

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, FEBRUARY 13, 2012**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, FEBRUARY 12, 2012 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
Rich Wallace, Police/Fire Chief
Kevin Frank, Village Solicitor
Nicole Browder, Clerk of Council
Rick Kay, Village Treasurer

ABSENT:

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

MINUTES

Mayor Byar presented the minutes of the January 9, 2012, regular meeting with minor amendments. He asked if there were any additional corrections or additions. Since there were none, Mayor Byar requested a motion to approve the minutes as amended. Moved by Mr. Muething, seconded by Mr. Hattenbach and the motion carried unanimously.

FINANCE REPORT

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

Earnings Tax collections for the month of December totaled \$69,574. This is down 3% from December 2010's collection of \$71,806.

Year-to-date earnings tax collections are \$2,225,403 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 comparable.

Earnings Tax collections have been somewhat consistent since 2006 although dipped in 2009 but rebounded. 2011's original estimate for earnings tax was \$2,150,000, a 12% decrease from what was collected in 2010. With 100% of the collections accounted for, the Village exceeded collections by \$75,481. The estimate for 2012 is \$2,250,000, an increase of approximately \$25,000 over 2011 collections.

With the County's allocation of real estate dollars, our year-to-date real estate, rollback and homestead tax receipts totaled \$1,202,250. This amount is expected to decrease to \$1,092,675 due to the elimination of the tangible personal property tax eliminated by the State and lower property values which translates into less property tax.

The inheritance tax collection year-to-date for 2011 was \$407,294. The State legislature has eliminated this source of funding effective January 1, 2013. Revenue to the Village fluctuates but averages \$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 Local Government Fund has netted \$104,275 for 2011. 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 was \$32,318 compared to 2007's interest which totaled \$367,549. 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 December totaled \$510,973 for a year-to-date of \$4,867,225 plus \$284,635 in refunds and transfers for a total of \$5,151,747. The Village spent \$509,823 less than was budgeted in 2011.

At the end of December 2011, the unencumbered General Fund balance was \$3,203,343.

PRESENTATIONS/SPEAKERS

Ms. Anne Sutton-Burke, Director of Aging with the Jewish Family Service, gave an update to council regarding the development of a Community for a Lifetime for Amberley Village residents. It was reported that a committee of 11 residents and 3 Jewish Family Service staff has been formed and has met regularly. The committee has conducted an industry analysis, drafted a framework for the program, created a mock up of marketing material, conducted market research, and determined that the next step is to seek an endorsement from village council. The endorsement will be used to leverage funding requests to foundations and other funders.

Ms. Burke stated that she would seek a resolution from council at next month's council meeting. She will work with Ms. Wolf and Mr. Lahrmer to craft the resolution language.

RESIDENTS TO ADDRESS COUNCIL

Mr. Louis Katz, resident at 6785 E. Beechlands, stated that he had received calls from residents inquiring about the village conducting a deer culling without performing a deer count. He expressed his concern for expending \$5,000 for this program during a time of financial difficulty. He stated he felt that the village should not be spending money on programs unless it is absolutely necessary. He commented that he believed that the

current program was not following a policy set previously by the Environmental Stewardship Committee and adopted by council.

Mr. Katz commented from a historical standpoint that the Environmental Stewardship Committee had conducted a number of research projects on deer culling and ultimately determined that based upon the size of the village, the appropriate size of the herd was not to exceed 125 deer.

Vice Mayor Wolf then shared with Mr. Katz the recent work and discussions that took place through the Health, Education and Welfare Committee meetings prior to the approval of the deer culling program. Research of the village records was conducted to locate an existing policy regarding deer culling; no codified policy is recorded. It was recommended that, after community input and committee level discussions, the village continue with the program and authorize up to 50 deer be culled based on last year's numbers. There was no discussion of \$5,000. She stated that it was also decided to forego the census for 2012 because the previous deer count showed inconsistent and inconclusive results. The committee also agreed to meet to come up with a comprehensive deer management plan for the village.

Mr. Katz then commented that he felt the deer culling program is not something that should be done on an annual basis and is not something where money should be spent. He stated that there should be a policy, which he thought had been established. He stated that he believed establishing the correct policy and utilizing the policy would let people know what it is and what should and should not be done. He commented that he believes a count would show less deer in the village.

Mr. Katz next expressed his support for the upcoming police levy. He stated that the village is great place to live and work. He urged everyone to work together to maintain the current lifestyle and services that brought everyone to the village. He commented that he felt it was critical to pass the levy otherwise the village will experience a downward spiral. He commented that the Village Manager and Chief have done a great job to reduce the budget and everyone is working to continue to reduce it. He stated that the financial issues of the village cannot be balanced solely on the backs of the employees or the residents. He urged everyone to become committed to the village and continue working hard. He commented that he hoped the village would pass the levy overwhelmingly. He stated that we have a great place we need to protect.

Ms. Ariella Cohen, resident at 3211 Fairhaven, made the following comments:

"I would like to thank the village for the opportunity to voice my opinion tonight on the upcoming Police Levy. I have been an Amberley Village resident my whole life- almost 30 years- that's 30 years of experience with the police and fire department, not to mention all of the other dedicated staff including the amazing dispatchers. I am a fourth generation resident of Amberley and plan on living here for the rest of my life. To the best of my knowledge, the Amberley Village Police and Fire department currently serves as one of 2 cross-trained forces in the state of Ohio. I feel very confident in these

dedicated and highly trained men and women who serve to protect our village. There are so many benefits to this model, but the one that seems to be the most relevant and controversial in this current economy is cost efficiency. Amberley village has one of the lowest property tax rates in Hamilton County. Since Rich Wallace has taken the position of Police/Fire Chief, I've been made aware of several cuts have already been made through his public information meetings. I would highly encourage all residents to attend these meetings to become more accurately informed of the data and information recently collected.

Having 17 cross-trained police/fire and 7 maintenance/fire men and women on the force ensures more safety in the village. There has recently been an influx of robberies and crime across the village, and cutting these hard working officers does not seem to be in the best interest of the village in its current state. Sure, I don't want to pay more taxes either, but at the risk of losing some of our unique services, this is not only necessary, but essential in ensuring the safety in Amberley.

When my parents were building their new home in 1995-it caught on fire about 10 days before our move in date. The entire force pulled together and responded in such a timely manner, that if it had been dispatched through an outside 911 call center instead of our own or a surrounding fire squad would have had to respond, my parent's brand new home would not have been salvageable. But, because of the round the clock, hard work these men and women put into supporting my parents and family during this difficult time created a safety net that our family is and always will be indebted to the police and fire squad of Amberley Village. Again, last week, a firefighter came to my home because my dryer caught on fire. I have 2 small children and one on the way. The end result could have been disastrous had I not had the support and quick response of the Amberley village team. Because of that example and many others like it, I am 100% in support of the Police Levy. It isn't until you are in a dire situation that you can justify the importance of these tax dollars, but when you have the hearts and souls of these men and women supporting our small village of Amberley- it speaks volumes to the type of rare system we have in place.

I commend Chief Wallace's efforts to help ensure the safety of not only the village as a whole, but for being able to lay out all of the facts and accurately acknowledge what needs to be done to make this village successful in ensuring the safety of the residents as well as his amazing staff. Thank you for your time and I hope that this levy will pass and help fund the police department."

Vice Mayor Wolf thanked Ms. Cohen for her support and made the following comments:

"Thank you, Ari, for those very eloquent and heartfelt words. Your mom and dad grew up in Amberley and your grandparents still make Amberley their home; you grew up in Amberley, and now you have chosen to stay here and raise your own family in Amberley. While your situation may seem unique in any modern community, it is not at all unique to Amberley. In fact, it is what sets Amberley Village apart in its own uniqueness.

I recently saw some data that indicated how much Amberley residents spend per household for services. The number itself was inaccurate, and I am not sure if it was ever corrected, but it is really irrelevant. I know of very few people – none personally, in fact – who choose to buy a home in Amberley based upon a comparison of how much each household pays for services. There is, in fact, no other community in Hamilton County that is appropriate for which to make a comparison to Amberley, although we have a committee that has spent over three months trying. In 2012, we have as a community something that can't be quantified or invented: we have a very special BRAND here in Amberley. When you say "Amberley Village" you immediately think of something.

It is that something that Amberley has been building since even prior to its incorporation as a Village in 1940 (primarily to gain police and fire protection, by-the-way). I've identified 7 primary reasons that people choose to buy a home and raise a family in Amberley Village:

- 1. Nostalgia. My husband, council members Muething, Bardach, and Doering, and Ari, all have something in common: they grew up here and decided to move back. Many of our residents even bought the house they grew up in.*
- 2. Large lots. Now, even more so than before, you can get a very good deal on a house in Amberley Village. That home is likely to sit on a large one acre lot, often bordered by trees. Maybe there is a creek running through the property. I guarantee you won't be able to find a comparable property for a comparable price anywhere in Cincinnati.*
- 3. Access to synagogues. There are five synagogues in Amberley. We have the largest Orthodox population of any other municipality in Cincinnati. Our only competition for the Orthodox who walk to synagogue on the Sabbath is Blue Ash. Access to synagogue, as well as proximity to Cincinnati Hebrew Day School and the Regional Institute for Torah and Secular Studies -- or RITSS -- both located on Losantiville Avenue in Golf Manor -- is the primary reason many of our residents buy homes in Amberley.*
- 4. Proximity to three major highways. We used to be able to say we could get anywhere in 15 minutes. Now it's 20 minutes, but you still can't beat Amberley for convenience.*
- 5. Schools. Yes indeed. Walnut Hills High School, SCPA, and Clark Montessori high school attract legions of CPS kids and for good reason. They are terrific schools. There is an extensive waiting list to attend Clark. Walnut Hills and SCPA attract students from all over the region who are willing to pay tuition to go to both of these outstanding and unique public high schools. Tuition can range from \$8000-10,000 a year depending on whether you live in state or out of state. Our residents are fortunate to live within the boundaries of the Cincinnati Public School System.*
- 6. Proximity to parks and green space. When I think of Amberley, I think of driving on Ridge and Section Rds. and seeing beautiful trees on either side of the road. This is our BRAND. It is on our letterhead and street signs. This is part of*

Amberley's identity, and it is an ASSET to our village and an amenity to our residents.

- 7. Finally, Amberley's architecture is unique as well. If I was a realtor trying to sell Amberley, I would familiarize myself with mid-century modern architecture. We have an extensive collection of mid-century modern homes and the residents who currently live in these homes know and appreciate how special they are. We also have solid, older homes built in the '30s and '40s which Scott and I refer to as "old Amberley homes." They are beautiful homes which cannot be replicated anywhere else. Believe me – when Scott and I couldn't buy the old "Wolf" home, we tried to build our own version of it but we could never come close in craftsmanship and charm to these older homes.*
- 8. And let us not forget the element that is imperative to making all of these intangible and unique things run smoothly – our services. Where else can you live where the police know you either by name or by face as well as where you live? Where else can you call 911 and know that police or fire will respond in less than a minute?*

When you vote on the levy next month, please take a moment to remember WHY you moved to Amberley in the first place. I don't believe for a minute that Issue 3 passage will cause our property values to go down. I believe without it, our Village will suffer irreparable damage to both to our property values and to our BRAND and for those reasons, I strongly encourage our residents to vote for passing Issue 3."

Mr. David Dahlman, resident at 2656 Fair Oaks, expressed his personal thanks to Chief Wallace and the police department for their recent response to a break-in at his home on January 23. He stated that he was stunned by the excellent response from the department and amazed at how the police entered his home not knowing if the burglars would still be inside.

PUBLIC BUILDINGS AND PARKS COMMITTEE

Vice Mayor Wolf reported that the committee met and passed two motions.

The first authorized Village Manager Scot Lahrmer to negotiate new maintenance contracts for mowing and landscaping.

The second motion authorized non-residents to purchase key cards at the southernmost Amberley tennis courts at a rate of \$70. The Village currently has 54 residents who have purchased key cards that are valid for 2 years. As part of the We Thrive! requirement, communities must assess their assets and evaluate what is available to share either in their own community or in others in order to promote physical activity. As the tennis courts are an underutilized asset in Amberley, the committee agreed, by motion, to allow up to 25 non-residents to purchase key cards for a duration of one year. If the program is successful, the committee will look for a more permanent ordinance to come before council.

Mrs. Wolf read, presented and moved to approve RESOLUTION 2012-27, RESOLUTION AUTHORIZING NONRESIDENTS TO USE AMBERLEY VILLAGE TENNIS COURTS FOR AN ANNUAL FEE. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mrs. Wolf then reported on the We Thrive! program and referred council to a handout named the Community-At-Large Community Action Plan, which is the final step in Phase I of the process for obtaining the We Thrive! grant from Hamilton County Public Health.

She commented that it was not easy to get to this place. She commended the members of the working group: Jim Rulli, Merrie Stillpass, Bill & Merrie Lennard, Jeff Baden of the JCC, and Beth Muething who helped with the Shared Use Assessment phase. She expressed that the process of implementing the grant was enlightening. It made her see things in Amberley in ways she never noticed before. Committee member Tom Muething then commented that he, at first, was a skeptic of this program, however, now feels that it has a lot of benefits to offer all residents, which will improve the quality of life and bring residents together.

Mrs. Wolf also reported that she would be attending the Phase I wrap-up event at the Hamilton County Health Department, along with the other 9 grant recipients as well as the newest grant recipients who will be announced.

PUBLIC OUTREACH COMMITTEE

Vice Mayor Wolf reported that the committee met and discussed the facilitation and structure of the February 1st Public Information meeting to present facts about the March 6th police levy. Prior to that, Chief Wallace conducted two informative meetings at Village Hall and conducted tours of the firehouse. Two more firehouse meetings are scheduled as well as one additional town hall meeting at the JCC.

Residents received post card mailings sent from Village Hall regarding the meetings. A banner was hung at Ridge/Galbraith and Ridge/Section Road intersections. Residents also received a reminder call on the Call Safe line.

FINANCE COMMITTEE

Mr. Hattenbach read, presented and moved to approved RESOLUTION 2012-24, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH ASSURED NL INSURANCE AGENCY, INC., FOR PROFESSIONAL SERVICES RELATED TO PROPERTY AND CASUALTY INSURANCE. Seconded by Mr. Muething and the motion carried unanimously.

Mr. Hattenbach then expressed his appreciation for the work and efforts of the Ad Hoc Advisory Committee. He stated that the committee will meet on February 15 at 7 p.m. to finalize and present a recommendation report for council.

COMPENSATION AND BENEFITS COMMITTEE

Mr. Warren reported that the committee has met four times since the last council meeting. He commented that the committee continues to learn about the village's compensation and benefit structure.

The village is currently in a three year contract for health insurance, which is part of a self-insurance pool of 700 employees. The pool was first formed to provide savings, however, he stated that he felt that the risk involved was not clearly expressed to the village. He reported that in August of 2010 the pool had incurred \$193,000 of liability and by the end of the second year there was over \$240,000 of liability. He commented that these figures were not reported in any of the previous committee minutes or council meetings. For details, please refer to the Committee's minutes.

Mr. Warren commented that a three-fourths vote of the 15 member CLG pool is required to change the benefit structure. The current committee is looking into options to exit the pool. Over the next few weeks, the committee will identify fully insured programs to be reviewed.

MANAGER'S REPORT

Mr. Lahrmer reported that the Village has two properties that were assessed for property maintenance violations and the property owners have not repaid the village for the expenses incurred to correct the violations. The village's only recourse is to request a lien be placed on the properties through the Hamilton County Auditor's office.

Mr. Lahrmer stated that the proposed resolution would place a lien on 5150 Rollman Estates Drive in the amount of \$541.34 and 3140 E. Galbraith Road in the amount of \$809.71.

Mr. Byar moved to approve RESOLUTION 2012-25, RESOLUTION REQUESTING THE HAMILTON COUNTY AUDITOR TO PLACE LIENS AGAINST VARIOUS PROPERTIES FOR NUISANCE ABATEMENT EXPENSES INCURRED BY THE VILLAGE. Seconded by Mr. Muething and the motion carried unanimously.

Mr. Lahrmer next reported on the selection of a supplier for electric aggregation. He stated that the village has submitted its application to become a governmental aggregator to be certified by the Public Utilities Commission of Ohio. The village is running a parallel process and sought proposals for electric. Seven responses were received. DP&L Energy Resources was the preferred supplier. Their quoted rate, which includes the \$0.0005/kWh Eagle Energy fee is \$0.0450 per kWh which will be the fixed rate through May 2014. The rate is 25% below the Duke Energy Price-To-Compare of \$0.0597.

Residents who are a current customer of Duke Energy (Dominion transferred customers to Duke after December 31) will automatically receive a letter from DPLR providing notice of when the opt-out program will begin. Residents will have a 21 day window to opt-out of the program. Duke Energy will then communicate with the residents to confirm their decision.

For Village residents that were in the electric opt-in program with Dominion, the rate to compare was \$.0580. During the year 2011, our residents saved \$269,000 during the 10 months Amberley Village was in the opt-in program. The new supplier rate will lower bills based on prior aggregation rates (based on a rate of \$0.0585) by 6.6%.

Eagle Energy is estimating the average resident will save \$175 annually from the current Duke Energy rate. Residents who have signed up with another supplier and wish to participate in the Village's opt-out program will need to call DP&L Energy Resources, the Village's selected supplier, and request to be enrolled in the opt-out program. Residents should first check to see what, if any, cancellation charges may apply if they leave their current supplier before enrolling with the Village's opt-out program.

Mr. Hattenbach moved to approve RESOLUTION NO. 2012-26, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH DPL ENERGY RESOURCES, INC. TO FACILITATE ENERGY AGGREGATION FOR RESIDENTS. Seconded by Mr. Warren and the motion carried unanimously.

Mr. Warren commended Mr. Lahrmer for his efforts to accomplish this program as it is a tremendous benefit to the residents. Mr. Muething asked for this information to be posted to the notice boards and website.

Mr. Lahrmer next reported about the recent winter event. He commented that to illustrate the value of our salt brine making system, the Service Department pretreated the streets on Tuesday, February 7 in anticipation of snow during rush-hour the following morning. Snow began falling early on Wednesday, February 8 and not only did our crews not get called in on overtime, but they did not have to treat the streets at all that morning. Although there are various factors that affect pretreatment, certainly the Service Department has identified and is utilizing a cost saving mechanism for the Village.

There are a few remaining opportunities for residents to hear about the upcoming police levy. Chief Wallace will make an informal presentation on the levy and provide a tour of the police and fire department on Wednesday, February 15 at 1:30 p.m. and 6:30 p.m. in the Community Room. There will be a public information meeting held at the Jewish Community Center on Tuesday, February 21 at 6:30 p.m. In addition "Visit with the Village Manager" will be held each Thursday from 5:00 p.m. to 7:00 p.m. in council chambers.

Mr. Lahrmer continued his report, and stated that the Board of Zoning Appeals did not meet for its regular meeting in February. A conditional use request was filed however, the applicant asked for it to be considered at the March meeting. This conditional use, which is for a synagogue to be located at 2400 Section Road, will be heard on March 5. In addition, the Village has received a variance request for the home on Longmeadow that is being renovated for use as a group home. The Board of Zoning Appeals met on

January 26 and began discussions with Hamilton County Regional Planning Commission about development of a zoning classification for the North Site.

Amberley residents are actively recycling and it shows. The Village's recycling rate has increased to 22.41% for 2011. Out of the 48 Hamilton County communities that recycle, Amberley's recycling rate is the eighth highest among the county. Amberley's recycling rate is also well above the county's average rate of 13.04%.

CHIEF'S REPORT

Chief Wallace reiterated the upcoming meeting information regarding the police levy.

He then shared a commendation letter regarding the recent burglary, which gave accolades to the performances of Lt. Caudill, Lt. Blum, P.O. Robbins and Powers in their efforts to apprehend the suspects.

Chief Wallace reported that Lt. Caudill has been accepted as one of the nominees for recognition by the Syrian Shrine for his leadership and career achievements. There will be a luncheon on March 7 to announce the finalist.

Chief Wallace commended Officers Mark Robbins and Chris Fritsch for conducting research and locating grants to acquire additional equipment for the department.

Chief Wallace reported that activity for the month included theft, burglaries, drug offenses and the department made 24 arrests, 17 of which were for other agencies.

Mr. Warren then asked if a notice could be posted in the newsletter to invite residents with grant writing expertise to volunteer to assist the village. Chief Wallace commented that he is already working with a resident who provides grant writing services to the village, however, he is happy to work with additional volunteers.

Mayor Byar commented that the Chief has done an incredible job to re-mold the police department since he has taken over and thanked Chief Wallace for his time and efforts.

MAYOR'S REPORT

Mayor Byar reported that in support of the police levy, the finance committee and members of council attending the meeting prior to council worked on a resolution that is supportive of the police levy and a balanced budget.

Mr. Byar moved to approve RESOLUTION 2012-28, RESOLUTION IN SUPPORT OF A BALANCED BUDGET AND IN SUPPORT OF ISSUE 3 APPROVING A SPECIAL POLICE LEVY. Seconded by Mr. Warren and the motion carried unanimously.

Mr. Warren expressed that he is in support of the police levy and made comments in that regard, including that he felt previous councils and management failed to control expenses and manage the budget.

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

Nicole Browder, Clerk of Council

Mayor J.K. Byar