

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, NOVEMBER 14, 2011**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, NOVEMBER 14, 2011 at 7:30 P.M. Mayor Merrie Stillpass called the meeting to order. The following roll call was taken:

PRESENT:

Jon Chaiken
Fran Cohen
Peg Conway
Ed Hattenbach
Leslie McIntosh
Louis Katz
Merrie Stillpass

ALSO PRESENT:

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

ABSENT:

Rick Kay, Village Treasurer

Mayor Merrie Stillpass welcomed everyone to the regularly scheduled meeting of the Amberley Village Council and led those in attendance through the pledge of allegiance.

MINUTES

Mayor Stillpass presented the minutes of the October 11, 2011, regular meeting and the minutes of the October 17 and 26 special meetings. She asked if there were any corrections or additions. Since there were no corrections or additions, Mayor Stillpass stated that the minutes stand approved.

FINANCE REPORT

Mr. Lahrmer presented the October, 2011, Finance Report. The following statistics were reported:

Earnings Tax collections for the month of October totaled \$206,927. This is down 13% from October 2010's collection of \$234,389. Collections for this month represent the lowest amount received during October for the last 10 years.

The allocation of real estate and public utility property tax dollars from the Auditor's Office is complete for the year. The Village did receive a rollback/homestead payment in the amount of \$76,437. The village is not expecting any additional property tax with the exception of some tangible personal property in November.

The Auditor's Office has advised the Village to expect less property tax revenue next year. For tax year 2010/collection year 2011, the total valuation in Amberley is \$185,635,430. This decreases our total valuation to \$168,811,800 for tax year 2011/collection year 2012.

As mentioned in previous reports, the Village has been notified of an inheritance tax refund in the amount of \$389,548 due to an estate improperly being taxed. This will be payable in August 2012, if additional inheritance tax dollars are not received by the County.

2011 interest year-to-date is \$26,996. With historic low interest rates and the Village's investment portfolio decreasing, the Village is generating even less revenue via interest.

Total expenditures for the month of October totaled \$317,891 for a year-to-date of \$4,284,987. Staff has been diligent in controlling expenses and as of October 31, 73% of the budget has been spent.

The general fund balance at the end of October was \$2,904,428.

RESIDENT TO ADDRESS COUNCIL:

Mayor Stillpass announced that an Ad Hoc Advisory Committee was formed to review the Village's budget and Mr. Rick Lauer and Mr. Steve Lerner co-chair the committee. Mr. Lauer would like to report on the committee's recent meetings.

Mr. Lauer thanked council for their service over the years and stated that he has learned a lot from each of them. He stated that serving in this capacity is a personal and professional sacrifice and is appreciated.

Mr. Lauer reported that the Ad Hoc Advisory Committee has met and formed two subcommittees—revenue and expense. Mr. Eric Goering is the chair of the expense subcommittee and Mr. Lauer is the chair of the revenue subcommittee.

Mr. Lauer stated that the Village Manager's office has turned over a multitude of information at the committee's request and the committee has been reviewing that data. He stated that it is not the committee's intention to second-guess the council's recommendation to move forward with a tax measure as a solution to its loss of revenues, but he felt that the residents were confused and misinformed about the need for a tax increase.

Mr. Lauer commented that he believed the formation of the Ad Hoc Advisory Committee will help the village avoid a referendum on this issue.

Mr. Lauer reported that the committee anticipates that a recommendation to council will be expected by February. He stated that going through this process will benefit the village.

Mr. Lauer then urged the council to table the earnings tax ordinance and the police levy not be voted on.

Mayor Stillpass thanked Mr. Lauer for his comments and moved on to the next agenda item.

FINANCE COMMITTEE

Mr. Hattenbach stated that he is pleased that the Ad Hoc Advisory Committee has been formed and appreciates their efforts. He stated the committee has met several times and will continue to meet to accomplish its goals. He commented that in a short period of time, the committee has begun reviewing the budget information to ensure that it is accurate.

Mr. Hattenbach then moved to table ORDINANCE 2011-15, ORDINANCE AMENDING SECTION 93.14 REDUCING THE INCOME TAX CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY. Seconded by Mr. Katz and the motion carried unanimously.

Mayor Stillpass clarified that by tabling this ordinance, it is no longer being discussed.

Mr. Chaiken commented that this action was agreed to by the Finance Committee because the committee felt that it was important for the newly elected council to have the opportunity to revisit this issue. It was opined that this action could be taken by the new council and enforced retroactively.

Mr. Katz agreed with Mr. Chaiken, and stated that he felt the council had looked at this thoroughly. He is still in favor of reducing the tax reciprocity and felt that by passing it, council was relieving the new council of the responsibility. However, the new council wanted to take on the issue. He also pointed out that the Village does have a need for revenue to maintain the current services.

Mr. Hattenbach next presented, read and moved to approve RESOLUTION NO. 2011-18, RESOLUTION SUBMITTING PROPOSED SPECIAL LEVY FOR PUBLIC SAFETY PURPOSES TO BOARD OF ELECTIONS FOR PLACEMENT ON THE MARCH 2012 BALLOT. Seconded by Mr. Chaiken and the motion carried unanimously.

Mr. Hattenbach pointed out that council has to pass the safety levy resolution due to the time constraints of the deadlines involved for placing a levy on the March ballot. He assured that the Ad Hoc Advisory Committee will be permitted to make a recommendation to council. Mr. Chaiken added that the June primary may not occur.

Mr. Lahrmer clarified that the clerk must certify this resolution to Hamilton County Board of Elections by December 7 and any amendments should be made prior to that date. Once the resolution is certified to the county, the Village has 10 days to withdraw it.

Mrs. Conway commented that if the 10 mills is not needed, there is a degree of flexibility for the village to bring the millage down. She expressed that thorough work has been completed on the budget and she remains convinced that action to create revenue is needed.

Mr. Katz agreed with Mrs. Conway and Mr. Chaiken. He stated that the process needs to begin and the village has the ability to adjust the millage downward.

ENVIRONMENTAL STEWARDSHIP COMMITTEE

Ms. McIntosh announced that the next Tree City USA luncheon planning session will be on January 12 at 6 p.m. The decorating committee needs volunteers and sponsorships are needed for this event. Thanks to Kroger's in Blue Ash and the Ridge Road UDF for sending in donations.

The next Environmental Stewardship Committee will be on November 28 at 7:30 p.m. The committee will discuss its commitment to a garden on Amberley Green. An application was submitted for the We Thrive grant which would provide \$10,000-30,000 for raised beds for a community garden as well as a set up for a farmer's market, possibly year-round. Grant recipients will be notified by month's end.

Ms. McIntosh reminded everyone of the various interests in the Amberley Green property over the last two years:

Council committees, residents, local government representatives, civic gardening groups, as well as local farmers plan to continue discussions about opportunities to grow and sell local produce at the Amberley Green.

Karen at Findlay Market came to a meeting about gardening at the Amberley Green. She coordinates programs that train farmers of the future. A new farming technique called 'spin' farming is a high yield, small plot approach. According to literature and Karen, spin farmers can be very effective and profitable, generating approximately \$3-4 dollars per square foot or \$25,000 per quarter acre.

Residents Bill and Mary Lennard have been coordinating a tour with Mike Steel and his colleagues from the Turner Farms group, which is to further explore urban agriculture concepts at the Amberley Green. Turner Farms is a very successful, community supported, agriculture group located in Indian Hill. They have produce, live stock options, and education programs for children and adults.

Another group of interested people recently toured the Amberley Green with Mayor Stillpass. It was organized by an Environmental Stewardship Committee member as well as Dave Dykes who is the Ohio State Extension Horticulture educator. Those in attendance were Steve Foltz, who is the Horticulture Director at the Cincinnati Zoo, and also an instructor at Cincinnati State, and at the DAAP program at the University of Cincinnati. Also in attendance was Fran Amatulli who is a program Marketing Director as well as Andrea Sheppmann from the Krohn Conservatory.

After Mr. Dykes introduced the Amberley Green property at the Greater Cincinnati Flower Growers Association function, they wanted to look at the feasibility of establishing an arboretum, sculpture garden or other potential uses for the park. The experts that came that day stated that the trees were excellent examples because of their size and uniqueness. It was suggested to catalog or tag the trees for educational purposes for Cincinnati State and the University of Cincinnati.

Another resident mentioned they envisioned conducting rain garden demonstrations at Amberley Green.

Ms. McIntosh then thanked Mayor Stillpass for spearheading a lot of these initiatives and appreciates the continued support.

Ms. McIntosh commended all of council for their work and thanked staff for their assistance during her time on council.

PUBLIC OUTREACH

Mrs. Conway reported the passage of the energy aggregation ballot issues. The Village can now create and move forward to form an opt-out program. The next step in the process will be to hold two public hearings which will take place in December. There will be information about these meetings on the website and in the e-news. Residents currently participating in the opt-in program will receive a letter stating that their current discount will conclude after the December meter reading.

LAND DEVELOPMENT

Mr. Katz reported that the committee had met twice since the last council meeting to consider a proposal from the Model Group to develop five acres of the North Site. The appraisal of the property was reviewed. Steve Rasfeld and Scot Lahrmer were of tremendous assistance to the committee. The initial proposal cut off future development on the remaining portions of the site. The Model Group repositioned the development and the committee again critically reviewed the plan. The committee proposed that the purchase would include the costs to improve the road, which was estimated to be \$500,000. The Model Group then withdrew the offer due to their time constraints. They were highly complementary of the village and the committee expects the Model Group to return in the future when additional funding becomes available.

MANAGER'S REPORT

As part of the cost saving initiative embarked upon by the Village, it has been determined that the use of a third party vendor to supply payroll services would be cost effective. With having a lean administrative staff, this move enables the Village finance and tax departments to function more effectively at current staffing levels. Paycor will process the bi-weekly payroll, distribute payments to the Federal, state and other municipal taxing authorities, facilitate direct deposits, and file all required tax forms and reports.

The expense of outsourcing to Paycor is estimated to cost up to \$3,500 annually. However, for about the same cost as our annual software support for the in-house payroll system, the Village is able to contract with Paycor. The Village will be able to discontinue payment of our annual software support therefore, realizing a savings. Adoption of this resolution is recommended and ready for council action.

Mr. Hattenbach moved to approve RESOLUTION NO. 2011-19, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH PAYCOR FOR VILLAGE PAYROLL AND TAX FILING SERVICES. Seconded by Mrs. Conway and the motion carried unanimously.

Messrs. Katz and Hattenbach both commented that they have worked with Paycor and stand by their services. Mr. Lahrmer stated that Paycor will be targeted to begin immediately and include the year-end tasks.

Next, Mr. Lahrmer reported that the Village currently participates in the Hamilton County Mutual Aid Agreement for Law Enforcement. The purpose is to provide police assistance across jurisdictional lines to enhance the response and enforcement necessary for protection of citizens and property. The agreement recognizes that criminal activities routinely occur across jurisdictional lines and that cooperation between agencies can increase the effectiveness of law enforcement throughout Hamilton County.

The Hamilton County Association of Chiefs of Police, from time to time, re-issues this continuous agreement when updates to the document are necessary. Adoption of this resolution is recommended and ready for council action.

Mr. Chaiken moved to approve RESOLUTION NO. 2011-20, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT WITH HAMILTON COUNTY AND PARTICIPATING AGENCIES FOR LAW ENFORCEMENT. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Lahrmer reported that the Village has been working to resolve issues that have developed involving the masonry columns and pilasters that are part of the facade of Village Hall. Upon investigation, it was determined that the columns and pilasters were incorrectly constructed causing premature failure in the mortar joints and thereby permitting water to enter the columns and pilasters causing further damage and spalling.

The Village filed lawsuits against certain contractors involved in the construction of Village Hall. The Village agreed to a settlement of the litigation and has received payment in the amount of \$23,000.00. The base quote is \$20,260.00 that includes all labor and materials to repair 19 columns and 11 pilasters by installing stainless steel helifix anchors in the mortar joints to fasten the stone veneer to the backup material (building or column concrete masonry units). All locations of deteriorated mortar joints will be addressed. Adoption of this resolution is recommended and ready for council action.

Mr. Chaiken moved to approve RESOLUTION NO. 2011-21, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A CONTRACT WITH HUMMEL RESTORATION TO REPAIR VILLAGE HALL COLUMNS. Seconded by Mrs. Conway and the motion carried unanimously.

Mr. Lahrmer reported that he would like to pass a resolution that expresses the Village's opposition to the State of Ohio enacting forced centralization and collection of the earned income tax for a fee.

Over the last several months, Governor John Kasich and Ohio Tax Commissioner Joseph Testa have been actively studying the possibility of consolidating and centralizing the collection of municipal income tax.

Earned income tax is the largest revenue source for Amberley Village and loss of control of collections would definitely result in loss of revenue to the Village in addition to the elimination of personal services to Amberley Village taxpayers. This would also have a detrimental impact on Village cash flow. With local collection, Amberley Village receives revenue on a daily basis.

Mr. Hattenbach moved to approve RESOLUTION NO. 2011-22, RESOLUTION OPPOSING ANY ACTION BY THE OHIO GOVERNOR OR GENERAL ASSEMBLY TO REMOVE CONTROL OF LOCAL INCOME TAX COLLECTION AND ADMINISTRATION FROM MUNICIPALITIES AND CENTRALIZE SUCH CONTROL WITHIN A STATE AGENCY OR THIRD-PARTY ENTITY. Seconded by Mrs. Conway and the motion carried unanimously.

Mr. Lahrmer reported that the Village has been contacted by several residents concerned about a group home proposed on Longmeadow. He has assisted June Jacobs, the neighbor to a home that is likely being purchased by Scioto Properties which is a business that finds and purchases properties for people with developmental disabilities. The intent is to turn it into a group home for mentally/physically challenged individuals.

A Federal fair housing law stipulates you cannot discriminate based on someone's disability and it is the State of Ohio's intent to mainstream these residents. Our zoning cannot keep the group home out. According to the State, as a courtesy we will be notified of the group home application if a license is sought, however, there must be health and/or safety issues that would keep the State from approving it. The Village will have 10 days to respond to the State's notification.

Leaf collection began October 17. As of November 10, the Department has spent 414 man hours collecting 61.5 loads of leaves or the equivalent of 1,230 cubic yards. The Service Department had been making it through the Village with one crew while finishing up the last week of brush and a few other details. After the crews finished mowing the right of ways before they were completely covered with leaves, on November 7 the second crew began leaf pick up. The crews are getting 4 to 5 loads a day at this point which should increase to 6 to 7.

The suspension of brush collection during the months of November and December will assist the Village in keeping focused on leaf collection. The last brush pick-up for residents was their regularly scheduled chipping day during the week of October 31-November 4. This action was necessary due to recent reductions in personnel. Brush pick-up will resume in January. In October, 117.5 cubic yards of chips were collected along with 15 cubic yards of logs.

Calls for services into the Police Department totaled 1,676 for the month of October for a total of 15,375 year to date. These calls include alarm drops, house checks investigations, and assisting other departments. There were 69 citations issued last month. Vehicle accidents totaled 16 during the month resulting in 10 citations issued. There were 3 reported thefts, 1 identity theft, and 1 drug offense. The second breaking

and entering occurred within 1 month in the Village. The last one occurred on Meadow Ridge Lane.

During the month of October, there were 14 reports taken by the Fire Department. Fortunately, there were no active fires reported and most of the runs were for smoke and carbon monoxide detectors and the smell or presence of smoke.

Staff and I met with our risk manager, Michael Fishel of Neace Lukens to review his recommendation. This proposal will be reviewed in a Finance Committee meeting prior to Council being asked to approve it on December 12. The best news is the cost for property and casualty insurance has been driven down creating a cost savings of over 30% with a price guarantee for the 2 year period.

Mr. Lahrmer has received a proposal from Todd Kinskey of Hamilton County Planning Commission (HCPC) regarding a zoning district for the property. He held off on taking any action until the Land Development Committee met regarding the Model Group proposal. The next step is to ask the Planning Commission/Zoning Board of Appeals for their input. The plan is to develop a zoning district to encompass acceptable uses on the site.

MAYOR'S REPORT

Mayor Stillpass reported that the visitors to Amberley Green on October 12 endorsed a previous recommendation to the Environmental Stewardship Committee by Wendi VanBuren with the Ohio Department of Natural Resources to label and identify the significant and specimen trees and tree groupings. Existing trees could form the beginning or basis of an arboretum which is a compatible use to any future development. The trees there will add value to any development and such mature trees are not easily replaced.

The property could be used for educational purposes and added to the database such as the one Steve Foltz maintains at www.PlantPlaces.com.

RECOGNITION OF OUTGOING COUNCIL

Mayor Stillpass invited the outgoing council members Leslie McIntosh, Jon Chaiken, Peg Conway, Fran Cohen, and Louis Katz to the podium and recognized each member with an award to commend them for their service to the community.

Vice Mayor Chaiken then presented Mayor Stillpass with an award to commend her on her service to Amberley. Mr. Chaiken commented that Mayor Stillpass held various positions with the village over the past 13 years including council member, Mayor, Vice Mayor, village representative on the Hamilton County Regional Planning Commission, and she served on the village's planning commission from 1998 through 2005. She was the founder of the Environmental Stewardship Committee. She served on the village's Streets, Public Utilities and Sewers Committee, Law Committee and Land Development Committee. She has worked to advance various initiatives including the selection process to hire a new village manager. She brought the World Town Planning Day to Amberley in 2010 and coordinated the University of Cincinnati's site planning studio which took place in the village. She has worked with Jewish Family Service to develop

social service models for the community of a lifetime initiative. She submitted various grant applications to the Hamilton County Soil and Water Conservation District and received a grant for a rain garden which was installed near the ball field at Ridge and Section.

Vice Mayor Chaiken stated that over the last 13 years, Amberley has benefited greatly from Mayor Stillpass' efforts and talents and she has worked tirelessly to improve the life of residents, which has helped make Amberley the destination neighborhood that we know and love. With much gratitude, he thanked Mayor Stillpass for her service.

Mayor Stillpass gave the following speech:

"In as much as this is the last regularly scheduled council meeting that I will participate in, I want to take a moment to reflect on my tenure on the Amberley Village Council.

I began my official service to the Village with the Amberley Village Planning Commission and Zoning Board of Appeals in 1993, serving as Chairperson for 9 years.

I was first elected to Council in 2007, during a time of discord which I would like to believe most citizens have put behind them. I served as Vice Mayor from 2007-2009, during which time I was Chair of the Long Range Planning Committee, which left me well-prepared for my term as Mayor – as I believe that our focus should always be on the future of the Village, not on its past.

First and foremost, I would like to compliment the efforts of all of the employees of the Village. Over the 6 years I have served on Council, I have found the staff to be dedicated to the work of maintaining the highest standards of Village services that the residents experience and expect and the Village staff have conducted themselves professionally in performing this work.

I particularly want to thank the administrative staff, Nicole Browder, Kathleen Harcourt, Anna Shaw and Steve Rasfeld, with whom I had the most contact over the years. This group does an excellent job for which I am proud and grateful.

In addition, I have worked with the Police Department in several capacities, especially in Mayor's Court, and have been greatly impressed by the professionalism of our entire department for which we all owe a debt of gratitude. Thank you Rich Wallace for the leadership you have demonstrated and expanded since becoming Chief. I also want to recognize Stacy Lefton who serves as prosecutor in Mayor's Court and thank her for the professionalism she brings to Amberley in that role.

I have worked most, of course, with our Village Manager, Scot Lahrmer, who works diligently to motivate and empower his staff to meet the challenges of operating in increasingly difficult financial times. Scot, since you arrived at the Village, the playing field has changed – much for the better – I thank you for all you have done to make my role as Mayor more pleasant and more productive.

I also want to thank Kevin Frank, our Village Solicitor. Kevin has served council, and as general counsel to the Manager and to the council committees. Kevin's professionalism has been a great asset to the Village.

I am proud to have served our Village, and during the past 2 years under my leadership as Mayor, council:

- *began to break the culture of built-in overtime scheduling, free benefits, and unnecessary employee travel*
- *instituted accountability of Village management to Council and the citizens*
- *began to focus on fiscal responsibility in the budgeting process*

AND

- *made real efforts at economic development by focusing not only on promotion of Village properties available for development, but also on the needs of our existing businesses*

Over the past two years, I devoted a great deal of energy to grow the Village in the following areas:

- *bringing in top-notch consultants, who analyzed Village opportunities – on a volunteer basis*
- *promoting the Village's qualities and attributes on a regional and state-wide basis*
- *fostering the interactions with our neighboring “first-suburbs” in order to bring about efficiencies associated with inter-cooperation and mutual interests*
- *continuing efforts to improve the quality of life in the Village through preservation of natural resources, working with the Jewish Family Service toward the creation of a “Community of a Lifetime,” promoting available educational options, etc. - all making Amberley a great place to live*
- *following the retirement of previous Village Manager of 34 years, I was able to utilize connections within the Ohio municipal community that led me to Scott Lahrmer, as the interim manager, and whose qualifications to continue in the role of Village Manager was ratified through a rigorous search and interview process undertaken by our search consultants.*

To the councilmembers who have served with me, who are also now moving on: Peg Conway, Fran Cohen, Jon Chaiken, Louis Katz, and Leslie McIntosh - I thank you for your courage, your vision, and your aid in moving Amberley in, what I believe was, the right direction. Your friendship, your civility and your professionalism make me proud to have served with you. I thank you for your support during these last 2 years and as the gavel is passed along next month to the newly elected council, on which Ed Hattenbach will continue to serve, I have great faith and sincere hope that the future of Amberley is in capable hands.

*It has been an honor and a privilege to serve you on Council,
Thank you.”*

Mayor Stillpass then invited other council members to make any additional comments.

Mr. Katz congratulated the new council, complimented the staff and the residents for their efforts.

Mr. Chaiken stated that he enjoyed his time on council and its committees and felt that he was always operating with the best interests of the village. He commented that he has a fond appreciation for the staff. He also enjoyed the relationships among his fellow council members.

Mrs. Cohen stated that she is the longest serving council member as well as the oldest on council. She commented that it was a pleasure to serve and thanked staff for all they do. She stated she is a 48-year resident, raised her children here and hopes that the new council will keep the village the way it is.

Mrs. Conway thanked her colleagues, and acknowledged Chuck Kamine. She stated she would always remember her swearing-in because she became a part of council to fill a vacant seat. She stated that it has been a privilege to serve and she gained an appreciation for local government. She will continue to care deeply about the village.

Ms. McIntosh commented that she would remain connected with the Village. She learned a lot while on council. It is a beautiful community and the best kept secret in Cincinnati. Congratulations to the new council.

NEW BUSINESS

Mr. Hattenbach moved to conduct a swearing-in ceremony for the new council on November 30 at 7:30 p.m. Seconded by Mr. Katz and the motion carried unanimously.

Mr. Lahrmer took a moment to thank the outgoing council for placing their trust in him by selecting him to be the Village Manager. He is grateful and appreciative. He looks forward to working with the incoming council as well.

Mr. Katz noted that a resident of the Village passed away, Stan Kaplan. He thanked the Police/Fire Chief and Village Manager for attending on the village's behalf.

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

Nicole Browder, Clerk of Council

Mayor J.K. Byar