

**MINUTES OF THE REGULAR MEETING  
AMBERLEY VILLAGE COUNCIL  
MONDAY, NOVEMBER 12, 2012**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Municipal Building, 7149 Ridge Road on Monday, November 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  
Natalie Wolf

**ALSO PRESENT:**

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

**EXCUSED:**

Ray Warren  
Rick Kay, Treasurer  
Rich Wallace, Police/Fire Chief

Mayor Byar welcomed everyone to the regularly scheduled meeting of the Amberley Village Council and led those in attendance through the pledge of allegiance. Ms. Betty Whitaker then sang the National Anthem.

**PROCLAMATION**

Mayor Byar read a proclamation in honor of Veterans Day.

**APPOINTMENTS**

Mayor Byar announced the new appointees to the Environmental Stewardship Committee as Chuck Grossman, Susan Rissover, Roger Toennis, and Merrie Stillpass. He congratulated them and thanked them for their willingness to serve. He noted the appointees will join the existing members: Scott Heizman, Pam Hessler, Tom Karr, Jim Kelly and Natalie Wolf.

**MINUTES**

Mayor Byar presented the minutes of the October 16, 2012, regular meeting. He asked if there were any additional corrections or additions. Since there were none, Mayor Byar stated that the minutes stand approved.

**FINANCE REPORT**

Mr. Lahrmer presented the September, 2012, Finance Report (a copy of which is attached to these minutes). A summary of this report noted total revenue for the month of September of \$5,694,220 while expenses equaled \$6,636,648. At the end of September, the unencumbered General Fund balance was \$2,099,861. The report was accepted as submitted.

**PRESENTATION**

Mr. Steve Schuckman, Superintendent of Planning and Development at the Cincinnati Park Board gave a presentation that announced a fundraising campaign for renovating the Ridgetop Shelter and Play Use area at French Park. The improvements would greatly enhance the park to include greater handicap accessibility, shelter, native meadows, and playground equipment.

**PUBLIC HEARING**

Mr. Bardach conducted the second reading of ORDINANCE 2012-11, AN ORDINANCE AMENDING THE ZONING MAP OF AMBERLEY VILLAGE TO CHANGE THE ZONING CLASSIFICATION OF THE NORTH SITE TO THE "NORTH SITE (NS)" DISTRICT.

Mr. Lahrmer provided background on the development of the new zoning district referred to as the North Site and recapped the progression of the proposed legislation to date. He noted that the 27 acre property owned by the Village is located at 8601 Ridge Road. It is bound to the north and west by the Village corporation line, to the south by the Ronald Reagan Highway and to the east by Ridge Road.

The request is to rezone the property from current Residential B which would allow ½ acre lots to North Site Zoning Classification which has principal permitted uses as office, flex office/warehouse, hotels/motels, nursing homes, recreational uses, government/public buildings/facilities, universities, and other educational facilities. Residential use is excluded as part of the North Site zoning district.

After the public hearing is held, Council should deliberate and may either waive the 3<sup>rd</sup> reading and make a decision or have a 3<sup>rd</sup> reading at the December 10 meeting. Staff recommends approving the rezoning by approving the map amendment to rezone the North Site to the NS District.

Mayor Byar stated that he received a letter dated November 8, 2012, from the City of Reading officials regarding the rezoning and asked that it be attached to the minutes as part of the record.

Mayor Byar then opened the public hearing at 6:51 p.m.

**Dave Powell**, Reading resident at 705 Maple, pointed out his concern for the 100 foot height allowed in the new zoning regulations and quality of life issues with 24 hour uses, including lack of a sufficient buffer between the properties. He requested council re-write the areas of concern alongside Reading officials and residents.

**Reading Mayor Bo Bemmes**, noted that he appreciates the challenges of local government and those who serve. He stated that he felt the Reading residents of Maple Drive have legitimate concerns. He expressed his concern for the number of residents to be affected, increased traffic congestion, diminished property values and sense of community, heights of buildings and signs allowable, along with high intensity uses. He requested the matter be tabled to allow for further refinement of the language.

**Lee Roth**, Reading Council Member Ward 1, was not in support of the rezoning. He also noted the number of residences being affected as well as lack of accessibility into the property. He noted that the entrance to the property is 50 feet from 841 Maple Drive.

Mr. Doering took a moment to clarify that this is a rezoning matter and there is not a proposed development at this time.

**Dave Powell**, Reading resident at 705 Maple, spoke again stating the example that with the existing zoning a 100 foot tall hotel would not be allowable, however, if the zone change is approved that height would be acceptable.

**Al Lane**, resident at 7200 Fair Oaks, expressed his concern over why Amberley did not discuss the zone change with Reading at the beginning of its process. He urged council to vote down the rezoning. He referenced an email whereby he suggested Amberley collaborate with the Jewish Foundation and Mt. Notre Dame High School to establish a lease for soccer fields.

**Tom Neuman**, resident at 5120 Rollman, noted that he is in support of development of Amberley properties. However, he encouraged council to be a good neighbor and consult with the Reading residents.

There being no others present who wished to speak, Mayor Byar closed the public hearing at 7:13 p.m.

Mr. Muething was sympathetic to the issues identified with this zoning and moved to submit concerns about the text of the North Site zoning district to the Planning Commission and to convene the Land Development Committee to meet and develop recommendations to change the text of the North Site District Regulations that would be defined in a letter to the Planning Commission. Seconded by Mr. Hattenbach and the motion carried unanimously. Ms. Wolf was also noted sympathetic to the Reading residents. Mayor Byar agreed and thanked the Reading residents for attending and expressing their concerns.

### **HEALTH, EDUCATION & WELFARE COMMITTEE**

Ms. Wolf reported that the Health, Education and Welfare (HEW) Committee has held several meetings to seek input in developing a deer management policy for the Village. Resident input has been received and the Committee sought input from the Ohio Department of Natural Resources (ODNR), the Cincinnati Park Board, City of Wyoming and Amberley's Police Department.

The HEW Committee concluded that it was in the best interest of the Village to:

1. Protect against property damage caused by deer.
2. Protect against danger to human life caused by vehicle accidents.
3. Maintain a deer population that is acceptable from a safety and nuisance perspective.
4. Ensure a healthy deer herd and sustainability of other wildlife.

The result is the attached resolution which outlines the following actions:

1. Conduct a deer count beginning in 2013 via a thermal imaging camera for better accuracy and do one every third year.
2. Police will cull up to 50 deer each year.
3. Monitoring of deer vehicle accidents, citizen complaints, surveying and a review of the data gathered will be reviewed by the HEW Committee.

A history of deer management has been included with the resolution and will be available on the Village website along with a survey form for residents to input their views and experiences.

Mayor Byar noted that an email was received from Bruce Lazarus in support of the proposed deer management policy and it will be attached to the minutes as part of the record.

**Merrie Stillpass**, resident at 7370 Willowbrook, expressed her support for the proposed policy and shared several statistics that report an increase in the deer population, along with high insurance rates for this area because of deer-vehicle accidents.

**Peg Conway**, resident at 8101 Springvalley, expressed her support. She noted that deer management has been an issue in the village for at least 6 years and this policy is a healthier way for the Village to operate. She also expressed her appreciation for the well thought out process in developing the policy.

**Aaron Freed**, resident at 7605 Elbrook, expressed his support for the resolution. He shared his experience with deer-related property damage.

**Louis Katz**, resident at 6785 East Beechlands, commented that he attended nearly all of the committee meetings and that he felt the issue was a “cultural carrying capacity” issue and not a “biological carrying capacity” issue. He expressed that he felt the two major issues were gardening and deer-related accidents. He noted deer resistant plantings for gardening. He stated that speeding is the issue. He recommended speed cameras and red light cameras. He also noted that the Law Committee should look into the use of the solicitor’s time spent on this matter. The Mayor and Manager should determine whether or not the solicitor should be called (to contain costs) rather than allowing all council members to call the solicitor.

**Tom Neuman**, 5120 Rollman, expressed that he is appreciative of the deer, however, the deer on his property have increased in numbers, the damage to his landscape has increased, and the deer have taken over his back yard to where it is inadvisable to allow pets or children out to play. He felt that the police department should be allowed to adhere to the standard number per square mile advised by the state, rather than be held to 50 deer.

**Jon Chaiken**, 2451 Brookwood, commented that he is not in favor of culling deer for the sake of culling. He is in support of the proposed policy for ecological balance. He noted it was well drafted and well thought out.

**Jim Robinson**, 7051 Fair Oaks, expressed his support for the policy. He stated he was involved in a deer related accident 2 years ago. He also noted that he felt the deer are becoming too domesticated because he can walk within 10 foot of deer. Property damage was also an issue for him.

**Chuck Grossman**, 6700 Fair Acres, supported the resolution. He noted carrying capacity as an issue along with the need for a healthy herd. He stated bucks will attack during mating season and does will attack to protect their young. Population balance is needed.

**Nimet Jeruzalmi**, 8500 Lynnehaven, expressed that she can no longer have landscaping, vegetables, or walk in her yard without deer droppings everywhere. She has experienced 3 deer related auto accidents costing over \$10,000.

There being no additional speakers, Ms. Wolf read and moved to approve RESOLUTION 2012-52, RESOLUTION TO ESTABLISH A DEER MANAGEMENT PROGRAM. Seconded by Mr. Muething. Mr. Hattenbach noted his concern with language on page 2, Section E and Page 5, Section E and asked for modification of the text. Mayor Byar requested clarification as to whether or not the committee can increase the number of deer culled without council approval.

Mr. Muething moved to approve Resolution 2012-52, to include language that requires the Health, Education and Welfare Committee to make a recommendation to council should the number of deer to be culled be increased. Seconded by Ms. Wolf and the motion carried unanimously.

Ms. Wolf reported that the Village is nearing the end of a three-year contract with 2013 being an option year. The Health Education and Welfare Committee reviewed the options and directed staff to proceed with bidding waste collection but in a collective manner with other communities to secure more competitive rates. The Village’s existing waste program includes weekly trash collection and curbside recycling. Pursuant to authorization by Council the Village joined the

Center for Local Government's 2012 Southwest Ohio Regional Refuse Consortium (2012 SWORRE). The SWORRE Consortium consists of six municipalities aggregating approximately 15,000 households in an effort to garner favorable pricing for the required services. Services quoted in the bid established base pricing for weekly removal of solid waste and recyclable materials including the provision of a 64 gallon wheeled tote for recyclable materials, trash dumpster services for municipal buildings and recycle dumpster service to municipal buildings.

Upon comparing the two bids received, it is apparent that for the Village, Rumpke providing the basic services is the apparent lowest and best bid. Joining the SWORRE Consortium has produced pricing at one dollar per residential unit per month below our current contract (saving approximately \$18,000 annually) and provides other benefits as well. Additional benefits include lower pricing on basic services, services previously provided at additional costs, such as the trash dumpster at the Amberley Green and the recycle dumpster at the Village Municipal Building.

The increased size of the wheeled tote provides for several times the volume of recycled materials as does the smaller 18 gallon red bin. With increased capacity in the bin, recycle rates should increase. The percentage of recycled material to trash dictates the amount and rate per ton the Village is awarded in the Residential Recycling Incentive (RRI) Program grant from the Hamilton County Solid Waste District. This grant is offered to increase recycling efforts. The Village recycling rate is currently at 21.38%.

Mr. Muething read and moved to approve RESOLUTION 2012-53, RESOLUTION ACCEPTING A BID AND AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACT WITH RUMPKE WASTE, INC., FOR WASTE COLLECTION AND RECYCLING SERVICES. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Muething commented that this contract is another example of the great work of Scot Lahrmer and the Village employees to look for cost savings.

Jon Chaiken inquired as to whether the committee considered removing the waste and recycling collection charges from the residents so the Village pays for the fees again.

Mr. Muething noted that the committee is going to look at that option. Ms. Wolf noted it would be in the coming months.

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

Mr. Doering presented, read and moved to approve RESOLUTION 2012-54, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING FOR THE IMPROVEMENT OF RIDGE ROAD. Seconded by Mr. Hattenbach and the motion carried unanimously. Mr. Doering commented that milling the road will increase the friction of the surface of the asphalt pavement. The project is not to exceed \$10,000.

Louis Katz inquired as to whether this would be safe for bicycles to travel upon. Mr. Lahrmer stated he did not believe it would negatively impact bicyclists. Ms. Wolf asked if signage would be incorporated to alert drivers. Mr. Lahrmer confirmed signage will be installed.

Mr. Doering moved to appoint Jon Chaiken to the Stormwater Management Advisory Board to complete the unfilled seat on the board. The term will end in December 2015 along with Stan Cohen's term. Seconded by Mr. Muething and the motion carried unanimously.

### **ENVIRONMENTAL STEWARDSHIP COMMITTEE**

Ms. Wolf noted that the committee will not meet in November or December. The Amberley Green garden concluded its first successful season and plots are now available for the 2013 season. Returning gardeners should purchase their plot by December 1. Remaining plots will be available to new gardeners after that date.

### **POLICE/FIRE COMMITTEE**

Mr. Muething reported that the police department will purchase 2 used cruisers from the Village of Newtown for \$18,500 each with approximately 40,000 miles. He noted this would result in a \$20,000 savings since the Village would not be purchasing 2 new cruisers. There will be an additional savings of \$18,000 when the police department retires and sells 3 old vehicles for a total savings to the Village of \$38,000.

Mr. Muething commented that this was another great example of the Chief looking to do something different and providing cost savings. The police department also recently negotiated the repair of 2 transmissions for the price of one.

Mr. Muething read and moved to approve RESOLUTION 2012-55, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT TO PURCHASE POLICE CRUISERS. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Muething reported that the Village has 400 hydrants and when 5-6 were in need of repair, the Chief held off on the repairs in order to set up a new cost savings approach by contracting with the Hamilton County Department of Planning and Field Operations to replace and repair hydrants in the Village. This contract saves the Village 25 percent. Over the last 2 years, approximately \$50,000 has been allocated to hydrant repair and replacement. Mr. Muething read and moved to approve RESOLUTION 2012-56, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH THE HAMILTON COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE REPLACEMENT AND REPAIR OF FIRE HYDRANTS. Seconded by Mr. Doering and the motion carried unanimously.

Mayor Byar expressed his appreciation for the Village staff to continue its efforts to drive down costs.

### **MANAGER'S REPORT**

Mr. Lahrmer reported that the Village's energy aggregation programs are up and running. The gas rate is \$0.423 versus Duke's \$0.523. The electric aggregation program has saved the Village residents approximately \$185,000 this year.

The street program has concluded. Completion of Brookwood streets is weather dependent and may be postponed until spring.

OKI is updating the Strategic Regional Policy and this plan process is called "How Do We Grow from Here?" and there is a survey on the Village's website for those interested.

The Losantiville School was sold in an online bid for \$525,000. It is not yet known who purchased the building.

**MAYOR'S REPORT**

Mayor Byar commented that it was nearly a year ago since council took office and he congratulated the members for all of their hard work and dedication. He thanked the Village residents for their confidence in them and thanked staff for working with the new council to achieve its goals.

**NEW BUSINESS**

Mr. Muething reported that the council would like to recognize the Village staff during the holidays by providing a gift to the staff. He commented that it has been great working with the staff. Mr. Muething moved to authorize the village manager to issue a check in the amount of \$250 for each employee as part of the holidays. Seconded by Mr. Hattenbach and the motion carried unanimously. Mr. Muething stated that he will also draft a letter to accompany the gift.

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

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Nicole Browder, Clerk of Council

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Mayor J.K. Byar