

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
TUESDAY, OCTOBER 12, 2010**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on TUESDAY, OCTOBER 12, 2010 at 7:30 P.M. Mayor Merrie Stillpass called the meeting to order. The following roll call was taken:

PRESENT:

Fran Cohen
Peg Conway
Ed Hattenbach
Louis Katz
Merrie Stillpass

ALSO PRESENT:

Bernie Boraten, Village Manager
Jack Monahan, Police/Fire Chief
Kevin Frank, Village Solicitor
Nicole Browder, Clerk of Council

ABSENT:

Leslie McIntosh
Jon Chaiken
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 September 13, 2010, regular meeting and asked if there were any corrections or additions. There being none, Mayor Stillpass stated that the minutes stand approved as distributed.

FINANCE REPORT

Mr. Boraten presented the September, 2010, Finance Report (copy attached). Mayor Stillpass asked if there were any questions or comments.

Mr. Katz inquired as to the source of the transfer into the 911 PSAP Fund. Mr. Boraten explained that revenue related to the 911 PSAP was kept in the General Fund and now, in accordance with the state auditor's requirements, a separate fund has been created for the accounting of the 911 PSAP Fund. Mr. Katz asked for the revenue source of the 911 PSAP Fund. Mr. Boraten explained that the revenue is from Hamilton County for reimbursement of wireless calls.

Mr. Katz then inquired to Mr. Boraten regarding the general fund revenue as to whether or not the Village would expect to meet the revenue budget 2010. Mr. Katz stated that it appears the Village is down by a half-million dollars. Mr. Boraten stated that the revenue for the general fund has been what was expected and the only fund that is down is the inheritance tax. Mr. Hattenbach then commented that the Village has yet to receive all October income tax payments. Mr. Katz asked Mr. Boraten if the half-million should be expected this year. Mr. Boraten stated that the income tax is slightly ahead this year.

Mr. Hattenbach then commented that the personal property tax has been phased out and he asked Mr. Boraten if the revenue shown as the personal property tax on the finance report represented the final payments of the personal property tax revenue. Mr.

Boraten commented that the personal property tax payments are being phased down through a schedule of payments of which a chart is on file that can be referenced. Mr. Boraten further clarified that the short-term replacement tax for the personal property tax was the Commercial Activity Tax (CAT). The CAT funds are being shown in the same line item where the personal property tax was previously shown.

Mrs. Conway then asked Mr. Boraten to recall what the budgeted amount was for the inheritance tax. Mr. Boraten explained that it was \$250,000. He stated that each year that number is budgeted low because inheritance tax is such an unpredictable item. He then stated that the Village has yet to meet the \$250,000 budgeted amount this year and most likely will not receive that amount this year.

Mayor Stillpass asked if there were any questions or comments. There being none, Mayor Stillpass announced that the finance report would be filed as received.

COMMITTEE REPORTS

FINANCE COMMITTEE

Mr. Hattenbach presented, read and moved to approve Resolution No. 2010-13, 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. Katz and the motion carried unanimously. Mr. Hattenbach explained that this resolution was for the purpose of keeping the current real estate tax levies the same.

Mr. Boraten explained that when Council passed the budget in July, it chose to keep the tax millage at 7 mils. He stated that the County received the Village's budget and reviewed each jurisdiction's budget. He stated that the County accepted the tax rate submitted by the Village and now the final step in the process is for the Village to accept the County's estimates of that tax rate.

Mayor Stillpass then stated that the next item was the second reading of the proposed ordinance amending Section 93.14 reducing the income tax credit for tax paid to another municipality. Mr. Hattenbach presented and read the second reading of this ordinance.

He stated that Amberley is primarily residential with a residential tax base and is not generating sufficient revenue through the present tax rate to provide the basic service that residents have come to expect. He stated that a lot of our residents who work in other communities where they are raising their taxes, Amberley is getting fewer income tax dollars from its residents. Therefore, Council is proposing to reduce the reciprocity credit.

Mayor Stillpass announced that the Council will continue to review the budget. The third reading of this ordinance, at which time Council could take action for passage, will be at the November 8 Council Meeting.

Mr. Hattenbach then commented that there was a handout available to the audience that further explains the details regarding the proposed ordinance. He stated there will also be another Finance Committee meeting to continue review of the budget in an effort to reduce the deficit. The meeting will be held Wednesday, October 20.

Mrs. Conway announced that the detailed handouts regarding this ordinance are also available in the Village Hall lobby rack as well as the Village website. It provides an entire overview of the situation and the rationale for this ordinance to reduce the income tax credit.

PUBLIC OUTREACH COMMITTEE

Mrs. Conway then announced that on November 7th there will be a historical reenactment at the JCC. It will be a debate between Thomas Jefferson and Patrick Henry on the role of government in establishing religion. Thomas Jefferson will be played by Bill Barker, who performs this role at Colonial Williamsburg. Along with Tony Steer as Patrick Henry, they will reprise their lively exchange in period costume on stage. There will be a scholarly panel discussion with audience Q&A afterwards, and a coffee reception will follow. The public is invited to attend at no charge. Reservations are recommended and may be made by contacting: phenpatriot@yahoo.com. This program celebrates the first anniversary of the joint acquisition of Liberty Tree Memorials by Amberley Village, the City of Cincinnati, and the Village of Golf Manor.

Mrs. Conway announced that on November 9 at Village Hall at 7 p.m., Detective Jeff Norton of the Amberley Village Public Safety Department will give a lecture on personal protection, which will include identity theft, avoiding fraud and protecting yourself against assault.

Mrs. Conway commented that the Public Outreach Committee had engaged a communications intern from the University of Cincinnati, Andrea Bouldin. She stated that Andrea will be here for the fall quarter and she is in communication studies at UC. Andrea also wrote a number of the articles in the fall newsletter.

Mrs. Conway presented, read and moved to approve ORDINANCE 2010-18, ORDINANCE FIXING COMPENSATION TO BE PAID TO THE VILLAGE MANAGER. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Stillpass, Cohen, Conway, Hattenbach, Katz	(5)
NAY:	(0)
ABSENT: McIntosh, Chaiken	(2)

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

AYE: Stillpass, Cohen, Conway, Hattenbach, Katz	(5)
NAY:	(0)
ABSENT: McIntosh, Chaiken	(2)

STREETS, PUBLIC UTILITIES & SEWERS COMMITTEE

On behalf of Jon Chaiken, Mayor Stillpass presented the second reading of the proposed Hamilton County Storm Water District Rules and Regulations, which are required to be passed to be in compliance with state and federal environmental protection agency mandates. Mrs. Stillpass noted that this ordinance would be available at Village Hall and on the website for those interested in reviewing. The third reading will be next month, at which time council may take action on the ordinance.

Mayor Stillpass introduced the utility aggregation resolution and asked Mr. Katz to report on this item.

Mr. Katz explained that the ordinance is based on the deregulation of energy allowing alternative energy sources. Many residents have received mailings from Duke and other companies offering a discount. This ordinance provides Eagle Energy the authority to negotiate a better rate for the residents.

Mr. Katz explained that there are two types of implementation programs. One is called "opt-in" which council can adopt for the Village. "Opt-in" means that we can negotiate a rate and then any resident who wants that rate can choose to participate in that program. Mr. Katz then explained that the "opt-out" rate will provide an even greater savings because Eagle Energy can do a much better job negotiating with a larger number of participants. The opt-out program, however, requires a public vote. The Council is authorizing the opt-in program now and encourages residents to take advantage of it. Once the Village can get the opt-out program on the ballot, Eagle Energy will be able to re-negotiate the rate with the larger buying group as leverage.

Mr. Katz informed the residents that the energy will be coming through the same delivery lines and the billing will also stay with Duke Energy. It was clarified that the opt-in program will be for electric only and the opt-out program that will be on the May 2011 ballot will include both electric and gas.

Mr. Katz presented, read and moved to approve RESOLUTION NO. 2010-11, RESOLUTION APPOINTING EAGLE ENERGY, LLC AS AGENT AND CONSULTANT TO ASSIST IN THE EFFORT OF SECURING AN ALTERNATIVE ELECTRIC ENERGY SUPPLY PURSUANT TO SECTION 4928.20 O.R.C. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Don Marshall of Eagle Energy was introduced by Mayor Stillpass. Mr. Marshall came forward and gave a brief overview, similar to what was explained by Mr. Katz, regarding the utility aggregation program options and how the Village would proceed to

participate. Mr. Katz then moved to amend his motion to include the services as described by Mr. Marshall. Seconded by Mr. Hattenbach and the motion carried.

Mayor Stillpass next presented, read and moved to approve RESOLUTION NO. 2010-14, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH THE CITY OF CINCINNATI TO EXTEND THE COUNTY WATER AREA CONTRACT FOR 30 YEARS THROUGH THE YEAR 2047. Seconded by Mr. Katz and the motion carried.

PLANNING COMMISSION

Mayor Stillpass presented the second reading of the proposed ordinance. Mayor Stillpass noted that the ordinance will be available at Village Hall for inspection.

MAYOR'S REPORT

Mayor Stillpass thanked Leslie McIntosh for all of her hard work related to the Amberley Green. The next Green Clearing event is scheduled for November 4 at 6 p.m.

MANAGER'S REPORT

During the past month, the roads committee met regarding the approach to Galbraith Road. As a result, arrows will be painted to assist with the merger.

NEW BUSINESS

Chief Monahan reported on a letter of commendation that he issued to P.O. Jason Phillips for his actions related to an auto accident. On Monday October 4, 2010, Police Officer Jason Phillips was driving his personal car, while off duty, on Interstate 71 northbound, just north of Montgomery Rd. Officer Phillips observed a Ford Mustang operating at a very high rate of speed. The operator of the Mustang, lost control of his vehicle and struck a Van that was disabled on the side of the Highway. The van, which had an elderly driver sitting in it, immediately burst into flames. The Mustang then struck the concrete barrier. The operator of the Mustang was critically injured.

Officer Phillips stopped his vehicle and attempted to help the victims of the crash. There was no hope for the innocent person in the van. Officer Phillips then ran to the Mustang and observed the operator unconscious, slumped over the steering wheel. Officer Phillips checked for a pulse and there was a slow pulse and the victim's breathing was shallow. Officer Phillips observed the victim's chest was wedged into the steering wheel and may not have been able to get any fresh breathing air into his lungs. Other personnel arrived and they began to get the victim out of the vehicle as it could also explode into fire at any moment. They cautiously moved the victim to a safe area on I-71, which was now shut down as a result of the accident, and began CPR. Life Squad and other fire units arrived and transported this victim to the hospital. He survived the crash.

Officer Phillips jeopardized his own safety by attempting to save the victim in the burning car and attending to the victim in the Mustang, especially in light of the fact the Mustang could blow up at any moment. Officers Phillips instinctively reacted to a

serious automobile accident relying on his police and fire training. Officer Phillips saved the life of the victim, who also was responsible for causing the accident, without any regard for his own safety. Officer Phillips is a true hero in this incident and is to be commended for his actions.

The excellent life saving measures that Police Officer Jason Phillips used on the victim in the Mustang, directly resulted in his life being saved. Officer Phillips exemplified the high quality of training that the Amberley Village Police and Fire Department is proud to deliver. Officer Phillip's performance is in the highest tradition of the Amberley Village Police and Fire Department. He is to be commended for his exemplary actions.

Mr. Katz then expressed his appreciation for the Village's 911 call center. He shared a story whereby he and a friend where biking riding and his friend crashed and injured himself. When they used a cell phone to call 911, he stated that he went through a series of transfers to various dispatch centers which resulted in being on hold for 10 minutes. Mr. Katz stated that it took so long to get help that he called the Amberley dispatch center to place a call to Indian Hill to respond to the scene to assist.

Mr. Katz announced that Wendy Lieberman, a village resident, received a top teach award and he congratulated her on this achievement.

Mr. Katz then announced that he has received approval from the Internal Revenue Service for the 501(c)(3) to accept donations for the preservation of the Amberley Green. Those interested in donating can now do so.

Mayor Stillpass stated that there being no other business the meeting was adjourned.

Nicole Browder, Clerk of Council

Mayor Merrie Stillpass