

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, DECEMBER 12, 2011**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, DECEMBER 12, 2011 at 7:30 P.M. Mayor J.K. Byar called the meeting to order. The following roll call was taken:

PRESENT:

Richard Bardach
J.K. Byar
Ed Hattenbach
Tom Muething
Ray Warren
Natalie Wolf

ALSO PRESENT:

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

ABSENT:

Bill Doering

Mayor Byar welcomed everyone to the regularly scheduled meeting of the Amberley Village Council and asked those in attendance to stand while the Hamilton County Honor Guard conducted the presentation of colors.

Mayor Byar then led those in attendance through the pledge of allegiance. Following the pledge, resident Mrs. Betty Whitaker sang the national anthem.

MINUTES

Mayor Byar presented the minutes of the November 14, 2011, regular meeting and the minutes of the December 1, 2011 special meeting. He asked if there were any corrections or additions. Since there were no corrections or additions, Mayor Byar stated that the minutes stand approved as submitted.

FINANCE REPORT

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

Earnings tax collections for the month of November totaled \$179,021. This is down 13% from November 2010's collection of \$206,786.

Year-to-date earnings tax collections are \$2,155,905 compared to last year at this time of \$2,342,030. 2011 earnings tax collections year-to-date are 7.95% less than last year's. However, in 2010 there was a once in a lifetime event that generated a withholding payment of more than \$170,000. If you factor this in, the comparison between 2010 versus 2011 tax collections shows revenue is even.

2011's original estimate for earnings tax was \$2,150,000, a 12% decrease from what was collected in 2010. With 91% of the year passed, the Village has collected 100% of estimated collections. Next month's collection is typically low and the village should

anticipate between \$50,000-60,000 additional earnings tax bringing our total to \$2.2 million.

The allocation of real estate and public utility property tax dollars from the auditor's office is complete for the year. The village's total valuation has decreased to \$168,811,800 for tax year 2011/collection year 2012. With the county's allocation of real estate dollars, our year-to-date real estate, rollback and homestead tax receipts total \$1,191,624.

The State legislature has eliminated the inheritance tax as a source of funding effective January 1, 2013. Revenue to the village averaged \$515,000 each year if you take out the largest (\$3.3 million) and smallest years (\$183,569) and divide by 9. Over \$8 million has been generated over the last decade for the village. The total inheritance tax collection year-to-date is \$407,294. The village has been notified by the county that the inheritance tax to be returned by the village in the amount of \$389,548 has now been offset by other inheritance collections payable to the village. Any additional inheritance monies will now be received by the village.

The local Government Fund has netted \$97,401 so far this year. This fund was also greatly affected by the State Budget and the Village will receive 25% less this year followed by another 25% decrease the following year.

2011 interest year-to-date is \$29,272. 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 November totaled \$326,261 for a year-to-date of \$4,356,252 plus \$255,000 in refunds and transfers for a total of \$4.6 million. The village will finish 2011 spending less than what was budgeted. Staff has been asked to cancel purchase orders and eliminate some encumbrances. As encumbrances are eliminated, the fund balance will increase however, with 2012 encumbrances being made, the balance will drop. I would anticipate the General Fund balance to end the year between \$2.8 and \$3.1 million.

PRESENTATION:

Mrs. Maria McDonough, Principal of the Pleasant Ridge Montessori School, provided an update regarding the school's standardized test score progress and commitment to the community. A work plan was provided to the council as a reference. Mrs. McDonough emphasized that the school has continued to excel with a focus on reading and math. With help from the full-time staff from Xavier, she believes the school has demonstrated considerable test score improvement over the last year and will improve toward excellence as well as provide a sense of community.

RESIDENT TO ADDRESS COUNCIL:

Tom Neuman, resident at 5120 Rollman Estates Drive, expressed his concern regarding the village's financial problems. He stated that he was concerned that the new council had yet to take action this year to reduce the reciprocity tax by 1%, which

would produce \$900,000. He commented that such an action could be rescinded at a later date if the safety levy were to pass.

Mr. Neuman commented that the review by the current ad hoc committee will be the third or fourth time through such a process. The revenue issue is real and has been expressed by the current and previous village manager.

He stated that his understanding was that the current ad hoc committee's revenue subcommittee has suggested that donations generate the needed revenue. The expense subcommittee has requested a scenario review of 30% budget cuts which is equal to the deficit, if there is no additional revenue.

Mr. Neuman commented that if the issue being pursued by the council is to ensure there will be no more taxes, then the answer is to dissolve the village. Residents will then rejoin Columbia Township, which will eliminate additional property taxes and it will be the easy way out. The difficult choice is to keep the village. He stated he believes that council is not addressing the revenue issues. He also stated that the zoning for the Amberley Green and North Site properties needs to be changed.

Mr. Neuman concluded, that Amberley is an upscale community with valuable services and he would like it to continue as such.

Mayor Byar thanked Mr. Neuman for his comments and requested the reports from the committees.

FINANCE COMMITTEE

Mr. Hattenbach read, presented and moved to approve RESOLUTION 2011-23, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH ARGONAUT FOR PROPERTY AND CASUALTY INSURANCE. Seconded by Mr. Muething and the motion carried unanimously.

Mr. Hattenbach provided an update regarding the Ad Hoc Advisory Committee. He stated that the committee has formed into subcommittees—expense and revenue. The expense subcommittee has requested a 30 percent budget cut and will review how the village would function at that level.

Mr. Hattenbach then read, presented and moved to approve ORDINANCE 2011-16, AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE VILLAGE OF AMBERLEY FOR THE FISCAL YEAR 2012. Seconded by Mr. Muething and the roll call showed the following vote:

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

Mr. Warren asked if council could still make cuts to the budget at a later date. Mr. Muething commented that the budget is constantly being worked on at this point. Since

July's tax budget, there has been an additional \$300,000 cut from the budget. The staff and council will continue to identify and search for savings for the village and implement such measures on an ongoing basis.

Mr. Hattenbach then read, presented and moved to approve ORDINANCE 2011-22, ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR 2011. Seconded by Mr. Muething and the roll call showed the following vote:

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

Mr. Hattenbach then presented ORDINANCE 2011-17, ORDINANCE AMENDING MAYOR'S COURT FEE SCHEDULE AND RELATED ORDINANCES FOR PARKING AND TRAFFIC FINES. Mr. Bardach expressed that he was married to the mayor's court prosecutor, Stacy Lefton, therefore, he recused himself and left council chambers. Mr. Hattenbach then read and moved to approve ORDINANCE 2011-17, Seconded by Mrs. Wolf and the roll call showed the following vote:

AYE: Byar, Hattenbach, Muething, Warren, Wolf (5)
NAY: (0)
RECUSED: Bardach (1)

Mr. Hattenbach then moved to amend the ordinance as follows:

Section 32.07 COURT COSTS AND FINES

- (A) Unless otherwise specified, all fines, penalties, fees, costs and pay-outs ~~established by ordinance are maximum limits. Such fines and penalties may,~~ at the sole discretion of the Mayor or Mayor's Court Magistrate, be reduced by any amount or imposed up to the maximum limit.
- (B) In addition to fines, forfeitures, fees, and costs otherwise provided by the Municipal Code of Ordinances, each person who appears before the Mayor's Court shall be assessed court costs payable to the Village in the amount of ~~\$49.00~~ 50.00 for each appearance before the Mayor's Court. Such court costs may not be reduced or altered.

Seconded by Mrs. Wolf and the roll call showed the following vote:

AYE: Byar, Hattenbach, Muething, Warren, Wolf (5)
NAY: (0)
RECUSED: Bardach (1)

Mr. Hattenbach moved to approve the ordinance passed as an emergency measure. Seconded by Mr. Muething and the roll call showed the following vote:

AYE: Byar, Hattenbach, Muething, Warren, Wolf (5)

NAY: (0)
RECUSED: Bardach (1)

Mr. Bardach rejoined the meeting.

PUBLIC BUILDINGS & PARKS COMMITTEE

Mrs. Wolf announced that the Village will proceed with the implementation of the We Thrive! grant received for a community garden on Amberley Green. There are three requirements and funding is in two phases. Amberley has met the first requirement by having passed Resolution 2011-14, Resolution in Support of We Thrive! Community Wellness and Action Initiative to Promote a Healthier Community. The second requirement is to complete an assessment of the village in terms of nutrition, smoking policies, physical activity, and chronic disease management, and from the assessment, develop an action plan for a healthier community.

The final phase requires identifying areas in the community where we can encourage increased physical activity by entering into agreements for shared usage of our assets with other communities.

Three subcommittees have been formed to develop plans for a farmers' market, a community garden, and shared use agreements. It was determined that the parking restrictions on Amberley Green were an impediment to any activities or developments for the property. It was determined that a non-resident parking pass be made available for purchase.

The Environmental Stewardship and the Public Buildings & Parks Committees are very active and well attended committees. There is strong interest in Amberley Village for both a community garden and a farmers' market.

ENVIRONMENTAL STEWARDSHIP COMMITTEE

Mrs. Wolf reported that the committee met on November 28 and continued its planning for the Tree City USA luncheon on April 20, 2012. The Tree City USA program is sponsored by the National Arbor Day Foundation to encourage and recognize urban and community forestry programs in towns and cities across the country.

Amberley will host the 2012 luncheon event which will be a wonderful opportunity to showcase Amberley Village's efforts in making urban forestry programs a valuable investment in improving our community's quality of life.

Donations are being accepted for the luncheon, which will be the first "green" program for Tree City USA luncheons. Mrs. Wolf invited council to attend the event.

PUBLIC OUTREACH COMMITTEE

Mrs. Wolf reported that the committee met and discussed improving communication with village residents. It was determined that it was favorable to re-implement a print

newsletter to be mailed to residents. Only 400 residents subscribe to e-news, which only represents one-third of village households. A smaller, concise version could be mailed at least twice a year at minimal cost.

The committee recommended a minimum of three meetings be held in the community to educate residents about the work and structure of the village police and fire department in preparation for the upcoming levy in March.

A brief discussion was held regarding whether or not funds were available to implement a print newsletter for 2012. Mr. Lahrmer agreed that this was a legitimate issue and he would look within the budget to allocate funds toward this effort. Mrs. Wolf noted that she quoted a color, two-sided newsletter mailing, including postage at a cost of \$600.

MANAGER'S REPORT

Mr. Lahrmer reported that discussions have continued among the various individuals interested in developments related to the proposed group home. He reiterated that the village cannot affect the outcome of the group home based on federal and state regulations.

Work has been completed and the roads have been paved on Belkay and Hudson Parkway.

The maintenance department picked up 2,383 cubic yards of leaves in November. This is an extremely valuable service not only for the residents to dispose of their leaves, but it keeps our storm sewers and streams from clogging.

The police department had 1,693 calls for service for the month of November for a total of 17,255 year to date. These calls include alarm drops, house checks investigations, Amberley Green patrol, and assisting other departments. There were 88 citations issued last month.

On October 6, a daytime residential burglary occurred here in town, and within a month another home was burglarized in a similar fashion. Through the investigation of both burglaries, the Amberley Village Police Department was able to formulate a description of a suspect and suspect vehicle. Officers diligently patrolled the Village in the event the burglar would try to strike again.

On November 14, that paid off as a vehicle matching the description of the burglar was spotted by the Amberley Village Police as he was driving around town looking for another victim. After a short vehicle pursuit, the suspect was stopped and arrested for multiple traffic charges and drug charges, and was subsequently charged with the residential burglaries. The Amberley Village Police then conducted a search warrant on a local motel where he was staying and they recovered various stolen jewelry items. As a result of the search warrant and an on-going investigation conducted by our police department, other police agencies were able to link this suspect to multiple burglaries. Excellent work on behalf of our Police Department.

During the month of November, there were 14 reports taken by the Fire Department. Fortunately, there were no house fires but the calls for service ranged from the smell of smoke, fire and carbon monoxide detectors activated and an individual stuck in an elevator. The Fire Department responded to a car on fire in addition to an auto accident with entrapment.

The next step for our successful energy aggregation ballot issues is to continue with the PUCO governmental certification process. Eagle Energy will assist in this process and the Village has scheduled two public hearings for December 21 at 3:00 p.m. and 5:30 p.m. in council chambers. The Village advertised the meetings in the Enquirer as required. Our consultant, Don Marshall will conduct the hearings and while Council is welcome, it isn't necessary for council to attend. It is anticipated that our aggregation will be ready sometime in March.

MAYOR'S REPORT

Mayor Byar moved to re-appoint Scott Wolf to the Board of Zoning Appeals for a 4-year term. Mrs. Wolf recused herself from the vote because she is married to Mr. Wolf. Mr. Muething seconded the motion and it carried unanimously.

Mayor Byar moved to re-appoint Stan Cohen to the Stormwater Advisory Management Committee for a four year term. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mayor Byar presented ORDINANCE 2011-18 for the purposes of re-appointing the clerk of council. The ordinance was moved by Mr. Hattenbach, seconded by Mr. Muething and the roll call showed the following vote:

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

Mr. Hattenbach moved to approve the ordinance passed as an emergency measure. Seconded by Mr. Muething and the roll call showed the following vote:

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

Mayor Byar presented ORDINANCE 2011-19 for the purposes of re-appointing the village solicitor. Mr. Bardach recused himself because he is married to prosecutor Stacy Lefton serving in the village's mayor's court. The ordinance was moved by Mr. Muething, seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Byar, Hattenbach, Muething, Warren, Wolf (5)
NAY: (0)
RECUSED: Bardach (1)

Mr. Hattenbach moved to approve the ordinance passed as an emergency measure. Seconded by Mr. Muething and the roll call showed the following vote:

AYE: Byar, Hattenbach, Muething, Warren, Wolf (5)
NAY: (0)
RECUSED: Bardach (1)

Mr. Bardach rejoined the meeting.

Mayor Byar presented ORDINANCE 2011-21 for the purposes of re-appointing the village treasurer. The ordinance was moved by Mr. Hattenbach, seconded by Mrs. Wolf and the roll call showed the following vote:

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

Mr. Hattenbach moved to approve the ordinance passed as an emergency measure. Seconded by Mr. Bardach and the roll call showed the following vote:

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

Mr. Hattenbach presented, read and moved to approve ORDINANCE 2011-21, ORDINANCE CHANGING THE START TIME OF COUNCIL MEETINGS. Seconded by Mr. Warren and the roll call showed the following vote:

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

Mr. Hattenbach moved to approve the ordinance passed as an emergency measure. Seconded by Mr. Warren and the roll call showed the following vote:

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

NEW BUSINESS

Mr. Hattenbach moved to approve the purchase of holiday gifts cards in the amount of \$100 for each employee as a good gesture on behalf of council. He stated that council appreciates the cooperation being given to the ad hoc committee and appreciates the employees' service.

Mayor Byar commented that the Amberley staff is incredible and he appreciates their efforts during this difficult time. He wished everyone a happy holiday season.

Mrs. Wolf commented that Mrs. Whitaker did a beautiful job singing the national anthem at the beginning of the meeting.

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

Nicole Browder, Clerk of Council

Mayor J.K. Byar