

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, JANUARY 14, 2013**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Municipal Building, 7149 Ridge Road on Monday, January 14, 2013 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
Kevin Frank, Village Solicitor
Nicole Browder, Clerk of Council
Lt. Brian Blum, Police/Fire Chief
Rick Kay, Treasurer

EXCUSED:

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 and Council Member Doering presented a proclamation to Eagle Scout Kevin Gibbs, Jr. for his attainment of the Eagle Scout designation. Mr. Gibbs completed his Eagle Project with the Village of Woodlawn, by leading the execution of repainting of the Village's landmark caboose as well as designed and installed the Woodlawn Junction directional sign.

INTRODUCTION OF SGT. KOENIG

Mr. Lahrmer introduced Amberley Village's newest sergeant, Mike Koenig. Sgt. Koenig was promoted to this position on January 6 after an outside selection process and in-house interviews with supervisory staff. Sgt. Koenig was recognized for his dedication to the Village and congratulated on his promotion.

CITIZEN TO ADDRESS COUNCIL

Al Lane, 7200 Fair Oaks, expressed his opinion that the matters recently discussed by the Streets, Public Utilities & Sewers Committee and the Land Development Committee should be sent back to the committees for continued research and discussion. He stated that he did not feel the Village needed to do repairs on Farmacres or conduct soil tests on Farmcrest. He noted his dissatisfaction with the engineering fees. He also stated that he would like his neighbor's stormwater issues to be corrected by the Village. He requested that the North Site Zoning Regulations be modified to only allow recreation that would include keeping the maintenance facilities in place. He also requested the development ad for the Village's properties be removed from the website. Mr. Lane submitted notes which are attached hereto.

Peg Conway, 8101 Springvalley, invited residents to join a website called Nextdoor. It is a local, private website with 144 members. It provides a forum for residents to connect and exchange information. She requested flyers promoting the Nextdoor website be posted on the Village posting boards and be sent out as an email invite to residents. She also announced the next Women's Forum will be held January 24 in her home with guest speaker Roxanne Qualls who will speak about form-based code and women in leadership.

Rick Lauer, 2890 Belkay, requested council immediately eliminate the garbage collection fee and reduce the stormwater fee for residents. He noted he participated as Co-Chair on the former Ad Hoc Committee and these two items garnered the greatest consensus. He noted that he felt these services should be paid from the general fund and made to compete with other Village services. He stated that he felt these fees were a major imposition on residents and council should act as quickly as possible to return the funds to the residents.

Mr. Doering responded to Mr. Lauer's comments by stating that it is premature to address returning funds at this time. The garbage fee is already paid from the general fund. He expressed the need for the Village to put in place its long-term financial plan prior to reducing any fees.

Mr. Lauer reiterated his points and stated that he felt government tends to spend what it is given. In his view, the stormwater fund was established to address "emergency" issues that have largely been resolved.

MINUTES

Mayor Byar presented the minutes of the December 10, 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.

Mayor Byar presented the minutes of the December 27, 2012, special 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 November, 2012, Finance Report (a copy of which is attached to these minutes). A summary of this report noted total revenue for the month of November of \$258,107 while expenses equaled \$340,491. At the end of November, the unencumbered General Fund balance was \$1,989,959. The report was accepted as submitted.

HEALTH, EDUCATION & WELFARE COMMITTEE

Ms. Wolf reported that the committee met to discuss the development of two reporting forms to gauge attitudes and collect information about deer-related incidents. There was also discussion about holding a spring bike safety event.

FINANCE COMMITTEE

Mr. Hattenbach reported that Village Council awarded a contract to Rumpke for waste collection services in November, 2012. The competitively bid contract resulted in a savings for residents and includes a large rolling recycle tote with a lid. Mr. Hattenbach presented, read and moved to approve Ordinance 2013-01, Ordinance to Amend Service Fee for Solid Waste Collection and Recycling. Seconded by Mr. Warren.

Mayor Byar commented that he agreed with Mr. Lauer that the Village should immediately return the trash and recycling fee back to the residents. It was noted that the Finance Committee recommended development of a long-term financial plan first. Mayor Byar stated that he would like to let the residents vote on the issue. Ms. Wolf pointed out that the Village has yet to receive any of the police levy funds and the trash collection fee is only \$148 per resident.

She reiterated that the Village does not have a large surplus and has just reach a positive fund balance by postponing necessary expenses and not funding many other regular items.

Mr. Muething commented that he has also been persuaded into holding off on refunding fees for now. He stated that it should be kept on the agenda, however, the Village should address the long-term, not just the short-term needs of the Village.

Mr. Doering noted that the Village employees have not received raises in 2.5 years and that is a bad message for employees who all the while have sustained benefit reductions as well.

The roll call for Ordinance 2013-01, Ordinance to Amend Service Fee for Solid Waste Collection and Recycling showed the following vote:

AYE: Bardach, Byar, Doering, Hattenbach, Muething, Warren, Wolf (7)
NAY: (0)

Mr. Hattenbach then reported on the Joint Economic Development Zone (JEDZ). He stated that this is an opportunity for townships to collect income tax. There will be a vote by Sycamore Township residents in May on this issue. The Village would provide tax collection services and participate in the revenue share. It is an example of the ongoing efforts by the Village to collaborate in joint projects. There will be a public meeting held by Amberley Village on January 29 at 4 p.m. to receive public input.

Mr. Muething commented that Sycamore Township also has proposed agreements with the City of Madeira and the City of Sharonville.

ENVIRONMENTAL STEWARDSHIP COMMITTEE

Ms. Wolf reported that the committee will meet again on January 25 in the community room. Discussions will include a community-wide recycling day, Arbor Day, Tree City USA, and a composting seminar for May 14. On February 25, Willie Carden from the Cincinnati Park Board will be making a presentation to the Women's Forum at the French House at 7 p.m. Everyone is invited to attend. Ms. Wolf also congratulated the Village on achieving the Tree City USA status again this year.

STREETS, PUBLIC UTILITIES & SEWERS COMMITTEE

Mr. Doering reported that the committee met on January 7 and discussed various projects. The committee recommended the following:

Stormwater

Knoll, Elbrook, Loral Oak, and Fair Oaks. For Fair Oaks, recommended the 1st and 2nd options, declined to the 3rd option to create an embankment---noted as a private issue.

County Funded Projects: Ridge (north of Galbraith), Fair Oaks Drive at Fair Oaks Lane, Galbraith, Ridge Road (between Galbraith and Section).

Amberley Green Dam: prior owners ignored and the Village has inherited the liability of meeting the state standards of maintaining a functional dam or modify it. Three options were presented to address the issue: 1) repair, 2) make it a creek, and 3) lower the level so it no longer meets the criteria of being a dam. The committee recommended pricing be obtained for options 2 and 3.

Streets

Farmcrest (North and South) and Farmacres: The concrete streets need repair. To determine the underlying issues, it was recommended to obtain core samples at a cost of \$29,900. Ms. Wolf moved to approve the Village moving forward to obtain the core samples for Farmacres and Farmcrest. Seconded by Mr. Hattenbach.

Mr. Warren asked if the Village was pursuing this due to a safety concern versus cosmetic correction. Mayor Byar then invited Village Engineer John Eisenmann to speak with council about the matter.

Mr. Eisenmann explained that North and South Farmcrest have a concrete base and the purpose is to ascertain the condition of the base. He stated it is a structural issue of the pavement. The streets were built in the 40's—50's. Ten years ago the Village conducted preliminary evaluation of Farmcrest and learned at that time its condition was suspect. The concrete underneath was exposed and a micro seal was applied to extend the life of the street. There are also a number of other concrete based streets in the Village.

There was discussion regarding coordination with utility companies in regards to when roadwork would occur. Ms. Wolf clarified with the Village Engineer that 50 percent of the fees go to the core testing facility. Mr. Muething explained that it would be necessary to conduct the core samples to evaluate the condition of the street(s) regardless of the timing of the repair work.

Ms. Wolf stated that she felt council was properly and fully informed by the Village staff, Village Engineer and Council Member Doering to move forward with these projects. Ms. Wolf moved to approve that the Village proceed to conduct the core samples for Farmcrest and Farmacres. Seconded by Mr. Muething and the motion passed, with one Nay (Byar).

Ms. Wolf then moved to approve the stormwater projects for Knoll, Laurel Oak Court, Elbrook and 7202 Fair Oaks. Seconded by Mr. Muething and the motion passed unanimously.

Mr. Doering moved to approve the stormwater projects on Ridge, Galbraith, Fair Oaks Drive at Fair Oaks Lane, and Ridge (between Galbraith and Section) to be funded by Hamilton County. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Doering moved to approve the increase in the fee structure for CDS Associates. He reported that this was the first increase since 2009 and is the same fee structure as area communities. Seconded by Ms. Wolf.

There was discussion regarding how the Village obtains engineering services, which is in accordance with HB231. Mayor Byar questioned if the CDS contract had been reviewed to ensure the Village was getting the best price. Mr. Lahrmer clarified that this was a simple fee increase and the contract terms were not changing. It was clarified that engineering services are selected through a different type of process for professional services rather than accepting of the lowest bidder.

Additional discussion was held. Mr. Muething commented that he would not be supportive of changing engineers at this time because he felt the cost of change would significantly outweigh any potential savings. Mr. Warren agreed that he found value in CDS having familiarity with the Village's geography. Mr. Lahrmer noted that CDS is certified by the Ohio Department of

Transportation in a variety of areas of expertise and has significant local government experience.

Mayor Byar invited Mr. Jeff Decker to speak. Mr. Decker explained that he was a developer looking to build in the Village. He stated he attended the committee meeting where the core samples were discussed and he felt the Village was being taken to the cleaners.

Mr. Decker reported that he provided a bid from another engineering firm, JMA, for the core samples. Mr. Lahrmer confirmed that Mayor Byar hand-delivered said bid to him on the Friday prior to the council meeting.

Mr. Doering reviewed with Mr. Decker the quote for services provided by JMA and found that while Mr. Decker's quote was about half the engineer's estimate, Mr. Decker's quote was for half the work.

Mr. Muething commented that the Village's procurement practices are very clear. The only person authorized to do so is the Village Manager. He noted that he felt it was inappropriate for someone to potentially try to take advantage of a public meeting.

Mr. Lahrmer commented to Mr. Decker that he took exception to his comments and it was insulting. Mr. Lahrmer pointed out that the two entities are in different leagues. CDS meets 12 standards of the Ohio Department of Transportation; JMA meets two, which are bike path enhancement and non-complex roadway design.

The motion to approve the revised CDS fee structure carried, 1 Nay (Byar), 1 abstention (Hattenbach).

Next, Mr. Doering reported that the committee recommended upgrading the Ridge and Section Road traffic signal.

LAW COMMITTEE

Mr. Bardach reported that there would be a first reading of proposed changes to the property maintenance code and asked Mr. Lahrmer to provide the report. Mr. Lahrmer reviewed in summary the proposed following changes to the code, which were intended to assist the Village in being more effective in its enforcement:

- Notice of violations be given by both certified mail and posting notice on the home
- Changing the permitted grass height from 10 to 8 inches
- Declaring dead trees, bushes and landscaping a nuisance
- Updating language on recreational vehicle storage
- Adding a penalty for repeat offenders

Mr. Warren commented that he preferred the grass height stay at 10 inches. He expressed that the problem with lawn maintenance was one of enforcement and Council should not change the definition of what constitutes a violation of grass height. By reducing the grass height aspect, more residents would be in violation. As an example, Mr. Warren determined that shortly after the Law Committee met, he found that 25% (10 or 40 homes) of the residents on his street (Farm Acres Drive) would now be in violation.

After general discussion, Mr. Warren moved to amend the proposed ordinance to restore the grass height violation at 10 inches. Seconded by Mayor Byar and the motion passed, with 2 Nays (Doering, Wolf).

LAND DEVELOPMENT COMMITTEE

Mr. Muething reported that the committee, at the request of council, has developed a letter of recommendation to the Planning Commission regarding the requested changes to the North Site Zoning District Regulations. Mr. Muething moved to approve the letter be issued to the Planning Commission. Seconded by Mr. Hattenbach and the motion carried unanimously.

COMPENSATION & BENEFITS COMMITTEE

Mr. Warren reported that Mr. Lahrmer is the Village's representative to the Center for Local Government Health Benefits Pool. He noted 16 communities were in the plan. The third year of the agreement ended in July 2012. The CLG is currently seeking bids to manage the pool.

Mr. Warren reported that over a year ago review began of the Village's employment benefits. He noted he was incredibly grateful for the work of the employees to create efficiencies and keep services high. He stated the committee is in the process of reviewing longevity and sick leave policies. The ordinance drafts will be reviewed by the committee and it will hopefully be presented at the next council meeting.

MANAGER'S REPORT

Mr. Lahrmer reported that the Village's aggregation program continues to save the residents money. The January natural gas rate was \$0.0463 compared to Duke's \$0.520. The electric aggregation program saved over \$400,000 for the Village from June through November 2012.

Leaf collection has come to a close. Regular brush service is on schedule.

The consolidation of the Amberley Village / Silverton Police Dispatch started on December 13. During times of high call volume and vehicular traffic through Amberley Village and Silverton, a second dispatcher has been working. The call volume for administrative and non-911 calls coming into Amberley Village Dispatch has realized a significant increase which will vary but appears to be in the range of about 500 increased calls for that portion of December.

The October 14 Council meeting conflicts with when the offices are closed to observe Columbus Day. Tuesday, October 15 is the day after and a motion of council would be required to move the date. Mr. Doering moved to approve the October council meeting be held on October 15. Seconded by Mr. Muething and the motion carried unanimously.

MAYOR'S REPORT

The Mayor thanked the council for all their hard work during the past year.

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

Nicole Browder, Clerk of Council

Mayor J.K. Byar