpose of pension payments failed to materialize, the Village passed an appropriations ordinance to permit the Village to make the additional pension payments to the employees of the Police and Fire departments, for the time period specified in that Grant,

At the November 9, 2023, Committee of the Whole meeting Council member Donald Tobergte made a motion for an appropriations Ordinance (hereinafter the “Tobergte Ordinance”) to permit the Village to make a similar contribution to the pension funds of the class of employees who were employed full time by the Village during the time period covered by the grant, but who were not employed with the Village’s Police and Fire departments. Mr. Tobergte’s Ordinance was seconded and is on the table for this evening’s Council meeting.

Following the November 9th meeting Council member Ray Culbertson, whose wife is the Village Clerk and, therefore, a member of the class of Village employees which would benefit from the Tobergte Ordinance, asked if he and Mr. Brickweg, who is similarly situated, could lawfully vote on any motion to dispense with the 2nd and 3rd readings of the Tobergte Ordinance, and if they could vote on the appropriations Ordinance. In my opinion, the answer is yes, Mr. Ray Culbertson and Mr. Kurt Brickweg may lawfully vote on the procedural motion to dispense with the 2nd and 3rd readings of the Tobergte appropriations Ordinance as well as on the Tobergte Ordinance itself.

Ohio case and statutory law recognize a difference between substantive rules/law and remedial, procedural rules/laws. A substantive law is one that creates duties, rights, and obligations. *Pivonka v. Corcoran*, 162 Ohio St. 3d 326, 335 (Ohio 2020). Procedural or remedial law prescribes methods of enforcement of rights or obtaining redress. *State, ex Rel. Holdridge, v. Indus. Comm.*, 11 Ohio St. 2d 175, 178 (Ohio 1967). Procedural or remedial legislation does not create, remove or affect any rights; it merely affects the methods and procedure by which rights are recognized, protected, and enforced. *Pivonka, supra*, at 335. A simple explanation is: substantive law is the *what* and procedural law is the *how*.

The first issue raised by Mr. Culbertson is whether he (and Mr. Brickweg) may vote on any motion to dispense with the 2nd and 3rd readings of Mr. Tobergte’s Ordinance. The issue of the number of readings required for consideration of an ordinance is found at R.C.731.17. That statute states in pertinent part:

(A) The following procedures shall apply to the passage of ordinances and resolutions of a municipal corporation:

(1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.

(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

Section (A) of R.C. 731.17 states on its face that it is setting forth the *procedures* for the consideration of ordinances, such as the Tobergte Ordinance. Being a procedural or remedial law, R.C. 731.17 does not create, remove or affect any substantive rights. *See, Pivonka, supra*, at 335. As such, voting to dispense with the rule requiring the Ordinance be read on three different days cannot, itself, be deemed an action which removes or affects any substantive rights or duties. Mr. Culbertson and Mr. Brickweg may vote on any procedural motion to dispense with the 2nd and 3rd readings of the Tobergte Ordinance.

I also believe Mr. Culbertson and Mr. Brickweg may vote on the Tobergte Ordinance itself as the Ordinance provides for a benefit (i.e., a pension payment) which has a uniform effect on an entire class of Village employees, specifically, those full time Village employees, employed during the period specified in the above-mentioned grant, but who were not employed by either the Police or Fire departments.

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102 and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates. Sections 2921.42 states in pertinent part:

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest.

See, Advisory Opinion No. 92-012.

The term "public official" is defined in R.C. 2921.01 (A) for purposes of R.C. 2921.42 to include an elected or appointed officer of a political subdivision of the state. The legislative power of a city is vested in, and exercised by, a city council. *See R.C. 731.01.* Thus, a city council member is a "public official" who is subject to the prohibitions of R.C. 2921.42. *See, Advisory Opinion No. 92-012 (citations omitted.)* These are substantive laws that create ethical duties and obligations on the part of public officials, such as Mr. Culbertson and Mr. Brickweg.

The Commission has explained that R.C. 2921.42 (A)(1) is *not* a "no relatives policy" which determines eligibility for employment with a political subdivision on the basis of family relationships. *See, Advisory Opinion No. 90-010.* Rather, R.C. 2921.42 (A)(1), prohibits a public official from employing the "authority or influence of his office," prohibits a public official from exercising the power and influence inherent in the position and prestige of his public office or employment to affect the decision-making process regarding the employment of a family member even if the official abstains from voting and participating in official proceedings. *See, Advisory Opinion No. 92-012.* The prohibition against a public official "authority or influence of his office" to secure authorization of the employment of a family member extends beyond the initial hiring of a family member and prohibits a public official from participating in any matter or decision regarding any action on a city ordinance or resolution *which would affect his spouse's individual employment relationship with the city* or which would provide compensation in which

his spouse *has a definite and direct interest*. See, Advisory Opinion No. 92-012 (emphasis added).

It is important to note that the Tobergte Ordinance is not attempting to fix the salaries and/or compensation and benefits of the specific positions such as the Village Clerk or the Auditor—rather, the Tobergte Ordinance is attempting to enact an ordinance establishing a specific and finite benefit for an entire class of Village employees. In the past there have ordinances specifically directed to the positions of Village Clerk and Auditor, calling each position out by name, and which have fixed salaries and benefits, created salary steps, etc., for each such position. Those are the types of ordinances which would affect a spouse’s “individual employment relationship” with the Village, and from which Mr. Culbertson and Mr. Brickweg, respectively, are prohibited from participating in decision making. I know that in the past Mr. Culbertson has abstained from voting on any ordinance specifically addressing the employment relationship—including compensation—of the Village Clerk position. I can’t remember if we have had an ordinance specifically addressing the employment relationship—including compensation—of the Auditor position while Mr. Brickweg has been on Council, but that’s type of ordinance from which he would have recuse himself from participating in decision making (and I’m sure he did so, had the issue been presented).

The question which then arises is whether the Tobergte Ordinance providing a specific, defined benefit to a class of employees is one which provides compensation in which either the Village Clerk or the Auditor *has a definite and direct interest*.

If Council were to authorize pay changes for its employees who are not subject to a collective bargaining agreement on other than a uniform basis, then the terms and conditions of individual city employees' public employment would be differentially affected and an individual employee's interest in the compensation established by city council's action would be "definite and direct." See, Advisory Opinion No 92-012. For example, a city employee who is not subject to collective bargaining would have a definite and direct interest in a pay increase authorized by city council which was determined on some basis of differential treatment other than, or in addition to, membership in the class of city employees who are not subject to collective bargaining. Examples of such differential treatment would include pay increases provided to individual employees, increases based on position or on department, or some other subcategory of the entire class. These would also include, but not be limited to, increases based on merit, increases made to reflect significant changes in an employee's duties, increases which vary in rate from other individual employees within the class of employees not subject to collective bargaining, or where pay increases are provided only to a select group of individuals within this class. In such circumstances, R.C. 2921.42 (A)(1) would prohibit the council member from voting upon, discussing, deliberating, recommending, or otherwise authorizing or using the authority or influence of his position, formally or informally, to secure enactment of the ordinance or resolution. See, Advisory Opinion No 92-012. But that is not the situation herein.

The Commission has determined that where an individual employee-spouse is covered by a master labor contract entered into between a political subdivision and a labor organization covering employees of the political subdivision, which master contract establishes a salary schedule and the terms and conditions of employment for the employees of the political

subdivision, *the employee spouse's interest in the master labor contract is not sufficiently definite and direct* so as to invoke the prohibitions of R.C. 2921.42 (A)(1), unless the employee-spouse is an officer, board member, or member of the negotiating team of the labor organization. If a public official's family member is employed pursuant to a collective bargaining agreement, then R.C. 2921.42 (A)(1) does not prohibit the official from voting to approve a master labor contract between his political subdivision and an employees' labor organization even though his family member is subject to the contract's terms and conditions. *See*, Advisory Opinion No. 82-003 and 89-005. The Commission recognized that situation involved a city council authorizing a pay change which had a uniform effect upon an entire class of city employees. Advisory Opinion No 92-012 (emphasis in original.)

Similarly, the Commission has held that “an across-the-board pay increase to the entire class of city employees who are not subject to collective bargaining would work a result similar to city council's ratification of a master labor contract with an employee labor organization.” The Commission recognized that the public official's spouse *does not* have a *definite and direct interest* in the “across the board” pay increase, and the situation was similar to that of the master labor contract. *See*, Advisory Opinion No 92-012. Again, the Commission acknowledged that this situation involves city council authorizing a pay change which had a uniform effect upon an entire class of city employees. *See*, Advisory Opinion No 92-012 (emphasis in original).

As stated above, the Tobergte Ordinance seeks to authorize a supplemental pension payment for a class of employees consisting of all those full time employees who worked for the time period during the declared COVID-19 emergency which was specified in the grant the Village received, but who did not work for either the Police or Fire departments. Based on the above precedent, I believe Mr. Culbertson and Mr. Brickweg may vote on any procedural motion to waive the 2nd and 3rd readings of the Tobergte Ordinance. They may also vote on the Tobergte Ordinance as it involves an additional benefit which has a uniform effect upon an entire class of city employees.

Basically, there is an entire effect on a uniformed class of city employees. That is a key word the Ohio Ethics Board uses. That concludes my report.

Treasurer, Mr. Ungruhe- This evening we received the Star Ohio statements. The funds for the village there at the end of last month, so sorry, October 31st, 2023 totaled \$12,218,293.18.

Safety and Service Director, Mr. Paul- Everyone had a good Thanksgiving. Continue with the leaf for a little longer as I still see piles of leaves around. Once the collections get smaller, please bag or can them and we will take them. Trash collections for Christmas will be as follows. Monday the 25th will be Tuesday the 26th. Tuesday the 26th will be Wednesday the 27th. The rest of the week is a normal pickup. Have a Merry Christmas. To My Community: Your life is a diary in your mind. Everything is recorded. We do have the capability to review what was stored by way of memories. We also have the good fortune to rewind to the time of the memory we wish to replay. If you are mindful enough, you can archive that which you do not wish to recall, thereby remaining in your special places where you feel peace and love if you end up in the archives. You need to proceed to the quiet mind and sit for his belt. Here, with practice you will discover tranquility. That concludes my report.

Tax Administrator, Ms. Helmes- Befor council tonight is Ordinance #38. This is a Next to amending the Saint Bernard Tax Ordinance of some injustice, adjustments and amendments to be put in place before January 1st, 2024 to be in compliance with H House Bill 33, Mandatory Changes Classification, Section 182.0367. The Taxpayer Classification Section 182.03 TABC Exempt income derived from disaster relief work Strike out language under 182.0336 Ohio Business Gateway adopted language of Section 718.90 OH the RC regarding assessments. Add language to Section 182.051 H Employers are required to submit their annual tax reconciliation electronically or by CD for 50 or more employees. Are there any questions?

REPORTS OF STANDING COMMITTEE

Finance, Mr. Tobergte- Congratulate Third Ward resident facts on the phone for any earning a swimming scholarship to University of California, Berkeley. I would like to greatly Third word resident, former building inspector Walt Mueller for being elected president of the Ohio Building Officers Association. I want to thank the residents of the Third Ward for allowing me to represent them for past 16 years. Almost like to thank the three administrations that all my fellow council members and a pleasure working with by this time next year healthy watching from my farm and we get Internet service.

Safety, Mr. Brickweg- Thank you for letting me serve the people of St. Bernard for the last two years of being able to serve them it was a pleasure, and I wished the new members good luck and their future endeavors.

Service, Ms. Hausfeld- Have the service department report for October 2023. There were 21 trucks placed at residence, 17 dumpsters placed at residence, 134 special pickups at residence 159.62 tons of garbage taken to the landfill. 530 yard roll offs. As far as the recycling program, there was 22.15 tons of recycling material, 4140 lbs of scrap metal. I also have the waste collection fee from September 2023 which is \$25,156.71 was remitted to the village. And I too want to wish Don, Kurt, Cindy and Bobby a happy and prosper future. Thank you for being comrades up here.

Public Improvements, Mr. Bob Culbertson- Absent.

Laws, Contracts and Claims, Ms. Bedinghaus- Thank you, Mr. President, I do not have a report, but I would like to thank all of the citizens of the village of Saint Bernard for allowing me and giving me the honor to represent you over the last 16 years. I also would like to congratulate all the new council members and I want to thank the administration also for. All the past years that I've been working with you, it's been a pleasure and I know that the council and the administration will go on to do great things for the village of Saint Bernard.

Marketing, Mr. Ray Culbertson- Would like to invite everyone down to the annual holiday festivity of Light Up Saint Bernard Night this Saturday from 5:30 PM to 9:00 PM on Washington Ave. in the front of City Hall. Recreation Department would like to give a big thank you to the following 2023 Sponsors Platinum Sponsors with Saint Bernard Pub and Wiedemann Brewery. Gold sponsors were Coolant Control Incorporated, Feightner Plumbing, Kelsey Chevrolet, Saint Bernard, Larosa's Pizza, Wyler Hines Brandy, Schultz Meyer, Wyoming Air Silver Sponsors or Baxter Burial Vault, Emery Oleochemicals, Emmanuel United Church of Christ, Bronze

sponsors are Biggby coffee, Central insulation systems, Commonwealth Incorporated, Dairy Queen, First State Bank, Friars Club, I Am Coffee, Rumpke, Recycling, Skyline and Saint Bernard Market. And finally, I'd like to put things out there to the service, police and fire departments, who all helped make these events run smoothly. And lastly, thanks to Don, Krut, Bob, and Cindy for their civic duty. Appreciate the time up here with you, guys. Enjoy your Thursdays.

Business and Industry, Mr. Schildmeyer- I also wanted to take this chance to thank Don, Kurt, Cindy, and Bob for their service I've really enjoyed working with you folks up here to appreciate it.

Committee of the Whole, Ms. Stegman- Minutes submitted Wednesday, November 28th and I have no communications.

RESOLUTION NO. 05, 2023

ADOPTION OF THE HAMILTON COUNTY MULTI-HAZARD MITIGATION PLAN

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Resolution 5 2023. Motion passed 6-0

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Resolution 5 2023. Motion passes 6-0

ORDINANCE NO. 37, 2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ALLOY DEVELOPMENT COMPANY, INC. TO PROVIDE [J ORIGINAL CERTAIN PROFESSIONAL ECONOMIC DEVELOPMENT SERVICES AND DECLARING AN EMERGENCY

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 37 2023. Motion passed 6-0

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Ordinance 37 2023. Motion passes 6-0

ORDINANCE NO.38, 2023

ORIGINAL ORDINANCE AMENDING TITLE NINE-CHAPTER 182 OF THE ST BERNARD CODIFIED ORDINANCE, THE ST. BERNARD MUNICIPAL INCOME TAX CODE, AND DELCARING AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 38 2023. Motion passed 6-0

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Ordinance 38 2023. Motion passes 6-0

ORDINANCE NO. 39 2023

AUTHORIZING AND DIRECTING THE AUDITOR PROVIDE ADDITIONAL
APPROPRIATION AND DECLARING AN EMERGENCY

Motion made by Ms. Bedinghaus, seconded by Mr. Schildmeyer, to suspend the 2nd and 3rd reading of Ordinance 39 2023. Motion 5-1. Motion does not carry.

Council Member, Ms. Hausfeld- First of all, and correct me if I'm wrong, the police and firemen went out for a grant, and got awarded a grant for this extra \$4,000, correct?

Council Member, Mr. Tobergte- Correct.

Council Member, Ms. Hausfeld- Why then are we just assuming the \$4,000 for other employees versus having the departments go out for a grant instead of using it out of our budget?

Council Member, Mr. Tobergte- Research I did the word of grants for other employees. Just police and fire, which came from the State of Ohio, which is all taxpayer money.

Council Member, Ms. Hausfeld- Don't you think though, in my opinion, if there was a grant out there, and that is why the police and fire were awarded the extra \$4,000. And if there's no grant, why would we just want to throw more, sorry guys, I know I'm going to piss a lot of people off. I speak from my heart. And it's my heart telling me that if there's a grant, I would be all for it. But there is no grant. For not only the service department but City Hall employees, too. Who's idea was this to just throw \$4,000 at employees?

Council Member, Mr. Tobergte- During COVID I brought it up back then. Nobody agreed to it then. After the police and fire got their grant, Why not include the service department and City Hall employees? If you want to blame somebody, its me.

Council Member, Mr. Hausfeld- Well good, so when I piss everybody off for the way I feel, I am going to tell them to come see you. It would be one thing for they came to us and said this is not right, but they didn't even come to us. Am I correct on that guys? I am just letting you know what my feelings are here.

Bob Hausfeld, 4422 Tower Ave- What is this going to cost the taxpayers?

Council Member, Mr. Ray Culbertson- \$87,000

Bob Hausfeld, 4422 Tower Ave- How many full-time employees are there?

Council Member, Mr. Ray Culbertson- Five for City Hall.

Safety and Service, Mr. Paul- For service department there are 18 employees.

Bob Hausfeld, 4422 Tower Ave- My problem is, the service department employees, I understand what Patty is saying, that the fire police got a grant. I understand service department employees. At least they were full time, and they worked every day in their office. City Hall employees, if I remember correctly, work from home most of the time during COVID. I see the head shaking. But you know, I came here a lot and it seems like everybody was always gone. And for instance, the Auditor has been working from home at least two days a week and still does. The grant was

designed for people who worked through covid and keep the employees from leaving their jobs. We had City Hall people working from home and you are going to reward them with a \$4,000 bonus? That doesn't make sense. At least the service department was there every day.

Thomas Lynch, 197 Harvey Court- working our office. We were working out in trash and. Also, there's \$14,000 on there. It's for gym equipment, so like, it's not \$87,000 for us. And I think making that differentiation between. Everybody and the service department was out there throwing tissues and crap, you know, all types of stuff. I was in the back of my garbage truck shoveling it out. So, to say that, you know, we don't get that because it wasn't a grant. We were probably more exposed than police and fire to all of it, so. Maybe just take that into consideration.

Council Member, Mr. Schildmeyer- Clarify the 87,000 I think is in addition to the fitness equipment, correct? Said that, I do think that one thing that. We should think about a little bit is, you know, it's not. The city got a lot of money for COVID, right? It's not that often that we have a chance to give somebody a little bit of that back and we know how the labor market is super, super competitive right now. So, Patty, I don't think anything you're saying wrong, but I do think that opportunity to take some of the money we got from the state or from the state and give people a little bit of a bonus. That thing to end in this super competitive environment, it's not a bad thing to do that kind of equal everything. My opinion, but I didn't want to just point out the 87 number is the right number.

Auditor, Ms. Brickweg- Why everybody has to divide everybody in this town. It is just the saddest thing in the world. It really is. I mean you just say the service where we're going over fire and the police and the City Hall. Why can't we just be individuals and just leave it at that? I don't want to talk about COVID money because it's not COVID. Y'all know you are doing it, everybody compares each other and then you have council members doing it. The morale stinks. It is sad to watch how people get treated. I do want to say, in reference to Mr. Hausfeld, because he just loves to say that I work from home on Mondays and Fridays. I do and I get a lot done. Because a lot of times people come in and just want to chat. And if I need to come in, I come in immediately. I answer every phone call, I've answered every one of his texts, every one of his phone calls, every one of his emails. Nothing has been ignored and nothing gets ignored. Tommy can tell you I'm on the computer from 9:00 to 5:00 if you need to see that, but yes, I do. It has nothing to do with COVID. It has to be able to get a lot of my work done, and in this new day in age, a lot of people do work from home and it's OK as long as you do your job. Lastly, all the covid money we got, who do you think did all the paperwork and did all the reporting? So to say we didn't work at City Hall, we did.

ORDINANCE NO 40, 2023

FIXING THE COMPENSATION AND PROVIDING FOR ANNUAL PERCENTAGE INCREASES FOR THE FOLLOING POSITIONS OF THE VILLAGE OF ST. BERNARD AND DECLARING AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Mr. Schildmeyer, to suspend with the 2nd and 3rd reading of Ordinance 40 2023. Motion passed 6-0

Motion made by Ms. Bedinghaus, seconded by Mr. Tobergte, to adopt Ordinance 40 2023. Motion passes 5-0-1 abstention. Motion carries.

President of Council, Mr. Asbach- Old business?

Auditor, Mr. Brickweg- Because you guys just denied the ordinance that gives you your pay raise that went into effect Friday. So, does somebody want to explain to me how I'm supposed to do this? We need a special meeting tomorrow at 8pm to talk about it. You all voted for a pay raise, but you did not appropriate the money. If you would have voted emergency, Patty, then I could have at least paid the bills. I have already done payroll. I have to pay out what was in the ordinance you passed. Do we have enough council members to go emergency? If not, it is not going to matter. I will not be able to get things paid. When you all look at the rules of council, I know things happen but when we have 24 meetings a year. I suggest you get 4 absences. You should not get paid.

Council Member, Ms. Hausfeld- Can we add this to the agenda for the next COW? I mentioned this 2 weeks ago and I think 4 absences is too many.

President of Council, Mr. Asbach- My suggestion would be once the new council is in place, we can put that into a committee to discuss. I think it would be better served in a committee. This is why we should have had the meeting on the 21st before Thanksgiving in case things like this happened.

Council Member, Ms. Hausfeld- If this was separated out, because everyone knew this was going to be a issue with me because you knew how I felt 2 weeks ago.

Auditor, Ms. Brickweg- We are not asking you to vote on the ordinance. We just needed the emergency so we could pay the employees. I had to pay everyone by law, but you are not giving me the money to do it.

Council Member, Ms. Hausfeld- Is it going to be the exact same ordinance or are you going to do a different ordinance for the stuff that you have to pay?

Auditor, Ms. Brickweg- If you are going to vote no, then no one gets paid. I'm done. We just need it to go emergency so we can get it into effect for payroll. You can still vote no on the ordinance.

Council Member, Mr. Brickweg- It sounds like some of these poor employees are going to get a backpay check of the way council seems to play ball.

Motion made by Mr. Tobergte, seconded by Ms. Bedinghaus, to have a special council meeting on November 30th, 2023, at 8pm. Motion passes 6-0.

Nicole Klungle, 551 Church Street- I want to thank Mr. Tobergte for his many years of good service to work. Three and the village in general. It's no secret that we're politically pretty opposite, but I think that we agree on a lot.

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to excuse the absent member. Motion passes 6-0.

New Council will be sworn in Friday, December 1st, 2023, at 6:00pm.

Next Committee of the Whole will be Thursday, December 14th at 7:00pm in Council Chambers.

Special Council Meeting November 30th, 2023, at 8:00pm in Council Chambers.

Motion to made by Mr. Ray Culbertson, seconded by Ms. Bedinghaus, to adjourn the meeting. Motion passes 6-0.