

**MINUTES OF THE REGULAR MEETING  
AMBERLEY VILLAGE COUNCIL  
MONDAY, APRIL 8, 2013**

The Council of Amberley Village, Ohio met in regular session at the Amberley Municipal Building, 7149 Ridge Road on Monday, April 8, 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  
Chief Rich Wallace, Police/Fire

**EXCUSED:**

Rick Kay, Treasurer

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

**MINUTES**

Mayor Byar presented the minutes of the March 11, 2013 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 February, 2013, Finance Report (a copy of which is attached to these minutes). A summary of this report noted total general fund revenue for the month of February of \$272,331 while expenses equaled \$379,997. At the end of February, the unencumbered General Fund balance was \$1,126,119. The report was accepted as submitted.

**PUBLIC HEARING**

Mr. Bardach conducted a second reading of Ordinance No. 2013-06, Ordinance Amending the North Site District Regulations. Mr. Lahrmer explained the changes to regulations, 1) the building height was reduced from 100 to 60 feet and, 2) the notification process was expanded to include property owners and government officials in adjacent communities that fall within 50 feet of any new improvement.

Mayor Byar opened the forum to the public for comment at 6:36 p.m. No individuals were present to speak. The public hearing was closed at 6:37 p.m.

Mr. Bardach moved to waive the third reading of Ordinance 2013-06 and adopt the ordinance to include the amendments as proposed. Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf

(7)

NAY:

(0)

**PLANNING COMMISISON**

Mr. Bardach introduced Ordinance 2012-11, Ordinance Amending the Zoning Map of Amberley Village to Change the Zoning Classification of the North Site to the "North Site (NS)" District. He

asked Mr. Lahrmer to bring the council up to date on the status of the ordinance. Mr. Lahrmer explained that the ordinance was tabled by council last year to allow for amendments to the regulations for the North Site District. Now that council has adopted the regulations and amendments, Ordinance 2012-11 is ready for consideration to apply the map change to modify the zoning of the North Site to the "North Site (NS) District zoning.

Mr. Bardach moved to un-table Ordinance 2012-11. Seconded by Mr. Muething and the roll call showed the following vote:

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

Mr. Bardach moved to adopt Ordinance 2012-11, Ordinance Amending the Zoning Map of Amberley Village to Change the Zoning Classification of the North Site to the "North Site (NS)" District. Seconded by Mr. Muething and the roll call showed the following vote:

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

### **PUBLIC HEARING**

Mr. Bardach conducted the second reading of Ordinance 2013-07, Ordinance Establishing Regulations for the Installation and Maintenance of Privacy Panels.

Mayor Byar opened the forum to the public for comment at 6:44 p.m. No individuals were present to speak. The public hearing was closed at 6:45 p.m.

Mr. Bardach moved to waive the third reading of Ordinance 2013-07. Seconded by Ms. Wolf and the roll call showed the following vote:

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

Mr. Bardach moved to adopt Ordinance 2013-07. Seconded by Ms. Wolf and the roll call showed the following vote:

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

### **COMPENSATION & BENEFITS COMMITTEE**

Mr. Warren presented Ordinance 2013-04, Ordinance Amending Section 35.04 of the Village Code of Ordinances Relating to Sick Leave. Mr. Lahrmer explained that there was a change to Section 35.04(E) and (F) to clarify the personal time from days to hours to effectuate that employees receive 16 hours of personal time.

Mr. Warren moved to approve the proposed amendments to Ordinance 2013-04. Seconded by Mr. Muething and the roll call showed the following vote:

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

Mr. Warren conducted the third reading of Ordinance 2013-04 and moved its adoption. Seconded by Mr. Doering and the roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf  
NAY:

(7)  
(0)

Mr. Warren conducted the third reading of Ordinance 2013-05, Ordinance Amending Section 35.06 of the Village Code of Ordinances Relating to Longevity Pay and moved its adoption. Seconded by Mr. Doering.

Ms. Wolf commented that it was premature for the council to eliminate longevity pay before the committee was finished reviewing the employment package as a whole to ensure the package remains competitive to attract quality employees.

The roll call showed the following vote:

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren  
NAY: Wolf

(6)  
(1)

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

Mr. Doering reported that the Village received bids on street repair that were well under the estimates, which allowed for 2 additional projects to be included.

Mr. Doering presented and moved to approve Resolution 2013-05, Resolution Authorizing the Village Manager to Award Mt. Pleasant Blacktopping Co. Inc. the Contract for the Amberley Village 2013 Road Program. Seconded by Ms. Wolf and the motion carried unanimously.

Mr. Doering reported that the storm water projects being funded are contingent upon receiving grant funds from Hamilton County. Mr. Doering presented and moved to approve Resolution 2013-07, Resolution Authorizing the Village Manager to Award Ohio Heavy Equipment Leasing the Contract for the Amberley Village 2013 Storm Water projects. Seconded by Mr. Hattenbach and the motion carried unanimously.

Mr. Doering presented and moved to approve Resolution 2013-06, Resolution Authorizing the Village Manager to Award Capital Electric Line Builders, Inc. the Contract for the Amberley Village Ridge and Section Road Signal Modification/Upgrade. Seconded by Ms. Wolf and the motion carried unanimously.

#### **PUBLIC BUILDINGS & PARKS COMMITTEE**

Ms. Wolf reported that the committee met to discuss the expiring tennis key cards and related fees. The recommendation from the committee is to maintain the current tennis key card fee which is at \$50 for a 2-year card and \$35 for a 1-year card. The recommendation also allows non-residents to continue to have access to the tennis court adjacent to the municipal building for a fee of \$100 for a 2-year card and \$70 for a 1-year card.

Ms. Wolf moved to approve Resolution 2013-08, Resolution Establishing Fee for Tennis Key Cards for the 2013-2014 Seasons. Seconded by Mr. Doering and the motion carried unanimously.

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

Ms. Wolf reported that the Village has coordinated a bike safety event and a grant will assist the Village in distributing 75 kids' bike helmets at the event. Village staff applied for and received the grant funds for the bike helmets. The bike safety event will be held on April 28. Those that cannot make the event can come to the public safety department to obtain a helmet. Event banners and email will help publicize the event.

## **ENVIRONMENTAL STEWARDSHIP COMMITTEE**

Ms. Wolf reported that Arbor Day would be held on April 22 in the Village. It is in conjunction with Earth Day this year. A proclamation and tree planting will be a part of the celebration.

The Village will sponsor the One Stop Drop recycling event on May 19 from 12-4 p.m. at the Amberley Green. Electronic recycling will be available as well as secure paper shredding.

## **FINANCE COMMITTEE**

Mr. Hattenbach presented, read and moved to approve Ordinance No. 2013-08, Ordinance Amending Appropriations for the Fiscal Year 2013. Seconded by Mr. Doering and the roll call showed the following vote:

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

It was noted that this was a tax refund in the amount of \$256,750 due to an error in withholdings sent into the Village last year.

Mr. Hattenbach moved to pass this ordinance as an emergency measure to allow for the orderly handling of municipality business. Seconded by Mr. Muething and the roll call showed the following vote:

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

## **LAND DEVELOPMENT COMMITTEE**

Mr. Muething commented that the Village purchased the Amberley Green property over 5 years ago and over the last 2 years there have been two citizen advisory committees which has resulted in a conceptual development plan. The conceptual development plan was presented to the public in 2011 at a public meeting.

Mr. Muething explained that the plan's guiding principles include mixed use, green space preservation and creation of revenue. ~~Within the 15 months council has been in office, it~~ It is the recommendation to move forward with the next step of the Long Range Planning Committee's report of recommendations to analyze what is possible within the conceptual plan.

The committee has been in discussions with the Walnut Group over the past several weeks and a proposed 10 month exclusive period to explore the options of the conceptual plan been recommended. The committee will meet with the Walnut Group every six weeks to monitor progress and ultimately meet with the full council.

Mr. Muething moved to approve Resolution 2013-09, Resolution Authorizing the Village Manager to Execute Preliminary Development Agreement for Amberley Green. Seconded by Ms. Wolf and the motion carried with Mr. Warren opposed and Mayor Byar abstaining.

AYE: Byar, Bardach, Doering, Hattenbach, Muething, Warren, Wolf (5)  
NAY: Warren (1)  
ABSTAIN: Byar (1)

Mr. Warren thanked the committee for its efforts to develop a proposal and it is attractive. He appreciates the regular meetings to track progress; however, he felt that milestones and/or deliverables should be identified in advance of each six week interval.

Mr. Muething noted there is a list of detailed deliverables for the 10 month period and it is difficult to say what will occur at the six week intervals. The committee will track progress with the ongoing meetings with the Walnut Group. It is a good way to take the next step.

~~Ms. Wolf pointed out that the Village has no financial obligation during this time period. Mr. Hattenbach stated that the Village has no financial obligation during this time period. Ms. Wolf pointed out that although that is true, the fact that the Village is essentially removing the property from the market during the ten months of the contract is very valuable consideration.~~

Mr. Muething noted that no financial obligation was the objective of the agreement and to strive not to spend money on development.

Mr. Bardach noted that the meeting times should be later in the evening so more people can be available to attend to hear the results of the meetings. Mr. Muething agreed that it was a good suggestion and the committee would strive for 5 p.m. or later, but it may not always be possible. Mr. Bardach also suggested to publicize the meeting conspicuously. Ms. Wolf reminded everyone to sign up for the Village E-News and meeting notices via email.

### **MANAGER'S REPORT**

Mr. Lahrmer presented Resolution 2013-10, Resolution Requesting the Hamilton County Auditor to Place Liens Against a Property for Nuisance Abatement Expenses Incurred by the Village. The property at 5150 Rollman Estates Drive has been in violation of grass height regulations and this resolution will allow the Village to place a lien on the property to recover its expenses.

Mr. Warren moved to approve Resolution 2013-10, seconded by Mr. Hattenbach and the motion carried with Mr. Bardach abstaining.

Mr. Lahrmer reported that the maintenance department expanded its collaboration efforts with the City of Cincinnati by quoting brake services for the 2002 dump truck which saved the Village \$1,100 over other quotes.

Mr. Lahrmer also reported the maintenance department was able to utilize equipment from another community (an elevator) for piling salt higher in the Village's salt bin to allow the contracted salt inventory to be delivered.

Mr. Lahrmer then commended the maintenance and police departments for their cooperative efforts to work together to apprehend the motorist who left the scene of the auto accident on Ridge that damaged the protective railing installed by the Village. Their efforts also enabled the Village to recoup the replacement cost of the railing.

Mr. Muething asked that a running list of cost savings items be maintained for future reference.

### **CHIEF'S REPORT**

Chief Wallace reported that the bike safety event will also include a rodeo for kids and the smaller kids will be set up on the tennis courts (age 6 and under). It will be a three hour event and will be communicated to residents by email and call safe.

Chief Wallace commended the department on achieving its re-accreditation status. The department only had 2 applied discretions. He thanked Robin Kemp and P.O. Mark Roeseler for doing a great job. The conference will be in Columbus on July 30-August 3.

Mayor Byar commented that the police department and the building was looking nice and clean. Chief Wallace commented that there were areas of the building that were long overdue for cleaning and paint as well as minor building maintenance.

**MAYOR'S REPORT**

Mayor Byar announced that Project Rescue would be airing on WCET during the third week in April and will be showing in 260 communities across the country. He encouraged everyone to tune in to this showing about Jewish history.

Mayor Byar then expressed his condolences for Margaret Thatcher. He stated he had met her and he was very saddened by her passing.

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