

**ST. BERNARD CITY COUNCIL INAUGURAL MEETING
JANUARY 1, 2006**

The Inaugural Meeting of the St. Bernard City Council was held Sunday, January 1, 2006.

President of Council, Mr. Curtis Walden- Introduced Rev. Bruno Kemp, Pastor of St. Clement Church. Rev. Bruno Kemp gave the Invocation to open the meeting.

The meeting was then opened by the Pledge of Allegiance to the Flag and the singing of the National Anthem led by Mr. Ron Miller.

Roll called showed that six members were present: Mrs. Howell, Mr. Asbach, Mr. Wilson, Mr. Burkhardt, Mrs. Brickweg, Mr. Zix.

Mr. Walden – We will move first to the election of Clerk of Council Pro Tem, I will take a nomination to so elect.

Mr. Burkhardt – I make a motion to elect Sue Kathman as Clerk of Council Pro Tem.

Mr. Wilson seconded the motion.

Motion by Mr. Zix, seconded by Mrs. Howell to close the nominations.

Motion by Mr. Wilson, seconded by Mrs. Brickweg to elect Sue Kathman as Clerk of Council Pro Tem. Motion passed 6-0.

Mr. Walden – The Mayor would like to make a brief announcement.

Mayor Estep – I would just like to have a moment of silence for Mrs. Barbara Fitzpatrick Carter who passed away last night. She is the wife of long time firefighter Joe Carter and the mother of Katie Kempe and other siblings.

Motion by Mr. Burkhardt, seconded by Mr. Asbach to suspend with the regular order of business for the balance of the meeting. Motion passed 6-0.

Mr. Zix – Before we take the oath of office, I would like to make sure that we act pursuant to the law. As everyone is well aware, Mr. Hausfeld is currently an employee of the City as a firefighter and therefore pursuant to our Charter, a Council member “**shall not hold any other public office or employment with the municipality. A Council member who ceases to possess.... these qualifications shall forfeit his or her office.**” Therefore there is a question as to the qualification of Mr. Hausfeld to hold office and also as to whether it would be legal for Judge Marsh to swear in a person to office who fails to meet the legal qualification to be sworn in.

Pursuant to Ohio Revised Code **Sec. 731.44. The legislative authority of a municipal corporation shall be the judge of the election and qualification of its members.**

As Council, we should not put Judge Marsh on the spot and in a position to do something that may be improper or illegal. Therefore, we, as Council, should address the qualification of Mr. Hausfeld pursuant to Section 731.44 prior to Mr. Hausfeld being sworn in.

However before we begin to judge the qualification of Mr. Hausfeld to sit as a member of Council, I believe that we need to be properly sworn in so that we may be able to act officially. I don't believe that we have any authority to act as required by Section 731.44 of the Ohio Revised Code until we are properly sworn in.

Therefore, I am going to make a motion to have the remaining six members of Council sworn first, then we can properly discuss and determine the qualification of Mr. Hausfeld and if we agree that he is qualified then we can have him sworn in. I move that the six members of Council, excluding Mr. Hausfeld, be sworn in at this time.

Mr. Burkhardt – I second that motion. Motion passed 6-0.

Mayor Estep introduced Judge Marsh who then gave her inaugural address.

Judge Marsh administered the oath of office to the newly elected six members of Council: Mrs. Howell, Mr. Asbach, Mr. Wilson, Mr. Burkhardt, Mrs. Brickweg, Mr. Zix and Mr. Walden as President of Council.

Motion by Mr. Burkhardt, seconded by Mr. Asbach, to elect Sue Kathman permanent Clerk of Council. Motion passed 6-0.

Judge Marsh administered the oath of office to Sue Kathman as Clerk of Council and to Mr. Tom Kathman as Treasurer.

Mr. Zix – At this time I would like to make a motion to determine representative status of First Ward Council position. Therefore since Mr. Hausfeld is still an employee of the City, I make a motion to declare that Mr. Hausfeld has ceased to possess the qualification to hold office as Council representative of the First Ward and declare the seat vacant for representation of the First Ward.

Mr. Asbach – I second that motion.

REMARKS

Mrs. Brickweg – First of all, I find it amazing how some on Council are not even informed of this. Mr. Zix you even had time to prepare a speech. I was home laying in bed all week and not one phone call but apparently the City has been working very hard on this matter. Not a good way to start off the new year when we're not even informed at all on Council. My second question is, I would like to know Eddie Geiser's opinion on this and if Judge Marsh has been asked if she said she does not want to swear him in? I'm hearing a lot of assumptions and I would like to hear them answer the question.

Mr. Geiser – First of all I want to apologize Judge Marsh, I've been here for fourteen years, this is the first time I've ever actually had to say anything at this meeting. This meeting has always been ceremonial, it's always been a celebration of the change in office. As many of you know, if any of you don't know, we had an unusual situation in St. Bernard this year where a member who ran for public office was not an employee of the City, he was laid off at the time, was put back into his position as an employee of the City early in December, late November. At that point, Council asked me to approach Mr. Hausfeld to ask him what his plans were. Whether he was going to take office or he was going to resign from his position. He refused to talk to me at the time, would not talk to me said he was going to talk to his lawyer. At that point, the City on behalf of the Mayor and the Safety Director sent a letter to Mr. Hausfeld so this has not been something we've been sitting here waiting until January 1. The City has been acting on it. I know you're head Mrs. Brickweg and if you want me to I'll read the letter.

On January 1, 2006 the newly elected Council members will be sworn in to sit for the years 2006 and 2007. In order to make plans for a smooth transition of power as well as maintaining the current staffing levels within the Fire Dept., the City needs to prepare for any changes. As Council elect for the First Ward, the City needs to know your plans as to whether you are intending to remain in the classified Civil Service with the Fire Dept. or accept the elected position to City Council.

The qualifications for holding office on City Council are set forth in the Charter, that is **Section 2.04, where it provides that Council members shall not hold any other public office or employment within the municipality. A Council member who ceases to possess these qualifications shall forfeit his or her office.** That is in our Charter.

If you are intending to resign your position as firefighter and take the seat on Council, we would like to know so we can begin the process to fill the vacant position in the Fire Dept. and maintain the current staffing levels. If you are intending to remain with the Fire Dept. we will forward this information to City Council so that they may make plans to then fill the vacancy for the 2006 Council and properly prepare for the January 1st Inauguration Day ceremony.

Please respond in writing what your plans on or before December 16, 2005.

That was never responded to, only with the indication that Mr. Hausfeld was going to talk to his lawyer. I know the members of Council elect met a couple of days or a week ago with Mr. Hausfeld, asking again what his intentions are, what his plans were, again he said he was going to talk with his lawyer but he would let them know by Friday which was this Friday. At that point, as far as I am aware, nobody else was told what his plans were, as far as I know today he still had not indicated that he was going to accept or deny the position. That leaves Council in the predicament that they have a vacant seat. Ohio law is very clear, it's a duplicate of our Charter, a member of Council may not hold employment with the municipality, it's as clear as that. **A Council member who ceases to possess any of these qualifications shall forfeit his or her office.** As far as I'm aware of, at this time Mr. Hausfeld is still an employee of this City, Mr. St. Clair or the

Mayor can confirm that unless we've got a resignation letter, it is my understanding, he is still a member of the classified civil service. Ohio Law also takes into consideration that it is up to Council to determine the qualifications of its members and I think that is what Mr. Zix is quoting in his presentation. It is up to Council to determine is a member has the qualifications to sit on Council. So it is up to you to determine whether he is qualified right now to take that seat. As an employee of the City the answer should be very simple. Let me remind each of you, this is an issue that is just I find somewhat hard to take. Each member just stood and took an **Oath of Office**. It is in our Constitution, the Ohio Constitution, that you are sworn to uphold the Constitution in the State of Ohio. That's also reflected in Section 733.68, the qualifications of municipal offices. You are all sworn to uphold our Charter and our Laws. It is very simple, I know Judge Marsh sees this everyday in Court, we take our Oath very seriously, we swear to tell the truth and Judge Marsh decides on that issue everyday. You have been sworn to uphold the Laws of St. Bernard, our Charter is like the Constitution of the United States to our Country, and the Constitution of Ohio to the State. This is our Charter, it's very simple, you each have a copy of it, you've known this was coming, it is up to you to make the decision.

Mrs. Brickweg – Mr. Geiser, did everybody on Council get a copy of that letter that was sent to Bob? I know you're saying we were all informed but I never got a copy of it so I don't know how I would have been informed.

Mr. Geiser – If anybody requested a copy, you are welcome to have a copy, I did not specifically get everybody a copy. The copy actually came from the Mayor or Mr. Stuchell to Mr. Hausfeld.

Mrs. Brickweg – That's what I'm trying to tell you, how would I be informed if nobody informed me? You indicated I was informed, I know Bobby talked at a Council meeting, but apparently a lot has been discussed in the last week and no, I was not informed. May I ask Ed a couple more questions?

Mr. Walden – The new rules of Council, which you helped author, state that each person can address Council twice on any motion. If you have a wrap up question Mrs. Brickweg, I can let you proceed.

Mrs. Brickweg – I'm going to ask them together since I'm only allowed to talk one more time. The one question I did have is since Mr. Hausfeld said he has been talking to an attorney and our City tends to have a hard time winning law suits, would it be a problem if we waited one week to hear from him. I don't know how that works with our laws. What would be to wait one week because I see right in the agenda, we've already been assuming who is going to be in his position and the person that came within the second amount of votes is not even being considered. Would it hurt to hold it to wait one more week or are we not allowed to do that?

Mr. Geiser – The decision to whether you wait a week is up to Council, that's your decision and maybe after I'm finished speaking here, Mr. Estep or Mr. St. Clair can give us the status of Mr. Hausfeld's employment with the City, if that is going to change. Whether that status is going to change, I don't think it's going to make a difference whether you wait a week or not.

The seat is vacant, people of the First Ward are entitled to representation. The other issue I just want to briefly bring up, this is not the first time this has happened in this City. Everyone thinks that this is the first time and this is an unusual situation. People who have either been on Council and had to step down because they accepted a job with the City or have been visa versa, took a Council position. There are quite a few. Barb Siegel was a Dial-a-Ride driver, she had to step down from her position to take a seat on Council. Curtis Walden was the juvenile court referee, he had to resign from that position to take a seat on Council. Bill Reholz also, Gerry Weidmann, who is present here today also and Carol Ungruhe. This is not the first time this has happened. If you want to wait a week, that is strictly up to Council to make a decision whether they want to wait a week or go forward right now.

Mr. Zix – I realize, Peggy, that you did have emergency surgery and we did have a meeting on Monday to talk and Mrs. Howell and Mr. Hausfeld and Glenn couldn't make it, but we did discuss some of these issues.

Mrs. Brickweg – I do have a telephone.

Mr. Walden – We do have a motion on the floor currently to declare the seat for the First Ward Council position vacant.

Motion to declare the seat for the First Ward Council position vacant passed 4-0. Mrs. Howell and Mrs. Brickweg abstaining.

Mr. Walden – I will now accept a motion to nomination for someone to fill the vacant seat.

Mr. Burkhardt – I nominate Mr. Kevin Meier of Andalus Ct. to fill the vacant seat for First Ward Councilman.

Mr. Asbach – I second that motion.

Mr. Walden - Motion by Mr. Burkhardt, seconded by Mr. Asbach to nominate Kevin Meier to fill the vacant seat. Are there any other nominations?

Mrs. Brickweg – I would like to nominate Jeff Edwards for the Council seat of Ward One.

Mr. Walden – Is there a second? Since there is no second I will accept a motion to close nominations.

Motion by Mr. Zix, seconded by Mr. Asbach to close nomination. Motion passed 4-2. Mrs. Howell and Mrs. Brickweg voting no.

Motion by Mr. Wilson, seconded by Mr. Burkhardt to elect Kevin Meier as Councilman for First Ward. Motion passed 5-1. Mrs. Brickweg voting no.

Mr. Walden – Mr. Meier if you could please come forward and receive the Oath of Office.

Judge Marsh administered the Oath of Office to Mr. Kevin Meier.

Mr. Walden – I would like to, on behalf of myself and Council, take a moment to acknowledge Mr. Hausfeld and the long campaign that he fought and the election that he won to be First Ward Council. We appreciate his efforts and we acknowledge the fact that he did win that campaign. He was placed in a very difficult position and we appreciate his cooperation here today. So if you would like to acknowledge him.
We will now move to the Mayor's address, Mr. Estep.

Mr. Estep – I apologize to Eddie, but I think I got the OK to make that comment out there before the meeting and I apologize to Judge Marsh for having her sit through this, but she's been through tougher situations and again thank you for coming today.

The past two years have been a challenge but we got through it. We go through it because everybody worked together. We didn't always agree, and that's fine to disagree. There were tough decisions to make. I wanted to thank the previous elected officials who served the past two years and worked along with the administration and I look forward to working with the new elected officials. There is too much a stake to give up and life's too short to come to a meeting every other Thursday and look for fights. I think we can turn the page and I hope we put a lot of this behind us. I anticipate that the team work is going to get us through the next two years and I know the people who got elected, newly elected or were on here before and got reelected, I know you have the qualifications and I have a lot of faith that you will all do a good job. The people that were with us the past two years again, I appreciate the team work everybody has shown. Sometimes it's not just a political party, you have to do and talk and maybe side with, but I think a lot of us during the past two years have been able to be big enough to put some of those other issues aside and do what's best for the City. It hasn't been easy. Some of these obstacles that we're going to face, we're going to get through them, which I'm sure there will be but we have to keep them in perspective and remind us that they are small in the big picture of life. That's the only thing that will get us through this and I think we all expect that and I think our citizens deserve this. We have a lot to be offered in the future and again, too much to give up. Again, I want to thank the people who have served and I appreciate the people who did run along with Bob and everybody who puts forth that effort tells me that you are here to do what's best for this City.

Mr. Walden – At this time I will accept a motion to elect the President of Council Pro Tem.

Mr. Asbach – I make a motion to nominate Bill Burkhardt as President of Council Pro Tem.

Mrs. Brickweg – I will second that.

Mr. Walden- I have a motion by Mr. Asbach, seconded by Mrs. Brickweg to elect Mr. Burkhardt as President of Council Pro Tem. Do we have any other nominations? If not I'll accept a nomination to close nominations.

Mrs. Howell – I make a motion to close nominations.

Mr. Asbach – I'll second that.

Motion by Mrs. Howell, seconded by Mr. Asbach to close nominations.
Motion passed 7-0.

Motion by Mr. Zix, seconded by Mr. Wilson to elect Mr. Burkhardt
President of Council Pro Tem. Motion passed 6-0. Mr. Burkhardt
abstained.

Mr. Walden – We will now have the report on the committee on committees
by Mr. Burkhardt.

Mr. Burkhardt – The Committees for the next two years will be as follows:

BUSINESS AND INDUSTRY	GLENN WILSON, CHAIR Peggy Brickweg Kevin Meier
PUBLIC IMPROVEMENTS	STEVE ASBACH, CHAIR Patty Howell Kevin
SERVICE	KEVIN MEIER, CHAIR Steve Asbach Glenn Wilson
SAFETY	BILL BURKHARDT, CHAIR Patty Howell Greg Zix
FINANCE	GREG ZIX, CHAIR Steve Asbach Glenn Wilson
LAWS, CONTRACTS & CLAIMS	PATTY HOWELL, CHAIR Bill Burkhardt Peggy Brickweg
HIGHWAY & TRANSPORTATION	PEGGY BRICKWEG, CHAIR Bill Burkhardt Greg Zix

A copy has been given to the Clerk

Mrs. Howell – I just have one thing to say. I will accept the Laws, Contracts
& Claims Chair but Eddie since I am not a lawyer, I will need a lot of your
help, just to let you know publicly that I will need your help on that.

Mr. Gieser – That's fine, I have always been there to help so I will be there.

Motion by Mrs. Howell, seconded by Mrs. Brickweg to receive and file the
report. Motion passed 7-0.

Motion by Mr. Burkhardt, seconded by Mr. Meier to set the date and time of the regular Council meetings as the first and third Thursday of each month at 7:30p.m. Motion passed 7-0.

Mr. Burkhardt – The next Council meeting will be held on January 5, 2006, at 7:30 p.m.

Fr. Brunno Kemp gave the Benediction to the assembly.

Mr. Ron Miller led the assembly in the singing of God Bless America.

Mr. Burkhardt – The next COW meeting will be January 12 at 7:30p.m.

Motion by Mr. Asbach, seconded by Mr. Meier to adjourn. Motion passed 7-0.