

**MINUTES OF THE SPECIAL MEETING
AMBERLEY VILLAGE COUNCIL
TUESDAY, JANUARY 29, 2013**

The Council of Amberley Village, Ohio met in a special session at the Amberley Municipal Building, 7149 Ridge Road on Tuesday, January 29, 2013 at 4:00 P.M. Mayor J.K. Byar called the meeting to order. The following roll call was taken:

PRESENT:

Richard Bardach
J.K. Byar
Bill Doering
Ed Hattenbach
Tom Muething
Natalie Wolf

ALSO PRESENT:

Scot Lahrmer, Village Manager
Kevin Frank, Village Solicitor
Nicole Browder, Clerk of Council

EXCUSED:

Ray Warren

Mayor Byar welcomed everyone to the special meeting of the Amberley Village Council and led those in attendance through the pledge of allegiance.

Mr. Lahrmer introduced and acknowledged the attendance of Sycamore Township Administrator Bruce Raabe and Greg Bickford, the Planning & Zoning Director and Assistant Administrator.

Mr. Lahrmer announced that the purpose of the meeting was to conduct a public hearing regarding proposed Ordinance 2013-03, Ordinance Approving a Joint Economic Development Zone and Authorizing the Manager to Execute a Contract with Sycamore Township for the Creation and Operation of Such Zone. He noted Sycamore Township approached Amberley Village late last year to see if the Village was interested in partnering on a Joint Economic Development Zone (JEDZ). This agreement would allow the township to create a economic development zone whereby the township would be able to use the Village's earnings tax authority in exchange for providing enhanced services. The Village would receive additional revenue for collecting the tax and a percentage of the earnings tax collected within the JEDZ.

The Village would be designated the Southwest District (51 acres) of the four quadrants in the Kenwood business area. Both communities would financially benefit from this arrangement. The terms of the agreement have been drafted. The reason for this arrangement is in response to the elimination of the inheritance tax and the rollback of the Local Government Fund. Sycamore Township will be losing 3 million dollars of revenue as a result of the state cuts.

The latest contract draft is a 40 year agreement that includes three 10-year term renewals, a provision if the entities are not satisfied that it can be modified, and a termination clause with a two-year notification process.

The general terms of the agreement are as follows:

- Amberley is responsible to collect and distribute of revenue;
- Revenue distribution is 90% to Sycamore Township and 10% to Amberley Village;
- Amberley will be compensated 2% for servicing the funds or actual cost of collection, whichever is greater and reasonable;
- Sycamore and Amberley agree to facilitate economic development.

Mr. Lahrmer explained the next step in the process is to conduct the public hearing and receive input. Then council can consider action on the ordinance. He noted that the council could choose to waive the reading requirements or consider holding a special council meeting on February 4. There is a deadline to file the appropriate enacting documents with the Board of Elections by February 6.

Mayor Byar opened the public hearing at 4:14 p.m. and asked for interested speakers present.

Mr. Jim Willis, resident on Burning Tree Lane, asked if Jewish Hospital was in the Village's zone. Mr. Lahrmer clarified that it is located in the Northwest District and taxing rate would be .75% throughout all quadrants.

Solicitor Kevin Frank commented that over the last 30 days there have been discussions with Sycamore Township regarding proposed changes to the draft contract and he briefed those in attendance of those changes:

- Dates changed to 2013;
- Section 5: amended termination provision;
- Page 3, Section 6: services offered; added language to further define what Amberley is providing; good faith effort for dispatching contract;
- Board of Directors was structured to manage the JEDZ
- Section 8: changed 15 to 30 days
Page 6, Section 8: amended board subject to open meetings requests, purchasing liability insurance, and legal counsel
- Section 9: effective date October 1, 2013
Township has the authority to adjust rate if too much money is received and elect to refund
Section 9, E: 2% administration cost
Section 9, F: the revenue can be placed in the general fund for general use
- Section 9, G: Deleted references to exhibit
Section 9, H: Pass through entities – deleted
- Section 11, Page 10: change word order
Section 13: first paragraph is the same the rest modified to require the board be responsible for debts and liability. Amberley is responsible for 10% of any such costs in the worst case scenario.
- Section 19: provision added to allow for contract to be changed.

Mayor Byar asked if there were any other questions or persons wishing to speak. There being none, he closed the public hearing at 4:32 p.m.

Mayor Byar presented and read Ordinance 2013-03, Ordinance Approving a Joint Economic Development Zone and Authorizing the Manager to Execute a Contract with Sycamore Township for the Creation and Operation of Such Zone.

Mr. Muething moved to waive the second and third readings of Ordinance 2013-03. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Doering moved to approve Ordinance 2013-03, seconded by Mr. Muething.

Mayor Byar asked council if there was any discussion.

Mr. Doering inquired as to the Village's costs involved and if it was enough to cover our expenses. Mr. Lahrmer noted that the Village does not incur any additional outlay since it already has a tax office. There was additional discussion regarding implementation.

The motion to approve Ordinance 2013-03 carried unanimously.

Mr. Hattenbach moved to pass Ordinance 2013-03 as an emergency measure in response to the 90-day deadline with the Board of Elections to place this issue on the May 7, 2013 ballot. Seconded by Mr. Muething and the motion carried unanimously.

There being no further business, Mayor Byar adjourned the meeting.

Nicole Browder, Clerk of Council

Mayor J.K. Byar