

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, JANUARY 11, 2016**

The Council of Amberley Village, Ohio met in regular session at the Amberley Village Municipal Building, 7149 Ridge Road on Monday, January 11, 2016 at 6:30 p.m. Mr. Muething called the meeting to order. The following roll call was taken:

PRESENT:

Richard Bardach
Peg Conway
Ed Hattenbach
Thomas C. Muething
Ray Warren
Natalie Wolf

ALSO PRESENT:

Scot Lahrmer, Village Manager
Nicole Browder, Clerk of Council
Kevin Frank, Village Solicitor
Chief Rich Wallace, Police/Fire Department
Rick Kay, Village Treasurer

Mr. Muething welcomed everyone to the meeting of the Amberley Village Council. He then led those in attendance through the pledge of allegiance.

MINUTES

Mayor Muething presented the minutes of the December 14, 2015 regular meeting. Mayor Muething asked if there were any additions or corrections to the minutes as distributed. There being none, he stated the minutes were accepted as submitted.

FINANCE REPORT

Village Manager Scot Lahrmer presented the November, 2015, Finance Report (a copy of which is attached hereto). Mr. Lahrmer reported a summary of this report and noted tax collections for the month of November totaled \$186,727. The total general fund revenue for the month of November was \$254,305 while expenses equaled \$186,268. At the end of November, the unencumbered General Fund balance was \$4,506,524. The report was accepted as submitted.

RECOGNITION OF SERVICE

Mayor Muething commented that at last month's council meeting Council Member Bill Doering submitted his resignation due to a conflict between the Ohio Public Employees Retirement System and the Affordable Care Act. Mayor Muething stated that Mr. Doering was elected 3 times and served four years on council. Mr. Doering attended in excess of 225 committee meetings and over 50 council meetings. Mayor Muething stated that Mr. Doering also regularly attends the meetings of the Planning Commission/Board of Zoning Appeals, and Mayor's Court sessions. Mayor Muething thanked Mr. Doering for his service and presented him with a plaque from Village Council.

FINANCE COMMITTEE

Mr. Hattenbach presented, read and moved to approve Ordinance 2016-1, Ordinance Amending Appropriations for the Fiscal Year 2016. Seconded by Mrs. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mr. Hattenbach presented, read and moved to approve Resolution 2016-1, Resolution Authorizing the Village Manager to Enter into a Memorandum of Agreement with Charles E. Harris & Associates, Inc. and Dave Yost, the Auditor of the State of Ohio for Required Audits for Fiscal Periods from January 1, 2014 through December 31, 2019. Seconded by Mrs. Conway and the motion carried unanimously. Mr. Hattenbach noted that the Village is required to receive an audit every two years and that this pricing was quoted with a larger group to receive a lower price.

Mr. Hattenbach presented, read and moved to approve Resolution 2016-2, Resolution to Authorize Transfer of Unclaimed Monies to the #9101 Unclaimed Monies Agency Fund. Seconded by Mrs. Conway and the motion carried unanimously. Mr. Hattenbach stated that the Village has issued checks that have not been cashed. The outstanding checks are placed in the unclaimed agency fund for a period of five years.

POLICE/FIRE COMMITTEE

Mrs. Conway reported the committee met to consider purchase requests. Items reviewed were important protective equipment for the fire department. She stated that current self-contained breathing apparatus purchased in 1999, and the compressor and filling station equipment from 1983 were outdated and failed inspections. The cost in total is approximately \$173,000. Staff, in October 2015, pursued and was awarded a grant from the Federal Emergency Management Agency (FEMA) to offset the costs. A bidding process occurred and the Village received a bid from Vogelpohl Fire Equipment in the amount of \$130,070 for the self-contained breathing apparatus and \$42,500 for the compressor and filling station.

Mrs. Conway moved to approve Resolution 2016-3, Resolution Authorizing the Village Manager to Purchase Self Contained Breathing Apparatus for the Fire Department. Seconded by Mr. Hattenbach the motion carried unanimously.

Mrs. Conway moved to approve Resolution 2016-4, Resolution Authorizing the Village Manager to Purchase Air Compressor and Filling Station. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mrs. Conway reported that the committee also reviewed the purchase of two new police cruisers as part of the department's fleet rotation process. Four vehicles will be traded-in. The cruisers will be purchased under state contract from Statewide Ford in the amount of \$27,677 each. Mrs. Conway moved to approve Resolution 2016-5, Resolution Authorizing the Village Manager to Enter into a Contract to Purchase Two New Police Cruisers under the State of **Ohio Contract**. Seconded by Ms. Wolf and the motion carried unanimously.

STREETS COMMITTEE

As the new Chair of the Streets Committee, Mr. Warren recognized Bill Doering for his service as Chair of the committee and thanked him for his diligent and admirable work.

Mr. Warren reported that the committee met and discussed replacements of maintenance vehicles due to the aging equipment. He stated the committee recommended adoption of Resolution 2016-6, 7, 8 and 9 authorizing the purchase of two 2016 GMC 3500 Crew Cab single axle pick-up trucks and a 2016 GMC Double Cab 1500 pick-up truck and two snow plows, and Ordinance 2016-2 authorizing the village manager to dispose of certain vehicles.

Mr. Warren presented, read and moved to approve Resolution 2016-6, Resolution Authorizing the Village Manager to Purchase Two Pickup Trucks from Bob Ross Auto Group. Seconded by Mrs. Conway and the motion carried unanimously.

Mr. Warren presented, read and moved to approve Resolution 2016-7, Resolution Authorizing the Village Manager to Purchase a Pick-Up Truck from Buick GMC of Beachwood. Seconded by Mrs. Conway and the motion carried unanimously.

Mr. Warren presented, read and moved to approve Resolution 2016-8, Resolution Authorizing the Village Manager to Purchase Two Snow Plow Mounting Systems. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Warren presented, read and moved to approve Resolution 2016-9, Resolution Authorizing the Village Manager to Purchase Accessories for Maintenance Department Vehicles. Seconded by Mrs. Conway and the motion carried unanimously.

Mr. Warren moved to waive the three readings of Ordinance 2016-2, Ordinance Authorizing the Village Manager to Dispose of Certain Vehicles. Seconded by Mr. Hattenbach and the roll called showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mr. Warren presented, read and moved to approve Ordinance 2016-2, Ordinance Authorizing the Village Manager to Dispose of Certain Vehicles. Seconded by Mr. Hattenbach and the roll called showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mr. Warren moved to pass Ordinance 2016-2 as an emergency measure to ensure that the Village is able to purchase replacement vehicles at a quoted price under the State Purchasing Contract in connection with the Village's trade-in of outdated vehicles at the quoted price, and such quoted prices are not likely to be available without immediate action. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

LAND DEVELOPMENT COMMITTEE

Mayor Muething reported that one of the committee's priorities throughout 2015 was to move forward on development for the Amberley Green property. He stated the committee spent 2014 conducting meetings with market professionals to gain an understanding of the market potential for the property.

In July 2015, the Village sent Request for Letters of Interest across the city and state. Four letters of interest were received. Mayor Muething stated the committee spent the rest of 2015 reviewing the letters. The interested developers were Great Traditions, Dov Limited, Project Planning Consultants and Amberley Development Partners. Public committee meetings were held to review the proposals, and a follow-up question process was also conducted which

included the options for the developers to meet with the Village Manager and Mayor or meet in a public meeting or provide responses by phone.

Mayor Muething commented that during the process the committee remained focused on Village objectives:

- (1) Maximize economic benefit to the Village. He stated the benefit derived would be for the residents and include soft benefits.
- (2) Land use consistent with the needs of the Village.
- (3) Incorporation of green space, buffer areas and open space to accommodate some community use.
- (4) Be sensitive to adjacent single family residential use.
- (5) Improve economic health and sustainability for the Village
- (6) Minimize Village financial contribution
- (7) Amberley will retain ownership of the land at least until the nature of the development is clear.

Mayor Muething stated that the Land Development Committee utilized the objectives in making a recommendation. He noted all four proposals were excellent. He commented that the process going forward will involve discussions with residents and the developer would need to be responsive to those discussions. Two of the teams, Dov Limited and Amberley Development Partners had good resident involvement. He noted the developer will have to be very creative and flexible to accommodate changes to the plan as we go along in the process. The process will not be easy and there are a lot of different interests to try to accommodate.

Mayor Muething reported the committee recommended Amberley Development Partners as the entity to authorize the village manager to enter into negotiations with Amberley Development Partners for a development contract. He stated the agreement will evolve as we move forward. If for some reason the Village cannot move forward with Amberley Development Partners, the committee selected Dov Limited next.

Mayor Muething moved to authorize the Village Manager to enter into negotiations with Amberley Development Partners for a development agreement. Seconded by Ms. Wolf.

Mrs. Conway recused herself from the vote and cited Rob Smyjunas, a member of Amberley Development Partners, is her brother-in-law. She noted she is doing so to avoid any appearance of a potential conflict of interest, although there is not one.

Mr. Bardach inquired if Amberley Development Partners would submit a development bond. Mayor Muething confirmed that a construction bond would be appropriate as we move forward and will be required. Mr. Lahrmer stated that the details of the agreement are still being discussed.

Mr. Bardach inquired as to the interest previously expressed by the Jewish Community Center (JCC) to participate in this process. Mayor Muething commented that the JCC may have interest in doing certain things on the property and any agreement will include the requirement that the developer have conversations with the JCC to evaluate whether or not anything can jointly occur.

Vice Mayor Wolf commented that she has been on the Land Development Committee since the discussions to develop the Amberley Green property began and been very involved in the

meetings. She stated that all four proposals had something positive to contribute to the Village. She noted it was important to her to have Amberley residents undertake the development and Dov Limited and Amberley Development Partners have that attribute and understand the property and psychology surrounding the property.

Mr. Hattenbach inquired as to whether this would be a preferred development agreement at this time. Mayor Muething stated that the agreement will be negotiated and include scenarios as to how we move forward.

Mr. Hattenbach inquired as to how costs will be shared. Mayor Muething stated that certain items that will benefit any development going forward where the Village will want to own the work, it may be appropriate to share costs.

Mr. Warren commented that the three responses to follow-up questions from developers shared with council did not include responses from Amberley Development Partners. Mayor Muething stated that Amberley Development Partners were asked the questions and responses in writing were not required. The Village received their responses orally to the Village Manager and Mayor. He stated Amberley Development Partners also met to discuss those responses with the Vice Mayor.

Vice Mayor Wolf commented that the notes taken by the Mayor and Village Manager were reported to the Land Development Committee and confirmed she met separately with Amberley Development Partners to obtain additional information.

Mayor Muething commented that one of the questions posed to Amberley Development Partners, specific to their entity, was related to not having any expertise in residential development. He stated they specifically addressed that by including Ackerman Group as the residential component. Ackerman Group has most recently developed University Station at Xavier.

Mayor Muething acknowledged that resident Michael Gerson was in the audience and wanted to speak. Mayor Muething commented that council does have a process for residents to speak by requesting to be on the agenda in advance of the meeting, but otherwise comments or questions are not taken. This ensures an orderly process and is the requirement under the Village Charter.

Mayor Muething stated the motion to authorize the Village Manager to enter into negotiations with Amberley Development Partners for a development agreement has been moved, and seconded by Ms. Wolf. The roll call showed the following vote and the motion did not pass:

AYE: Hattenbach, Muething, Wolf	(3)
NAY:	(0)
RECUSED: Conway	(1)
ABSTAINED: Warren, Bardach	(2)

Mayor Muething stated he would have a document prepared to provide additional information and deferred the item to the February council meeting. Vice Mayor Wolf requested the minutes from the Land Development Committee meeting of December 30, 2015 also be included, and any minutes that detailed the options given to developers.

Mayor Muething commented that the process through public meetings of the Land Development Committee that has occurred over the last five months has been attended by most council members and most of the information that the committee members have received has also been received by council members.

MANAGER'S CONTRACT

Mayor Muething reported that the council began a review process with the Village Manager in November 2015. A recommendation of a 2% increase in base compensation was the result.

Mayor Muething moved to waive the three readings of Ordinance 2016-3, Ordinance Authorizing Addendum to Village Manager's Employment Contract. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mayor Muething moved to approve Ordinance 2016-3, Ordinance Authorizing Addendum to Village Manager's Employment Contract. Seconded by Mrs. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mayor Muething moved to adopt Ordinance 2016-3 as an emergency measure to timely effect a change in the Manager's compensation and to ensure the continued efficient operations of the Village. Seconded by Mrs. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

MANAGER'S REPORT

Mr. Lahrmer reported that the leaf collection service concluded for the year on December 31, 2015. He stated the crew made 11 circuits through the Village, which equates to 240 loads of leaves. He noted that daily brush collection has restarted for residents.

Mr. Lahrmer reported that deer culling for 2015 has concluded. A total of 39 deer were culled.

Mr. Lahrmer reported that the Village's engineering firm submitted its 2016 fee schedule without an increase. He stated rates have remained flat since 2014. He noted that CT Consultants has continued providing its high level of service to the Village throughout its transformation from CDS Associates to CT Consultants and unchanged rate schedule reflects their continuation of commitment to the Village.

Mr. Lahrmer reported the police levy lawsuit litigation process has concluded. Initially, the Common Pleas Court granted judgment in favor of the Village and the claimant appealed. The Appeals Court ruled in the Village's favor and the claimant appealed it to the Ohio Supreme Court. Last month, the Ohio Supreme Court did not accept the appeal and no further appeal processes are available in this matter.

Mr. Lahrmer noted that the 2016 council meeting dates were circulated to council and staff identified one Jewish holiday in June that may be of conflict. If interested in rescheduling, council can do so by motion.

Mayor Muething proposed to consider June 14 as the rescheduled June date. He stated that he would make the motion at the February meeting so members may check their calendars. He then asked if there were any questions for the manager.

Mr. Bardach inquired about the removal of the speed bumps. Mr. Lahrmer stated that the temporary speed humps were anticipated for removal in the winter season due to snow plowing. He noted that there was damage that occurred to the Elbrook speed hump by a vehicle towing or pulling something. Mrs. Conway asked if the speed humps will be put back after winter. Mr. Lahrmer confirmed they could be reinstalled. Vice Mayor Wolf added that she has received a lot of positive feedback and requests for additional speed humps.

CHIEF'S REPORT

Chief Wallace recognized the retirement of Detective Jeff Norton. He stated that Det. Norton had been with the department since 1990 and served many roles within the department. Norton was promoted to a part-time detective position in 1993 and assigned full time in 2000.

Chie Wallace stated that Det. Norton is the best detective in Hamilton County and has served as a silent leader within the agency, developing many officers of the department. Norton has received many accommodations from outside agencies. Chief Wallace stated he is thankful for Det. Norton's 25 years of service (33 years total public service).

Mayor Muething commented that Det. Norton was being humble and did not want to be recognized at the meeting. Mayor Muething stated that he felt that Det. Norton was the kind of person who made a difference within the department that will last a long time and that was his contribution. Mr. Lahrmer commented that Det. Norton did not want recognition and hosted his own retirement luncheon. Mr. Lahrmer stated he did present Det. Norton with a service plaque from council recognizing his 25 years of service.

MAYOR'S REPORT

Mayor Muething reported on behalf of the Environmental Stewardship Committee:

- The first meeting of 2016 has been set for January 25 at 7 p.m.
- The committee has openings for new members. Those interested should contact administration.
- There will be a program regarding recycling on February 18 in the community room. The presentation will be made by Rumpke and will include a video and discussion about the future of recycling.

Consistent with last year, Mayor Muething provided a recap of the 2015 accomplishments of the Village Council and shared the goals for 2016:

- Council held 13 regular council meetings.
- Committees held 60 meetings.

2015 Priorities Review:

Finance—continue to improve. Increase of non-traditional revenues for the Village, i.e. the JEDZ with Sycamore Township. JEDZ revenues for 2015 will be over \$100K. This was a revenue item that did not exist 3 years ago. The rental on the cell tower is also generating

revenues of almost \$100K and continues to increase. During 2015, the storm water fee was reduced by 30% and residents should notice this month. The Village continued good results on the grant applications as a result of staff pursuing. Staff has maintained a great discipline on spending.

Pedestrian Safety—in 2015, Vice Mayor Wolf’s Health, Education & Welfare Committee held regular meetings. In addition to the installation of speed bumps, signage was added, speed data was collected on key streets, and sidewalk is being considered for part of Elbrook which will be reviewed in 2016.

Police Equipment and Training. High profile issues have occurred across the nation and Council wanted to make sure that we are taking appropriate action. The Village received license plate readers at no cost from city of Cincinnati; replaced out of date in-car video equipment; police accreditation was discontinued; K-9 unit was reviewed and will be added. No police units in area with K-9 unit and this can be a valuable tool.

Streets. Joint bidding was conducted with Silverton; the 2015 street program invested almost \$400K which has addressed some of the deferred work; unsuccessful grant to obtain funding for street replacements on North and South Farmcrest, but will try again in 2016.

Amberley Green and North Site—report given earlier.

Priorities for 2016:

- (1) Finance – developing a plan related to the policy levy.
- (2) North Site and Amberley Green
- (3) Communications – finances, Amberley Green

Mayor Muething reminded everyone of the open seat on Council and Planning Commission. Announcements have been posted on social media and the website. The deadline for submission for the Council seat is January 15 and the deadline for submissions for the Planning Commission seat is January 20. Council will schedule to meet the week of January 25 to review submissions with the intent to make an appointment by the February meeting.

NEW BUSINESS

Vice Mayor Wolf announced that the Amberley garden is now accepting applications for next summer’s garden. Plots are \$50. Submit applications by February 1st. Prior year’s gardeners will have priority. Remaining plots will go on first come first serve basis. She noted is has been very successful in past years and open to non-residents.

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

Nicole Browder, Clerk of Council

Mayor Thomas C. Muething