

**MINUTES OF THE REGULAR MEETING  
AMBERLEY VILLAGE COUNCIL  
TUESDAY, OCTOBER 15, 2013**

The Council of Amberley Village, Ohio met in regular session at the Amberley Municipal Building, 7149 Ridge Road on Tuesday, October 15, 2013 at 6:30 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  
Ray Warren  
Natalie Wolf

**ALSO PRESENT:**

Scot Lahrmer, Village Manager  
Lt. Brian Blum, Police/Fire Department  
Nicole Browder, Clerk of Council  
Rick Kay, Treasurer  
Kevin Frank, Village Solicitor

**EXCUSED:**

Chief Rich Wallace, Police/Fire

Mayor Byar welcomed everyone to the regularly scheduled meeting of the Amberley Village Council. He then led those in attendance through the pledge of allegiance. Ms. Betty Whitaker then sang the National Anthem.

**MINUTES**

Mayor Byar presented the minutes of the September 9, 2013 regular meeting. Mayor Byar asked if there were any corrections or additions. Since there were none, Mayor Byar stated that the minutes were accepted.

**FINANCE REPORT**

Village Manager Scot Lahrmer presented the August, 2013, Finance Report (a copy of which is attached to these minutes). A summary of this report noted total tax collections for the month of August totaled \$196,245 and the total year-to-date collections are up 1% over the August 2012 year-to-date. The total general fund revenue for the month of August was \$730,960 while expenses equaled \$170,693. At the end of August, the unencumbered General Fund balance was \$2,572,462. The report was accepted as submitted.

**CITIZENS TO ADDRESS COUNCIL**

**Mr. Ron Regula**, resident at 3225 N. Whitetree Circle, introduced himself, announced his council candidacy, and advocated the development of the Amberley Green and the North Site properties.

**Mr. Mark Abel**, resident at 2504 Oakridge Drive, introduced himself, announced his council candidacy, and shared that his goal was to continuation of services and maintain fiscal responsibility to keep Amberley an affordable place to live.

**Ms. Peg Conway**, resident at 8101 Springvalley Drive, introduced herself, announced her council candidacy, and referenced her strong service record, goal for sustainable finances, openness and transparency of government, and shared her council candidacy website.

**Mr. Ed Hattenbach**, resident at 3230 S. Whitetree Circle, introduced himself, announced that he is running for re-election, urged voters to research candidate skills and find out why they are really running for election. He noted all of the work that has been done toward the development of the Amberley Green and the North Site properties and expressed that there is no quick fix in relationship to development potential that has been hampered by the economy.

**Ms. Stacey Lefton**, resident at 7415 Willowbrook Lane, announced that she was hosting the Women's Forum at her home where the council candidates have been invited to speak to residents. She invited all to attend and also directed residents to council candidate videos located on the ICRC website.

Mr. Muething mentioned that there have been requests for the resident email list this election season. He commented on the number of resident complaints received from the last election season where the resident email list was utilized for political purposes by those who obtained it. He encouraged candidates to refrain from using the list so that the Village could retain and increase its readership rather than have folks unsubscribe due to unwanted political emails.

**PUBLIC HEARING**

Mr. Hattenbach present and read Ordinance 2013-15, Ordinance Authorizing the Village Council to Provide “Host” Approval Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as Amended, in Connection with the Colorado Educational and Cultural Facilities Authority Variable Rate Demand Revenue Tax-Exempt Loan. He explained that this was a procedural matter and the Village was not being obligated to any debt.

At 6:49 p.m., Mayor Byar opened the public hearing for public comment.

Mr. Brad Ruwe with Peck Shaffer provided the council and audience with the background information relating to the IRS rule that presents the need for a “host” approval by the community. He noted that the debt would be a private placement with PNC Bank and it was a seven year bond with a variable rate. He emphasized that the Village would in no way be financially obligated by this approval.

Mayor Byar asked if there were any persons present who wished to speak on this item. There being none, the public hearing was closed at 6:54 p.m.

**FINANCE COMMITTEE**

Mr. Hattenbach presented, read and moved to suspend the rule requiring each ordinance to be read on three different days. Mr. Doering seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

Mr. Hattenbach then moved that Ordinance No. 2013-15 be adopted. Mr. Doering seconded the motion and, the roll being called upon the question, the vote resulted as follows:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

Mr. Hattenbach then moved that Ordinance No. 2013-15 be adopted as an emergency ordinance. Mr. Doering seconded the motion, and the roll call vote resulted as follows:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

Mr. Hattenbach presented, read and moved to approve Resolution 2013-27, 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. Seconded by Mr. Warren and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

Mr. Hattenbach presented, read and moved to approve Ordinance 2013-16, Ordinance Amending Appropriations for the Fiscal Year 2013. Seconded by Mr. Doering and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

Mr. Hattenbach moved to adopt Ordinance 2013-16 as an emergency measure for the orderly handling of municipal business and to fulfill the Village's legal obligations in making timely payments to retiring employees. Seconded by Mr. Doering and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

### **PLANNING COMMISSION**

Mr. Bardach conducted the first reading of Ordinance 2013-17, Ordinance Amending Section 154.15 of the Village Code Pertaining to Panhandle Lots.

Mr. Lahrmer reported that the draft ordinance was prepared in concert with Village Planning Commission, staff and solicitor. The proposed regulations are in response to the Planning Commission's desire to have additional information and tools to assist with its decision-making process at it pertains to the impact of proposed developments on existing neighborhoods.

After general discussion among council, Mr. Muething moved to refer the proposed legislation to the Land Use Committee for review. Seconded by Mr. Doering and the roll call showed the following vote:

AYE: Byar, Doering, Hattenbach, Muething, Warren, (5)  
NAY: Bardach, Wolf (2)

Mr. Bardach moved to set a public hearing for Ordinance 2013-17 on November 11 during the council meeting and the hearing shall be advertised in the Village E-News, website, and on the public posting boards. Seconded by Ms. Wolf and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

### **LAW COMMITTEE**

Mr. Bardach presented, read and moved to approve Ordinance No. 2013-18, Ordinance Amending Section 31.33 of the Village Code Pertaining to Public Requests to Speak at Public Meetings. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

Mr. Bardach moved to adopt Ordinance 2013-18 as an emergency measure to allow for residents to exercise this new procedure to request to be on the agenda as early as the next council meeting in November. Seconded by Mr. Muething and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

### **POLICE/FIRE COMMITTEE**

Mr. Muething reported that the police/fire communications equipment is outdated and no longer serviceable by Motorola. The replacement cost is \$46,500 which ~~was reduced through stated bid from the original price of \$49,280, was negotiated by the Chief and is below the state bid price of \$49,280.~~ The new system will bring improvement in operations. He commended the Chief for achieving the discounted price.

Mr. Muething read and moved to approve Resolution No. 2013-28, Resolution Authorizing the Village Manager to Enter into a Contract to Purchase Radios for the Police/Fire Dispatch. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

#### **COMPENSATION AND BENEFITS COMMITTEE**

Mr. Warren reported that the committee met and reviewed changes to the Center for Local Government Benefits Pool agreement. He deferred to Mr. Lahrmer for notation of proposed changes.

Mr. Lahrmer reported that the self-insured pool agreement revisions include changes to the withdrawal process and applies penalties for late payments. He noted that 2/3 of the pool membership must receive approval from their elective bodies and once that number is met the agreement goes into effect November 1.

Mr. Warren read and moved to approve Resolution 2013-29, Resolution Authorizing a Second Amended Agreement with the Center for Local Government Joint Self-Insurance Benefits Pool. Seconded by Mr. Doering and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (7)  
NAY: (0)

#### **PUBLIC OUTREACH COMMITTEE**

Ms. Wolf reported that the committee met and discussed options for reducing its costs for recording the council meetings. There was an informal survey of residents and approximately 10 responded. She invited residents to submit their comments on this service. She noted that providing residents access to the public meetings is an important function. The current cost of this service is \$22,000 per year and is provided by ICRC. She noted 4 options were presented which were cheaper options and there was an additional option not presented which was similar to what the City of Loveland has in place.

#### **ENVIRONMENTAL STEWARDSHIP COMMITTEE**

Ms. Wolf reported that the committee held a Tree Walk at the Amberley Green and 30 residents attended. She invited residents to attend the committee meetings held on the 4<sup>th</sup> Monday each month.

#### **MANAGER'S REPORT**

Mr. Lahrmer reported that the Village's energy rate continues to come in lower than Duke's Price-to-Compare.

Leaf collection began for residents on October 15. The Village has communicated the start-up date and guidelines via the website, print newsletter, e-news, and call safe.

The Maintenance Department conducted a crack sealing program over the summer and were able to complete six streets and utilize over 600 pounds of rubberized tar to seal cracks on the roadways.

Replacement of our vacant maintenance worker position has begun. A position announcement and position profile was completed. Advertisements ran in the September 22 and 29 Cincinnati Enquirer and recruitment is occurring in other areas. The deadline to apply was October 4. Applications will be reviewed and the selection process will begin.

Public Works Supervisor Steve Rasfeld has announced his retirement effective October 31. Steve has served the Village for 30 years and is a key member of the Village staff with amazing institutional knowledge.

Police/Fire Officer Shawn Powers has announced his resignation from the Village. He has accepted a police officer position with the City of Madeira. Shawn's last day with the Village will be October 27.

### **EXECUTIVE SESSION**

After discussion among council, Mr. Warren moved to go into executive session to discuss the Village Manager's employment contract. Seconded by Mr. Bardach and the roll call show the following vote:

AYE: Bardach, Doering, Hattenbach, Muething, Warren (5)  
NAY: Byar, Wolf (2)

Council exited council chambers to the administration conference room at 7:51 p.m.

Council adjourned the executive session and returned to Council chambers and the public session at 8:03 p.m.

Solicitor Frank recommended inserting the words "without cause" to Paragraph 7, second sentence, of the contract for clarity. Solicitor Frank mentioned Council must choose one of the two options for payment of any severance compensation at the end of Paragraph 10. Mr. Warren read and moved to approve Ordinance 2013-19, Ordinance Approving Employment Contract with Village Manager, with the first option in Paragraph 10 to pay any severance over time. Seconded by Mr. Hattenbach. A discussion of the contract followed. Councilman Warren read the entire contract into the record. Mayor Byar commented he believed the terms of the new contract were too generous, the parties should follow the contract in place that has one year remaining, and that he did not support the amended provisions regarding severance pay, a pay increase greater than the 3% given to other Village employees, and extending the term of the contract. The roll call showed the following vote:

AYE: Bardach, Doering, Hattenbach, Muething, Warren, Wolf (6)  
NAY: Byar (1)

Mr. Warren moved to adopt Ordinance 2013-19 as an emergency measure to maintain continuity of Village operations. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Bardach, Doering, Hattenbach, Muething, Warren, Wolf (6)  
NAY: Byar (1)

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

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Nicole Browder, Clerk of Council

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Mayor J.K. Byar