

**MINUTES OF THE REGULAR MEETING  
AMBERLEY VILLAGE COUNCIL  
MONDAY, AUGUST 10, 2015**

The Council of Amberley Village, Ohio met in regular session at the Amberley Village Municipal Building, 7149 Ridge Road on Monday, August 10, 2015 at 6:30 p.m. Mayor Muething called the meeting to order. The following roll call was taken:

**PRESENT:**

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

**ALSO PRESENT:**

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

Mayor 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 July 13, 2015 regular meeting. Mayor Muething asked if there were any other additions or corrections. There being none, the minutes were accepted as submitted.

**FINANCE REPORT**

Village Manager Scot Lahrmer presented the June, 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 June totaled \$125,451. The total general fund revenue for the month of June was \$162,355 while expenses equaled \$248,482. At the end of June, the unencumbered General Fund balance was \$4,109,219. The report was accepted as submitted.

**GUEST SPEAKERS:**

**Mr. Nicholas Hollan**, 3416 Brookline Drive, announced his candidacy as Ohio State Representative for District 31. He reported that Denise Dreihaus' will term out in 2016. He stated that he is a small business owner of Valley Dental Management Services, and ran for Cincinnati City Council in 2009 and 2011. He summarized some of his focus areas to be expanding health care coverage, creating a standard quality of care for daycare providers, voter rights and prison sentencing reform. He noted he is the only candidate who derived his business acumen from owning a business and will represent the diverse communities with passion, energy and creating genuine equality.

**Mr. Mickey and Mrs. Sara Fishman**, 7765 Elbrook Drive, expressed concern for pedestrian safety in the Village, specifically along Section Road and in his neighborhood of Elbrook Drive. Mr. Fishman informed council that they are raising a family of three and have difficulty with the lack of pedestrian paths. He cited several examples of walking challenges in his everyday life. He requested council consider sidewalks in critical areas such as the curve along Elbrook

heading north and on Section heading towards Elbrook, as well as on his street. He provided a copy of emails of support for pedestrian pathways to council.

Vice Mayor Wolf thanked Mr. and Mrs. Fishman for sharing their concern with council. She commented that she agreed that Section Road should be a focus area. She informed the Fishman's that the Health, Education, and Welfare Committee has been meeting on pedestrian safety, changes have been made, and there is more that can be done to improve the safety of residents. She thanked Fishman for submitting the emails of support and invited those interested to come to the Health, Education and Welfare Committee meetings.

Mr. Hattenbach commented that he also shares concerns for pedestrian safety. He stated that the Elbrook area has a posted speed limit of 25 miles per hour. He encouraged residents to contact the police department if speeders on their streets are becoming a problem.

Mr. Fishman stated that the police department has been extremely helpful and has increased their presence in the area as well as assisted responses to particular incidents. He stated that he believes the speed limit is being enforced as best as possible. He noted, however, that his concern for pedestrian pathways is to assist children with their independence while learning activities such as walking and biking, not solely for traveling to Shabbat weekly.

Mr. Warren expressed his thanks to Mr. Fishman for attending the meeting. He stated that the Health, Education and Welfare Committee has been working on pedestrian safety. ~~However,~~ ~~He~~ would prefer to see a more proactive approach, however, and cited the accident on Section Road and Elbrook. He ~~noted~~ suggested that a stop sign ~~should~~ be considered at the intersection of Section Road and Farm Acres Drive. He noted there was a "near miss accident" recently at that location, and noted ~~He~~ stated that he does not believe drivers are respectful of crosswalks when compared to stop signs. He ~~stated an option would be to install stop signs at that location. He would also like to see~~ asked that the Village consider a sidewalk along Elbrook Road from Section Road north to the ~~and the~~ bridge to help children safely walk to school. ~~and He stated that he~~ does not believe this would change the character of the Village.

Mr. Doering thanked the Fishman for attending and sharing their concerns. He commented that the lower Elbrook area is a dead-end street and it would appear the speeders in the area may be neighbors and friends. He noted a neighborhood effort to educate each other to slow down would be an option.

Mr. Fishman stated that he did work with Chief Wallace to educate the neighborhood and that did help. However, he noted two families have teenagers driving vehicles very fast in the area which makes it difficult to bike with young kids on the street due in part because there are no sidewalks. He did also thank council for the reflector straps.

Mayor Muething commented that Vice Mayor Wolf likely has an upcoming Health, Education and Welfare on pedestrian safety, and the Village Manager has been walking the Village to make observations in this regard. The Mayor stated he would, himself, also make an effort to walk the Elbrook area in September to become better informed about pedestrian issues in the area.

**Ms. Mary Ellen Kraemer**, Hamilton County Public Health, reported that the Village's Environmental Stewardship Committee has been working on the WeThrive! Environmental Health Initiative and Pathway. She stated Amberley was the first community to begin this work. An assessment has been completed with the Environmental Stewardship Committee that reviewed water quality, solid waste, air quality, etc. in the Village, which produced recommendations for a two-year action plan. Goals within that plan include resident education about storm water, healthy homes, recycling and composting. The Environmental Stewardship Committee will also be reviewing the possibility of a pilot program to improve water quality.

Ms. Kraemer thanked the council and mayor for their support and recommended passage of a resolution that further supports the pathway and commitment to environmental health. Ms. Kraemer also introduced Hannah Smith who has joined their department.

Mayor Muething thanked Ms. Kraemer and commented that the Village's partnership with Hamilton County Public Health has been invaluable to the community. The new pathway has provided the Environmental Stewardship Committee with its agenda for the next two years. The resolution is mainly about education and communication programs.

#### **ENVIRONMENTAL STEWARDSHIP COMMITTEE**

Mayor Muething moved to approve Resolution 2015-18, Resolution in Support of WeThrive! Environmental Health Initiative and Partnership with Hamilton County Public Health to Promote a Healthier Community. Seconded by Ms. Wolf and the motion carried unanimously.

#### **STREETS, PUBLIC UTILITIES & SEWERS COMMITTEE**

Mr. Doering reported that the streets built in the North and Farmcrest Drive area, Kincaid and Southwoods were constructed in the 30's and 40's and were concrete, which are now in the stage of deterioration. The cost to replace concrete streets is more expensive so over the years, layers of asphalt were added, however, the concrete base is now deteriorated and the committee has recommended replacement. The resolution would approve a 30% contribution to a grant that would cover 70% of the 1.5 million dollar cost to replace these roadways. Mr. Doering moved to approve Resolution 2015-19, Resolution Authorizing the Village Manager to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Programs. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mayor Muething stated that if the Village is selected to receive the grant it will be a significant savings to the Village as this was on the long range plan.

Mr. Doering next presented and read Resolution 2015-20, Resolution Authorizing the Village Manager to Enter into a Contract with the City of Cincinnati for Furnishing Salt for Snow and Ice Control Purposes. The cost will be \$75.86 per ton for a total of \$75,860. Seconded by Mrs. Conway and the motion carried unanimously.

Mayor Muething noted that the purchasing power through the City has provided the Village with continued cost benefits. Mrs. Conway noted that the Village previously partnered with Hamilton County and other entities over the years as well.

Mr. Doering also provided an update on the 2015 Storm Water Program. He stated that currently the program was out to bid and the Village should be in a position to award in late fall with work to be completed in the winter or spring.

**LAW COMMITTEE**

Mr. Bardach reported that the Village’s current solicitation ordinance is unenforceable. A proposed amendment to the solicitation ordinance was reviewed by the committee and recommended. One of the provisions requires solicitors to preregister with the police department. Police will also maintain a “do not solicit” list similar to a “do not call list”. Residents may also install a placard that reads “No Solicitors” on their private property.

Mr. Bardach presented, read and moved to suspend the three readings of Ordinance 2015-8, Amending Chapter 112 of the Village Code Relating to Commercial Solicitation. Seconded by Mrs. Conway and the vote showed as follows:

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

Mr. Warren commented that he believed it has been common practice to be solicited by charities at night. He would like to recommend that the ordinance include a restriction on the hours for solicitation to be daylight hours only for all types of solicitors, commercial and non-commercial.

There was some discussion as to whether a restriction on hours could be enforced and Mr. Bardach referred to Solicitor Frank. Mr. Frank noted that in his research, there was one case that allowed it and a few others that did not allow it. Mr. Frank also stated that the Village would need to make a connection to the issue utilizing data from the police department related to criminal activity.

Ms. Wolf noted that the Village should be aware that by restricting hours, it would apply to all solicitors. She then shared the example of being solicited after dark in the winter, which included boys offering to light Hanukkah candles.

Mr. Bardach presented, read and moved to approve Ordinance 2015-8, Amending Chapter 112 of the Village Code Relating to Commercial Solicitation. Seconded by Mrs. Conway and the vote showed as follows:

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

Mr. Bardach moved to approve Ordinance 2015-8 by emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for such emergency is to ensure the Village is in compliance with legal requirements pertaining to solicitation at the earliest opportunity, and to protect the health, safety, and welfare of the Village residents with valid and enforceable regulations. Seconded by Mrs. Conway and the roll call showed the following vote:

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

**FINANCE COMMITTEE**

Mr. Hattenbach reported that the Village’s JEDZ fund has received additional revenues that must be appropriated for distribution in accordance with the JEDZ agreement. An additional \$250,000 is being recommended for appropriation. Mr. Hattenbach read and moved to approve Ordinance 2015-9, Ordinance Appropriating Funds for the Fiscal Year 2015. Seconded by Ms. Wolf and the roll call showed the following vote:

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

Mr. Warren inquired as to whether this is costing the Village. Mr. Hattenbach stated that this is additional revenue to the Village’s JEDZ fund of which the Village receives a portion (10 percent).

Mr. Hattenbach presented, read and moved to approve Ordinance 2015-10, Ordinance Establishing the Permissive Motor Vehicle License Tax Fund and Appropriating Funds for the Fiscal Year. Seconded by Mr. Doering and the roll call showed the following vote:

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

Mrs. Conway asked Mr. Lahrmer to clarify where the funds are derived on this item. Mr. Lahrmer explained that the Village has a street fund which is comprised of a license plate fee and a gas tax. The creation of the fund will separate those revenues, but will still be referred to as the street funding. Mr. Doering commented that this did come up during the audit and it is not a violation and is for the convenience of the state auditors.

**LAND DEVELOPMENT COMMITTEE**

Mayor Muething reported that council has been considering the future of the North Site property for a long period of time. The Amberley Village Swim Club closed approximately 15 years ago. Prior to 2014, the Village pursued informal marketing on the property over the years and on at least one occasion the property was considered for development or sale. He commented that in 2014, the Village discussed the property extensively with brokers and developers and as a result, in February 2015 a decision was made to market 14 of the acres.

Council decided in its process that having the existing maintenance facility site was too valuable to the Village to consider marketing the entire property. The costs to move the maintenance facility along with related logistical impact assisted with the decision to market 14 acres. At last month’s meeting, a status report of the offer on the property was presented. Considering the Village has been pursuing options for this property for some time, he noted it appropriate to waive the three readings.

Mayor Muething commented that the proposal is to sell the property to a developer who is currently considering offices on the property and the type of offices believed to lead to the maximum possible revenues for the Village. Medical offices or other offices that would not impact on peak traffic conditions due to the ingress/egress of the property to which the

developer is fully aware. The price offered was \$1,370,000 for 13.7 acres. This type of property does not allow for exact comparables in the industry and it is believed to be a fair offer.

The offer provides for a 60-day period, separated into two 30-day periods. The first 30 days would consider if the economics would work on the property, and the second 30-day period would be for the typical due diligence with environmental and title work on the property. The information generated during the process will be shared with the Village. The Land Development Committee considered the proposal and all members unanimously passed it for recommendation to council.

Mayor Muething moved to waive the three readings of Ordinance 2015-11, Ordinance Authorizing and Directing the Village Manager to Execute a Contract for the Sale of a Portion of the North Site Property. Seconded by Mr. Hattenbach and the roll call showed the following vote:

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

Mr. Warren commented that the contract reads well, and was included in the announcement for the agenda items for the council meeting. He noted there was no attachment that described the details of the land transfer and he received an email ahead of the council meeting with that information. He inquired as to whether or not it was appropriate to proceed with the agreement without resident input on the contract. He noted he reviewed the developer, Ken Shuermann, online and the company appears reputable.

Mayor Muething stated that earlier in the year council passed an ordinance amending the process for the sale of Village property. That amendment was read three times prior to passage and the current process that council followed is in compliance with code. He noted the proposal has not been spurred upon council and has been ongoing for years. The amendment earlier in the year allowed for selling the property without a long, drawn out process. He noted many times offers expire and council has gone through extensive work to-date.

Ms. Wolf commented that this item has been ongoing through the Land Development Committee which meets regularly. It was recently discussed on August 4 to recommend the contract to council and she noted the meeting was noticed with language pertaining to a proposal for the North Site. She also mentioned that the Nextdoor website, which is not an official page of Amberley Village, and many residents participate on the forum which has been discussing the North Site. She encouraged those interested to attend the meetings.

Mr. Warren commented that the August 4 meeting was at 3 p.m. and he was unable to attend due to work, as he noted many people work at that hour. He also noted that he did not agree this process was being drawn out. He then noted that he did not see planned use of the property in the agreement and inquired as to whether or not the developer can do whatever he wants with the property.

Mayor Muething stated that the council went through a re-zoning of the property in 2013 which included extensive public hearings through the planning commission and council. He stated that the developer can do on the property what the zoning code for that property allows. The first 30-day period will include extensive work and the developer is open to sharing that information with the Village.

Mrs. Conway interjected to congratulate the Village Manager and Land Development Committee as well as the Mayor for this huge accomplishment after many years. She stated that she did not attend the most recent Land Development Committee and reviewed the documents as well as spoke to the Village Manager on the matter. She noted the process has been very methodical throughout. She then stated to Mr. Warren's point that no items are presented to council without having been through the committee level. She stated she believed the process to be a model process for which she is grateful.

Mr. Hattenbach reported that Section 2 of the ordinance does authorize the Village Manager to act as the agent and do what is best for the Village.

Mr. Warren inquired as to whether a real estate attorney reviewed the contract. Solicitor Frank confirmed that he has reviewed the contract as well as an attorney in his office that specializes in real estate.

Mayor Muething stated that a vote has been taken on the waving of the three readings. A vote of five members is required and six have voted in favor.

Mayor Muething presented, read and moved to approve Ordinance 2015-11, Ordinance Authorizing and Directing the Village Manager to Execute a Contract for the Sale of a Portion of the North Site Property. Seconded by Mr. Hattenbach and the roll call showed the following vote:

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

Mayor Muething moved to approve Ordinance 2015-11 as an emergency measure necessary for the immediate preservation of the public peace, health and safety and the reason for such emergency is that market conditions require that time is of the essence to execute a purchase agreement with a potential buyer of the property so the buyer can begin its due diligence and move towards a closing as soon as possible, and because any delays in this process could result in a lost opportunity to sell the property at a reasonable price and under reasonable terms and conditions as determined by Council. Seconded by Mrs. Conway and the roll call showed the following vote:

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

### **MANAGER'S REPORT**

Mr. Lahrmer provided an update on personnel. He stated that four newly hired individuals have graduated from the fire academy after a six week program and have returned to work. Police Officer/Fire Fighters John Burton and Delarisco Sumler, and Maintenance/Fire Fighters Jim Swader and David Stone were trained with book, physical and scenario training exercises on how to fight fires. All are back to assigned shifts.

Mr. Lahrmer reported that two dispatchers have been hired part-time, Ben Spears and Brian Biederman. The Village is pleased to have them on board.

Mr. Lahrmer stated that Council Member and Finance Chair Ed Hattenbach shared, at last month's meeting, the release of the Village's financial audit. Mr. Lahrmer commented that this

is a comprehensive review of internal controls, which is required every two years. The Village received a clean audit and residents can view the report on the Village website or obtain a print copy from the administration office.

Mr. Lahrmer reported that the Village has prepared and mailed a Request for Letters of Interest for the Amberley Green property. He stated an appendix of documentation has been compiled that summarizes all of the information and activity on the property. The Request for Letters document was sent to several developers and those who have expressed interest in Amberley Green. The Long Range Planning Report was the basis for the Request for Letters of Interest. The plan for land use may not be practical to which the Village is open. Responses are due back by August 31. The submissions will be reviewed with the Land Development Committee and then presented to Council.

### **CHIEF'S REPORT**

Lt. Blum reported that, as the Village Manager mentioned, Officers Sumler and Burton returned from the fire academy on July 23 and have begun the field training officer program on second shift. While in the field training program, the officers do ride with two officers per car. The officers will be on their own patrolling by the first week in September.

Lt. Blum commended the department for making arrests related to stolen property. He noted July and August have been very busy months for theft. He stated he was pleased to announce the individual who broke into a house recently on Springvalley has been arrested. The officers have been doing great work and should be commended.

Lt. Blum reminded residents to call the police whenever suspicious vehicles are noticed.

### **MAYOR'S REPORT**

Mayor Muething reported as representative to the Environmental Stewardship Committee, in addition to his report earlier on the agenda, the committee will again provide for a fall program and the date has been selected—October 25. The program will be a creek walk in French Park that will include Cincinnati Parks and Hamilton County Health. Topics will include water quality and a demonstration test on the creek water quality. The next meeting is scheduled for September 28.

Mayor Muething reminded everyone of the upcoming 75<sup>th</sup> Anniversary Parade and Celebration on Sunday, August 16—parade at 11, activities and entertainment at 4 p.m. on the municipal building grounds. The Mayor presented and read a proclamation, obtained by Stacy Lefton, from the State of Ohio recognizing the Village on its anniversary.

Mayor Muething reminded everyone that the September Council Meeting was changed from September 14 to September 9 due to the Jewish holidays.

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

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Nicole Browder, Clerk of Council

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Mayor Thomas C. Muething