

VILLAGE OF ST. BERNARD

COUNCIL MEETING

September 28th, 2023

The St. Bernard Village Council Meeting was held on September 28th, 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, Mr. Bob Culbertson, Ms. Bedinghaus, Mr. Ray Culbertson, and Mr. Schildmeyer.

A motion by Ms. Bedinghaus, seconded by Mr. Bob Culbertson, to dispense with the reading of the written minutes of the last council meeting. Motion passed 7-0. Minutes stand as submitted.

REPORTS OF ADMINISTRATIVE OFFICIALS

Mayor, Mr. Stuchell- We have been working to complete the service department contract and I appreciate the time that the representatives have dedicated to this. You will have a copy of the draft before the COW. This evening before you have a copy of Resolution 4, which will allow us to apply for skip grants The proposed grants puts Greenlee as our number one priority, which will come with the approximate bid of \$1,030,000 which would include full rehab of the payment, full curb replacement, driveway aprons and traffic calling. We are proposing a 50% match for this project, again the streets projects where funds were awarded to us for Vine Street. Portions of Kemper and Church will be completed in 2024 due to the grants being awarded in late summer. That concludes my report.

Auditor, Ms. Brickweg- Absent. Report read by Mayor Stuchell. I am sorry not be able to attend tonight's meeting due to a family commitment. I have prepared resolution number three, 2023, accepting the amounts and rates determined by the Hamlin County Budget Commission and authorizing the necessary tax levies. These amounts come from the 2024 projected budget presented at the public hearing this summer. I also have Ordinance 28 2023 prepared for tonight which reads as follows:

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|-----------|----------------------------|--------------|
| 01-2-O-8C | City Hall Maintenance | \$98,000.00 |
| 01-5-A-14 | CH Stationery and Printing | \$1,500.00 |
| 05-MP-6 | Advertising | \$3,000.00 |
| 05-MP-9 | Streets and Sewers | \$28,000.00 |
| 07-01 | Capital Improvements | \$132,000.00 |

I am still working with the Fire Chief in regard to payroll additions. That concludes Peggy's report.

Law Director, Ms. Van Valkenburg- You have before you tonight Ordinance 31 which is the ordinance amending Chapter 923 of the Codified Ordinances dealing with waste collection and recycling. After the COW 2 weeks ago, we received a couple of comments about the setting out of leaves during Autumn. I want to stress that this is really no change to the existing language but a slight twist at 923.21(b) and that reads, while the fall leave pick up program, the fall leaves can be placed between the curb and the sidewalk. This is not a change from our current Codified Ordinances. This means leaves should go in the grass area by the curb or the concrete by the edge of the curb. Leaves should not go in the street because 923.21(c) leaves in the street is prohibited. It is not a change; we just want to make that clear. This will ensure leaves do not end up in the storm sewers. That concludes my report.

Treasurer, Mr. Ungruhe- This evening I have the statement from First State Bank. Our balance there is \$5,682.01. That concludes my report.

Safety and Service Director, Mr. Paul- we are partnering with Hamilton County Resource on October the 13th from 7:30 to 3:30 PM collecting hazardous products from our residents. This will be published in the newsletter. Again, it's no cost to the village. To my community: Life presents itself in constant decisions. I always like to compare life to a river. And I'm on a boat at the fork to the left, are rapids, rocks and eddies scattered about. To the right, it's smooth, slow current. No main sail was necessary. If I choose to the left, I have great chance of losing my bounty with no time to evaluate my life decisions. To the right, however, I can sun on the deck and contemplate. Where has life taken me? In the end, I will have rations of plenty and a new mantra. I am happy on this day in my life. That concludes my report.

President of Council, Mr. Asbach- Just to clarify Mr. Paul, everything for the hazardous waste collection, everything needs to be taken to the Service Department garage, correct?

Safety and Service Director, Mr. Paul- Yes, that is correct.

Tax Administrator, Ms. Helmes- August 2023 end of month receipts

- Tax collections for August 2023: \$556,304.
- August 2023 is up 54.34% from August 2022.
- Delinquent tax collected with Capital Recovery: \$975.79
- Delinquent tax collected with the Ohio Attorney General's Office: \$12,541.72.
- January-August 2023 tax collections: 7,011,538.00

Due to the passage of House Bill 33 in July, I will need to make mandatory State law changes to the St. Bernard tax code. The ordinance will need to be passed before Jan. 1, 2024. I will have an ordinance ready by the Nov. COW mtg. That concludes my report.

REPORTS OF STANDING COMMITTEE

Finance, Mr. Tobergte- Final reminder, next Thursday, October 5th will be Meet the Candidate night at 6:30pm. ICRC will be televising. That concludes my report.

Safety, Mr. Brickweg- Tonight I have the August Fire Department report. As far as fire incidents go, there were seven structure fires, zero other fires, three vehicle fires, 6 auto accidents, one hazmat incident, 3 service calls, 10 fire alarms, one Co alarms and EMS Assist 15 for a total of 46 incidents. As far as mutual aid, given Norwood 4, Elmwood Place 3, Lockland 2, Woodlawn 2, Cincinnati 1, Deer Park 1. Mutual aid received under fire was Norwood one Reading 1, Wyoming one, Lockland one, Springfield Township one. As far as the EMS runs go, the software was down when it was when the Fire Chief was preparing this report, so there's nothing to report. I do like to report that all units toward BASF and Emery oleochemicals, all fire inspectors attended, required refresher training. Sampler Fire Department hosted Hazardous Materials Incident Command course taught by the Ohio Fire Academy, funded through the Hamilton County Local Emergency Planning Commission. This class was attended by 24 firefighters from several different departments. That concludes my report.

Service, Ms. Hausfeld- Tonight I have the July waste fee collection report. There were 25,453 and 17 cents remitted to the village. And then also I have the service department report for August 2023, there were 31 trucks placed at residence, 24 dumpsters placed at residence, 165 special pickups at residence 180.29 tons of garbage taken to the landfill. There were 2 yard waste, dumpsters, 30 yards, six roll offs, 30 yards. And as far as the recycling report, there are 25.82 tons of recycling material, 6400 pounds of scrap metal and six tires. And that concludes my report.

Public Improvements, Mr. Bob Culbertson- No report.

Laws, Contracts and Claims, Ms. Bedinghaus- The Laws, Contracts and Claims Committee recommends the passage of Ordinance 31 2023 amending the Saint Bernard codified ordinances, Chapter 923, Waste Collection and Recycling. There have been concerns raised about waste, garbage, refuse, and debris being placed near or at the curb for collection outside of time frames provided for in the current version and often lingering for days until the next regularly scheduled collection date. It becomes unsightly, unsanitary, and creating a nuisance. This ordinance amends certain sections within Chapter 923 that will strengthen its ability to respond to such violations in a timely and effective manner, particularly where there are repeated violations. This ordinance also brings the section of Chapter 923 relating to the collection of recyclable material in line with the current list of items accepted for recyclable items by the village vendor, Rumpke Recycling. One of the biggest changes is in section 923.12, Waste and refuse removal. The Village Police Department is authorized to cause a notice of violation or ticket to be issued in the amount as set forth in section 923.12(e) and to direct the removal of the garbage or refuse in compliance with the chapter. I encourage all citizens to take the time to read through this ordinance. There will be a Laws, Contracts and Claims committee meeting on 10/12 at 5:30 PM in Council Chambers prior to the committee of the whole meeting. The topic will be short- and long-term rentals. That concludes my report.

Marketing, Mr. Ray Culbertson- On Friday, October 6th, there's a concert in the Pavilion. The group Tone Yard will be performing from 7:00 to 11:00 PM. Bring your own drinks and enjoy a free grill on Sunday, October 8th, The return of the Fresh Market. That market will take place from 11:00 AM to 2:00 PM in the pavilion. And then lastly, don't forget that Halloween Camp out is on Friday, October 13th and Saturday, October 14th, the Lower Ross Park. The Trick or

Treat event will take place on Saturday, October 14th at 7:00 PM and all are invited to Trick or Treat. Lastly, I'd like to thank Mr. Tobergte for putting on his best tie tonight. That concludes my report.

Business and Industry, Mr. Schildmeyer- I've got an update from Alloy Development, who reviews property tax incentives through the Village of Saint Bernard for companies within the Village of Saint Bernard. They have reported that Emery Chemicals exceeded their goals for their expansion project. They're the largest manufacturer of oleochemicals in North America and they expanded their manufacture ability in 2012. They were able to get their tax credits because they've added their real property investment actually in 23.6 and they're probably. They also exceeded their personal property and the goal of 3,000,000 by achieving a \$5 million in investments. They have exceeded their job creation retention goal of 35 FT's and 248 FT respectively. They've created 37 full time employees and retained all 248. That concludes my report.

RESOLUTION NO 3, 2023

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Resolution 3 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Resolution 3 2023. Motion passes 7-0.

Motion made by Mr. Tobergte, seconded by Mr. Ray Culbertson, to place Resolution 4 2023 on the agenda for tonight's meeting. Motion passes 7-0.

RESOLUTION NO. 4, 2023

A RESOLUTION AUTHORIZING THE VILLAGE OF ST. BERNARD TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARE AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Resolution 4 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Resolution 4 2023. Motion passes 7-0.

ORDINANCE NO. 28, 2023

AUTHORIZING AND DIRECTING THE AUDITOR TO PROVIDE ADDITIONAL APPROPRIATIONS AND DECLARING AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 28 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Ordinance 28 2023. Motion passes 7-0.

ORDINANCE 29 2023

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH WYOMING AIR FOR HVAC REPLACEMENT AT CITY HALL AND DECLARING AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 29 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Ordinance 29 2023. Motion passes 7-0.

ORDINANCE NO. 30, 2023

AN ORDINANCE AMENDING SECTION 123.01(b) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF ST. BERNARD, OHIO AND DECLARING AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 30 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to adopt Ordinance 30 2023. Motion passes 7-0.

ORDINANCE NO. 31, 2023

AMENDING THE ST. BERNARD CODIFIED ORDINANCES CHAPTER 923, WASTE COLLECTION AND RECYCLING, AND DECLARING AN EMERGENCY

Council Member, Mr. Tobergte- With the leaves not being out on the curb, if you don't have enough room between the street and the sidewalk, can you put them in your front yard?

Safety and Service Director, Mr. Paul- I was wondering how this would be best addressed. It is easiest for our leave vac to pick them up on a solid surface. But it is hard to teach the people of the village that this is seasonal. We usually run from mid-October until December the 1st. If it is a big pile, the bigger piles will stay there. If they have a small pile and it rains, the small piles get

washed away to the sewers. We ask that you bag/can your leaves if you have a smaller pile. Keep in mind that we are not allowed on private property so we can't rake them out to the curb.

Council Member, Mr. Tobergte- I know some houses have huge trees, there is no way you can get them piled up in between the curb and the sidewalk. What are you supposed to do then? Put a little bit out each time? What if you have more leaves that do not fit between the curb and the sidewalk?

Safety and Service Director, Mr. Paul- If it is seasonal, the leave vac will be there. Once they see a big pile of leaves, they go and get them. You would need to put them to the street because you cannot block the sidewalk. But a big pile like that will not get washed away into the sewers. It is a dilemma. But people with the big piles try to get them as close to the grass as possible even if they are in the street. We will vacuum them up. The problem is the people with the small little, tiny piles. Those are getting washed away.

Council Member, Mr. Tobergte- I don't think you are understanding my question. There are some people with big oak trees in their yard. They can stack them in between the curb and the sidewalk, 6 foot high, but they will not all fit. What are they supposed to do?

Safety and Service Director, Mr. Paul- Stack them 6 feet tall if they won't fit. We send the vacuum out every day. If there is a big pile of leaves, they will find it and vacuum it.

Council Member, Mr. Tobergte- Back on the last page, 923.13, scavenging prohibited. There has been a lot of concern about the dumpsters behind the shopping center. There are some dumpster divers going on there. It says, for collection by the Service Department, but those are private dumpsters. Do the same rules apply?

Law Director, Ms. Van Valkenburg- We did not make a change to 923.13. That is the original language. That is not being collected at the street, curb or ally way for the Service Department. I am not sure of their arrangements for collection if it is a private dumpster. If it is a private dumpster, it is not really our issue. This does not address that. If it is private, it would be on the owner to call the police and complain about trespassing.

Greg Blair, 111 Albert Street- About the verge thing, it would work. A lot of people do not have a verge, like most of the people on Delmar. Most people on the west side of Alber do not have a verge. I don't know what wasn't working before, which we have been doing for decades, what was putting them in the curb or gutter. What was not working that this change needs to be made? Can someone explain this to me?

Council Member, Mr. Tobergte- There has been a big push by the sewer district to keep leaves out of the sewers. They are clogging them up. That is the only reason. We have always done the curbs and streets and it worked but now the big push is to stop putting them in the streets.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 31 2023. Motion passes 7-0.

Greg Blair, 111 Albert Street- Well as you mentioned, trying to get the leaves from Albert Street, the 8-inch-deep strip will never work. And if it did, it wouldn't be there long. How do you plan to deal with that? Chris, you know how it is on Albert Street. Most of our leaves come from the house on the corner. Most of us do not have trees in our yard. How is that going to work?

Safety and Service Director, Mr. Paul- I would suggest that you keep doing what you're doing. However, if you have a little pile can them. If your pile is bigger than the can, put them there on the street and they will vacuum them up.

Greg Blair, 111 Albert Street- In the gutter?

Safety and Service Director, Mr. Paul- In the gutter.

Greg Blair, 111 Albert Street- Can we get this ordinance changed before you approve it?

Safety and Service Director, Mr. Paul- That would be up to Valerie. Again, it is a training issue for the public. They do announce that the vacuum is seasonal. We will only vacuum up large piles.

Greg Blair, 111 Albert Street- Can we go back to the former wording?

Safety and Service Director, Mr. Paul- I don't know that it was changed.

Greg Blair, 111 Albert Street- I have a copy of what it said before. I have the draft copy.

Council Member, Ms. Bedinghaus- As far as I know, that verbiage did not change. The word verge was always used in this.

Greg Blair, 111 Albert Street- It did change and no it was not used. I have a copy and I can send it to you if you need it.

Law Director, Ms. Van Valkenburg- Verge, was not used previously. We used that to try and explain what that strip was between the curb and the sidewalk. But the issue came up because the leaves were getting into the sewer.

Greg Blair, 111 Albert Street- We need to remove the wording of verge from this ordinance and reverted back to what it was before because this won't work.

President of Council, Mr. Asbach- Just a suggestion, this is more of a guideline. I don't think anyone would get a ticket over this. There are more places in town where you can fit the leaves on the verge. The takeaway is, if you can fit them in a can or a bag, please do that. If you have more than that, put them in the street and maybe leave a message with the Service Department to let them know and that should fix all the issues. I don't think changing it in the ordinance. I think for the majority of town that's what needs to be because I see it all the time. When they're in the street and it rains, they do blow down the street.

Law Director, Ms. Van Valkenburg- I also have a discussion with the Service Department and asked if there were set times, we might be able to put in like September 15th through December 15th. The takeaway I got was no we can't really do that because it depends on the weather that year.

Greg Blair, 111 Albert Street- I think our neighbors before were actually taking care of their leaves and the leaves in the street. If we can pull those into the gutters, we can help out the Service Department to make sure those are collected also. I would really like to see this verge thing removed from this ordinance and reverted back to what it was before. We can just deal with it as we go like we have been doing for decades. Is there a reason we can't do that because that seems to be what you are suggesting. I do not think it is appropriate to leave that in there.

Council Member, Ms. Bedinghaus- Mr. Paul, I am going to refer back to you in this ordinance, in what you would like to see as far as the verbiage for that?

Safety and Service Director, Mr. Paul- I believe the word verge has created the problem. We all know what the problem is. It's the little pile of leaves. We announce all the time, please bag or can your small piles of leaves and put the big pile out to the curb is what we always used. I don't know if it would be a big deal to take it out of there.

Council Member, Mr. Schildmeyer- Valerie, do you remember what was? What was the catalyst for changing that to begin with?

Law Director, Ms. Van Valkenburg- It was my understanding that the concern was the leaves blocking the sewers causing other problems there.

Greg Blair, 111 Albert Street- Is there a way to have the Service Department look at those things and the piles somewhere since we do have trash pickups twice a week? Right now I know there is a small pile right across the street from me on the corner.

Safety and Service Director, Mr. Paul- Again, the vacuum is seasonal, however, the street sweeper, I know it's hard on Albert because of all the vehicles parked there, but this street sweeper gets a lot of that. I try to protect the sewers on my street by sweeping up the leaves and acorns but that is because I am aware. We don't want those things going down the sewers. It is also illegal to blow grass into the street.

Greg Blair, 111 Albert Street- Well most of our gutters are at the very end of the street. The middle of the street doesn't have gutters to block. I don't know about the other end of Albert, but we have huge trees on our end down by Zetta. They always have huge piles and would never be able to fit their piles on the verge. They would be in the street. We are all very concerned about this and we do not like the verbiage in this. It is not correct. If we could please change it before you vote on it, I would appreciate it.

Council Member, Ms. Bedinghaus- As the Laws and Contracts and Claims Committee, I would be willing to take this off the table and we could correct that verbiage and then we could discuss

it again at committee a whole and then have a special meeting after committee call on the 12th for the passage.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to withdraw and/or suspend the 2nd and 3rd reading of Ordinance 31 2023 to amend the ordinance and vote in a special meeting after the next COW. Motion passes 7-0.

ORDINANCE NO. 32, 2023

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH AMERICAN ROOFING AND METAL FOR ROOF REPLACEMENT AT VINE STREET PAVILION AND DECLARING AN EMERGENCY.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to suspend with the 2nd and 3rd reading of Ordinance 32 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Mr. Ray Culbertson, to adopt Ordinance 32 2023. Motion passes 7-0.

Motion made by Ms. Bedinghaus, seconded by Ms. Hausfeld, to have a special council meeting on October 12th at 7:30pm. Motion passes 7-0.

Next Committee of the Whole meeting will be Thursday, October 12th at 7:00pm in Council Chambers.

Motion made by Mr. Tobergte, seconded by Ms. Bedinghaus, to adjourn the meeting. Motion passes 7-0.

Meeting is adjourned.