

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, MARCH 12, 2018**

The Council of Amberley Village, Ohio met in regular session at the Amberley Village Municipal Building, 7149 Ridge Road on Monday, March 12, 2018 at 6:30 p.m. Mayor Muething called the meeting to order. The following roll call was taken:

PRESENT:

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

ALSO PRESENT:

Scot Lahrmer, Village Manager
Chief Rich Wallace, Police-Fire Department
Kevin Frank, Village Solicitor
Nicole Browder, Clerk of Council

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

Mayor Muething held a moment of silence in honor of former Council Member Fran Cohen who passed away on February 26. She served on council for 14 years, 7 consecutive terms from 1997 through 2011.

MINUTES

Mayor Muething asked if there were any changes to the February 12, 2018 meeting minutes as distributed. There being none, he stated the minutes were accepted as submitted.

FINANCE REPORT

Village Manager Scot Lahrmer presented the January 2018, 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 January totaled \$151,332. The total General Fund Revenue for the month of January was \$201,880 while expenses equaled \$479,019. At the end of January, the unencumbered General Fund balance was \$4,497,744. The report was accepted as submitted.

RECOGNITION OF RABBI MENACHEM SCHNEERSON

Mayor Muething read and presented a proclamation for Rabbi Menachem Schneerson that was accepted by Rabbi Kalmanson for dedication and efforts toward the betterment of education for all Americans to include character building with an emphasis on universal moral and ethical values. Rabbi Kalmanson thanked the Mayor and Council for recognizing the efforts of the 4,500 education centers and the Rabbis.

GUEST SPEAKER

Natalie Fields, Branch Manager of the Deer Park Library, spoke to the Council about the number of programs at the library that are available to the community such as the preschool pilot, homework help, literacy, personalized technology and research assistance, and job readiness assistance.

Ms. Fields also shared information about the upcoming 1 mill levy for the library. She noted that the previous levy is not producing the expected revenue, and this additional 1 mill would address

operating costs and repairs to facilities. For more information, visit voteforcincylibrary.com or Facebook.

CITIZEN TO SPEAK

Mr. Bruce Lazarus, 3140 North Whitetree Circle, expressed his support for additional language to be added to the proposed Human Rights Ordinance to further its reach in protection of LGBTQ citizens. He shared his overall dissatisfaction with this particular version of the ordinance, noting it was a step forward, however urged council to put additional language in the ordinance for it to be impactful.

FINANCE COMMITTEE

Mr. Hattenbach presented and read Ordinance 2018-6, Ordinance to Amend the Village Income Tax Code to Incorporate Miscellaneous Changes in State Law. He reported that on October 9, 2017 the Village Council approved Resolution 2017-33 to join a coalition of municipalities to initiate litigation challenging the amendments in House Bill 5 and 49 for municipal tax centralized collection.

Mr. Hattenbach stated that the suit was filed in Franklin County and the judge ruled against the municipalities. He reported that outside of the mandated state changes, additional changes to the Village tax code include due dates, definitions, wording not pertaining to the lawsuit but part of the changes in the Ohio Revised Code are necessary. He summarized the changes as follows:

- Changing the due date for 4th quarter individual estimated tax payments from December 15th of taxable year to January 15th of following year. This will take effect with the 2018 tax year.
- Making changes to Chapter 101.10 C(3) to read “a penalty not exceeding” from previous wording of “a penalty equal to” regarding unpaid withholding tax penalty.
- Adding “Tax Commissioner” to definitions. This refers to the state appointed Tax Commissioner by the Governor. This term is to then be used throughout the “opt-in” language for state administering and governing of net profits returns and payments.

Mr. Hattenbach noted the last change which is the elimination of the “Sales Throwback Rule” does not pertain to Amberley Village.

Mr. Hattenbach moved to waive the three readings of Ordinance 2018-6, An Ordinance to Amend the Village Income Tax Code to Incorporate Miscellaneous Changes in State Law. Seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Mr. Hattenbach next moved to adopt Ordinance 2018-6, seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Mr. Hattenbach moved to pass Ordinance 2018-6 as an emergency measure in order to make the Village income tax code consistent with the State laws governing municipalities income

taxes to ensure timely and efficient income tax filings and collection. Seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

STREETS, PUBLIC UTILITIES & SEWERS COMMITTEE

Mr. Warren reported the committee met on March 5. He stated the committee discussed the replacement of a dump truck. He shared that the maintenance department currently has four trucks at its disposal that were purchased in 2006, 2008, 2014 and 2015. The trucks are used for a variety of uses in the Village from plowing, salting, snow removal, brush chipping, leaf collection, parks maintenance, street and stormwater infrastructure maintenance, sign maintenance, right of way maintenance, and other service related activities.

Mr. Warren stated that the truck will replace the 2006 truck. The 2006 truck has seen a rise in maintenance costs of the last few years (anti-freeze and oil leaks). The anticipated cost to replace the engine is \$25,000.

Mr. Warren stated the 2017 equipment replacement plan included a replacement truck, however, maintenance pushed it out another year. The purchase of a new truck (cab and chassis) will take advantage of the Ohio State discount. The cost presented is about \$80,000 which is discounted considerably from the retail cost of about \$130,000. The cost of this new truck will actually be less than the last truck purchased in 2015. He noted that was related to the manufacturing truck production runs. He stated that the add-ons will be a stainless-steel dump body, snow plow, salt spreader and brine tank that would be outfitted by Kaffenberger will cost about \$58,000. He noted additional costs of about \$500 for the lettering/logo. The total cost of the truck will be approximately \$139,000. Mr. Warren also noted the resolution would allow for the sale or trade-in of the 2006 truck.

Mr. Warren moved to approve Resolution 2018-5, Resolution Authorizing the Village Manager to Enter into a Contract to Purchase Replacement Dump Truck and Sell Existing Vehicle. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Warren moved to approve Resolution 2018-6, Resolution Authorizing the Village Manager to Enter into a Contract to Purchase Equipment for Dump Truck. Seconded by Ms. Conway and the motion carried unanimously.

Mr. Muething added that the cost of the new truck is substantially below the budgeted amount that was provided.

Mr. Warren reported on the 2018 street program. He stated that the committee was presented the program by Wes Brown, Zoning & Project Administrator. Mr. Warren stated that last year Mr. Brown presented a list of streets for rehabilitation, noting that the worst streets in the Village are those that have a concrete base. He stated that the cost to replace those streets would be prohibitively expensive at this time. In consultation with the Village engineer the program recommends improvement of some of these streets by replacing curbs, milling and repaving the streets, including Matson Avenue, Gwenwyn Avenue, Gardner Avenue, Lansdowne Avenue, and part of Sagamore Drive. He reported the estimate for the program is \$630,000 of which \$200,000 will be drawn from Village stormwater utility fund and the balance from the Village road fund.

Mr. Warren reported another item related to the street repair, stating that last year the Village applied for funding from the Municipal Road Fund to address improvements on Kincaid Road. If successful, will rebuild a portion of Kincaid between North Farmcrest and South Farmcrest.

PUBLIC OUTREACH COMMITTEE

Ms. Wolf reported that the committee met to review a presentation from Hollis Bass with WeThrive! on how to better market Amberley. She stated that she hoped to see use of the WeThrive! logo in the future.

HEALTH, EDUCATION & WELFARE COMMITTEE

Ms. Wolf conducted the second reading of Ordinance 2018-4, Ordinance to Combat Discrimination and for the Guarantee of Equality and Inclusion. She shared the following highlights of the ordinance. She stated that it is the public policy of Amberley Village to safeguard the right and opportunity of all persons to be free from all forms of discrimination and to provide for an inclusive community for all residents, businesses, and visitors. She stated that it is the intent of the ordinance of Amberley Village to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on one's membership in a protected class such as age, race, color, religion, ethnicity, national origin, ancestry, disability, marital status, family status, military status, sex, gender identity or expression, or sexual orientation.

Ms. Wolf read from the ordinance sharing the Purpose Statement in that it establishes a Human Rights Commission whose purpose it not to penalize, but to encourage and endeavor to bring about mutual understanding and respect among all persons, and to safeguard the right and opportunity to be free from all forms of discrimination. Ms. Wolf stated that this ordinance also adds protections for LGBT for housing discrimination and ethnic intimidation.

Mr. Frank shared that upon additional review of the ordinance he noticed the last section of the ordinance was numbered 102.09 and he recommended renumbering it to 102.99 which is the typical numbering for remedy sections universally. He also recommended changing the word "ordinance" to "chapter" in the four occurrences in which it appears in that section. He stated that these non-substantive changes could be approved by motion of council.

Ms. Wolf moved to approve the renumbering of Section "102.09 "to "102.99" in proposed Ordinance 2018-4, and to change the word "ordinance" to "chapter" in the four instances in which it appears in the aforementioned section. Seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

It was noted that the third reading would reflect these changes.

Ms. Conway commented that she also re-read the ordinance again and recalled that during one of the committee meetings regarding the ordinance that there was a question about whether the commission could raise funds. She noted the current ordinance version says "on behalf of the Village" and she asked for clarification as to whether that was changed or addressed and if this version of the language was correct. Mr. Frank stated that he does not recall changing that section. Mayor Muething stated that the Human Rights Commission as a body of the Village cannot go out and raise money on its own, but it can go on behalf of the Village. Ms. Conway

confirmed that was her question in that it was put into the language of the ordinance correctly so the commission could operate correctly.

POLICE-FIRE COMMITTEE

Ms. Conway conducted a third reading of Ordinance 2018-1, Ordinance Authorizing a Contract with Cost Recovery Corp for the Collection and Reimbursement of Certain Public Safety Expenses. She stated that this only applies to non-residents of the Village and updates the list of services and costs. She noted that Alternate 2 is the selected language for the contract.

Ms. Conway moved to amend the ordinance to include Alternate 2 language for the schedule. Seconded by Mr. Hattenbach and the roll call show the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Conway moved to adopt Ordinance 2018-1, Ordinance Authorizing a Contract with Cost Recovery Corp for the Collection and Reimbursement of Certain Public Safety Expenses. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Conway next reported the committee heard an update from the Police-Fire Department on February 28. She stated one update item was on the AVA alarm system which residents received a letter about last week. She stated the monitoring option allows residents to have their alarm monitored directly by the village.

Ms. Conway shared that the update also informed them that the department is undertaking a review of the 911 operation. She stated the review would consider how the new state requirements for minimum staffing levels and technology updates would impact the system, along with the volume of calls that are received. She noted the committee would hear more in the coming months and the goal is to continue to provide responsive service to the Village.

Ms. Conway shared that they were also informed the fourth dispatcher previously approved has been hired. Ben Spears, who was part-time with the Village, was selected for the position. She also mentioned she was appreciative of Ben's Nextdoor posts to help keep residents informed.

Ms. Conway reported that the department also received its ISO (Insurance Services Office) rating for its fire operations and the rating went from a 4 to 2, with 1 being the highest.

COMPENSATION & BENEFITS COMMITTEE

Ms. Kamine reported that the committee met on March 5 to discuss annual staff raises. She stated the baseline budgeted amount was 2%. She stated that the staff made a presentation to the committee about their accomplishments along with raises of peer communities and our own finances. She stated it was a very robust presentation by the Village Manager and staff. She noted staff asked for a hefty increase although they gave good reason, and notably in their report included benefits of other communities which will be taken up at another meeting. She stated this meeting was for compensation and there was a lot of conversation about the budgeted amount and the Village's financial picture. The committee looked at CPI at 2.1% and other information

as well, noting that a 1% increase is approximately \$33,000. Each additional half percent is \$17,000.

Ms. Kamine stated that after much conversation and gratefulness to our employees, and she noted the council really does appreciate their hard work, the proposal from the committee this year is the same as last year at 2.5%.

Ms. Kamine presented and moved to waive the three readings for Ordinance 2018-7, Fixing Compensation for Village Employees and Declaring an Emergency. Seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Kamine moved to approve Ordinance 2018-7. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Kamine moved to adopt Ordinance 2017-7 as an emergency measure for the necessity of implementing wage adjustments for Village employees as soon as possible to ensure a productive workforce and to apply such adjustments on April 1, 2018. Seconded by Ms. Wolf and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Kamine also reported on the committee's review of a sick leave donation policy. She shared that the Village has a particular employee who has not been employed long enough to have banked enough sick time, and the employees have asked to consider creating a sick leave donation policy so that employees who have banked enough time can donate to other employees in the event of catastrophic situations. The Village Manager did provide information that many communities have some version of this policy. She stated that the committee wanted a proposal in place soon and provide a benefit for all of our employees, and so that this particular employee could use it. She noted that this policy was prepared to ensure that it is not able to be abused and is intended to help an employee.

Ms. Kamine moved to waive the three readings of Ordinance 2018-8, Providing for the Donation of Sick Leave by Employees. Seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Kamine moved to approve Ordinance 2018-8, seconded by Ms. Wolf and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Ms. Kamine moved to adopt Ordinance 2018-8 as an emergency measure to enable potential donations of sick leave to an employee in need of donations before the time by which this ordinance would otherwise take effect. Seconded by Ms. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Kamine, Muething, Warren, Wolf (7)
NAY: (0)

Mayor Muething commented that this was another example of how great Village employees are by coming forward to state they would like to do this. Ms. Kamine wished the employee in need a speedy recovery.

MANAGER'S REPORT

Mr. Lahrmer shared kudos for the Police-Fire and Maintenance employees who responded to recent heavy rains, including a large tree that fell in the Fair Oaks Drive area. The tree took down power lines, cable lines and was a significant road closure. Several compliments were received from residents about how well that was handled.

Mr. Lahrmer reported that the Tax Incentive Review Council (TIRC) is charged with convening and reviewing compliance of tax incentives. He stated the two seats are currently held by Tom Muething and Bill Doering and are ready to be appointed for a one-year term. He noted it was necessary to continue this as the incentive for TOPICZ is still active.

Mayor Muething commented that the council approved this tax incentive 5-6 years ago. He stated the TIRC is a group across Hamilton County and Amberley attends for their one item—TOPICZ. He stated that TOPICZ has far surpassed what they committed to do and after a few more years that incentive will be closed.

Mayor Muething moved to appoint himself and Bill Doering to the Tax Incentive Review Council (TIRC). Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Lahrmer reported that the Ohio Collaborative through the Ohio Department of Public Safety has confirmed that Amberley Police-Fire Department has adopted the collaborative's standards. He stated this was embarked upon after accreditation was not renewed, and the Village is proud to have met the collaborative's obligations.

Mr. Lahrmer stated that the asbestos abatement that was awarded to Rainbow Environmental received two grants, and work began February 23. The project is anticipated to conclude by March 30.

MAYOR'S REPORT

Mayor Muething shared that he attended the Hamilton County District Advisory Council for Public Health's annual meeting. He stated the Village and other communities receive their health services from Hamilton County. At the meeting, issues facing the county were discussed; directors elected; and Commissioner Ingram also gives a presentation. He stated that to no surprise the number one issue was the opioid crisis. The number one cause of death for residents 55 years and younger was overdose from an opioid. Commissioner Ingram was optimistic with things being done now that the trajectory may begin to change. There is additional capacity for treatment. Mayor Muething stated that every community is impacted by this crisis.

Mayor Muething reported that the WeThrive! program was also talked about at the annual meeting. Currently, there are 22 communities involved throughout the County. He stated Hamilton County does a great job and has moved to a lot of online information for access. He shared that anyone with health department questions should let the Village know and you will be put in touch with Hamilton County.

Ms. Wolf noted that the WeThrive! quarterly collaborative meeting is Tuesday, March 13. She stated the group will be brainstorming with each other regarding policies and initiatives within our communities.

Mr. Warren stated that when WeThrive! was initiated there were grant funds for the program, however, now the funds are no longer there. He asked Ms. Wolf if there was any discussion about competitive grant funds. She confirmed that there are no grants available and it is unlikely in the future.

Mayor Muething stated that last month the Village commented on ESP Media celebrating their third year with the Village recording its meetings. He stated that they are the ones who provide our video of council meetings at a lower cost. He noted viewership on those videos is going up—2015 had 300 views, and in 2017 there were 600 views. He stated this is a great resource to hear what is going on in the Village.

Mayor Muething announced the One Stop Drop event date of Sunday, April 8 from noon-4 p.m. He stated there will be paper shredding and electronics recycling and encouraged residents to review the acceptable items list on the website and Cincinnati.com.

Mayor Muething announced the next meeting of the Environmental Stewardship Committee will be March 26th at 7 p.m. in the community room.

NEW BUSINESS

Ms. Conway reported that Pleasant Ridge Montessori (PRM) will host Donuts for Dudes on March 23rd which is an opportunity for students to invite their dad or a special person. PRM is reaching out the community to invite volunteer men who can attend and be with students who do not have a dad or uncle coming. She noted that three Cincinnati council members attend the event and it is held from 7:30 a.m. – 9:00 a.m.

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

Nicole Browder, Clerk of Council

Mayor Thomas C. Muething