

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, FEBRUARY 8, 2016**

The Council of Amberley Village, Ohio met in regular session at the Amberley Village Municipal Building, 7149 Ridge Road on Monday, February 8, 2016 at 6:30 p.m. Mr. Muething called the meeting to order. The following roll call was taken:

PRESENT:

Richard Bardach

Peg Conway

Ed Hattenbach

Thomas C. Muething

Ray Warren

Natalie Wolf

ALSO PRESENT:

Scot Lahrmer, Village Manager

Nicole Browder, Clerk of Council

Kevin Frank, Village Solicitor

Chief Rich Wallace, Police/Fire Department

Rick Kay, Village Treasurer

Mr. Muething welcomed everyone to the meeting of the Amberley Village Council. He then led those in attendance through the pledge of allegiance.

CITIZENS AWARD PRESENTATION

Chief Wallace reviewed the burglary incidents that occurred on Fair Oaks in January and presented Tony and Sue Elsbrock along with Village Manager Scot Lahrmer Citizens Excellence awards from the Police Department for reporting their observations of suspicious individuals and activities which led to the apprehension of the person responsible for the crimes.

MINUTES

Mayor Muething presented the minutes of the January 11, 2016 regular meeting. Mayor Muething asked if there were any additions or corrections to the minutes as distributed. There being none, he stated the minutes were accepted as submitted.

FINANCE REPORT

Village Manager Scot Lahrmer presented the December, 2015, Finance Report (a copy of which is attached hereto). Mr. Lahrmer reported a summary of this report and noted tax collections for the month of December totaled \$173,097. The total general fund revenue for the month of December was \$229,998 while expenses equaled \$550,943. At the end of December, the unencumbered General Fund balance was \$4,439,205. The report was accepted as submitted.

Mr. Lahrmer reported that the overall revenues for 2015 were down by \$450,000, which is 10% less than 2014. He noted earnings tax was down about 3% effectively, after a one-time payment was factored out. Mr. Lahrmer shared that the total of recycling grant dollars generated in 2015 was \$15,000. He reported the radio tower generated \$90,000 in revenue for the Village which was up from the \$76,000 generated in 2014. Court fines totaled \$76,000 for 2015. He commented there was growth in the interest earned in 2015 which totaled \$27,000 as opposed to \$14,000 in 2014.

Mr. Lahrmer stated that the revenue of \$4.5 million was slightly down from the \$5 million collected in 2014. He reported the total expenses for 2015 of \$4.4 million was budgeted while only \$4.2 million was spent. He noted that in addition to regular expenses, the police department ran high on overtime due to vacancies, \$87,000 was returned related to inheritance taxes, transfers of \$440,000 occurred, and the largest expense for the Village was the

operations of the Police Department. Mr. Lahrmer stated that without the police levy funds, the police would be grossly underfunded. He noted that the General Fund spends \$1 million on the police operations in addition to the levy fund that generates \$1.6 million.

Mr. Lahrmer reported that the 2015 budget for capital funds went largely untouched since staff found grants or other creative ways to acquire these items. He credited staff for obtaining grants for license plate readers and the self-contained breathing apparatus equipment.

Mr. Lahrmer reported the General Fund for 2015 at \$4.4 million was slightly higher than 2014.

Mayor Muething thanked Mr. Lahrmer for his report and asked if there were any questions for the Village Manager. The finance report was accepted as submitted.

Mayor Muething commented that communications regarding financial information is one of the priorities for the year and there will be two town hall meetings for this purpose in May or June for residents to attend.

CITIZENS TO SPEAK

Mr. Hank Schneider, 3472 E. Galbraith, read a letter (attached hereto) submitted to council regarding the Amberley Green development and the interest that Dov Limited has in partnering with the Village on the property, although they were not selected to be the master developer of the site.

Mayor Muething commented that as part of the process to develop a plan, the Village will be in communication going forward.

Mr. Mike Gerson, 6700 E. Beechlands, expressed his opposition to development of the Amberley Green property. Mr. Gerson read a letter (attached hereto) that reviewed the 2005 challenges that occurred over zoning of the property. He stated he felt the citizens voiced the preference against development at that point and time. He implored council not to develop the property and commented that the former Gibson and North Site properties were available for development.

Mr. Hattenbach commented that he spoke with Mr. Gerson last week and recognized his concerns. Mr. Hattenbach assured that council will not rush or go forward with a decision without a lot of input from the residents.

Mr. Warren thanked Mr. Gerson for his comments. He noted that he agreed with Mr. Hattenbach that no decisions have been made and will not be made without sharing the information with the residents. He stated there may be no development of the property.

Mrs. Conway stated that she has come to believe that development in some form along with preservation should occur. She stated that the property is deteriorating and the Village does not have money to maintain it as a park or fix the paths. The property is in transition. She noted that it was luck that the estate tax payment was received and that those in the elected positions chose to pay off the debt of the property. She stated she supported thoughtful development of the property.

Mayor Muething commented that he was not a resident when the property was in dispute, however his family lived here. He noted it was a very sad period for the Village and he absolutely wants to avoid anything like that again. The process is going very slow. The goal is

to create an asset for the Village. He agreed with Mrs. Conway that it is a beautiful property and a liability for the Village. He commented that the Long Range Plan was developed with resident input and adopted by council in 2011. It is not known what is possible for the site and the council owes the residents the next exploration step to gain that understanding.

Dr. Paul Sohi, 79 Hollister, introduced himself as a candidate for the House of Representatives in District 31. He provided a brief background noting he moved to Cincinnati from Chicago and has been a pediatric dentist at Children's Hospital for the past 25 years. He noted that his platform includes returning funding to local municipalities.

POLICE/FIRE COMMITTEE

Mrs. Conway reported that, as part of an ongoing process to look at the organizational structure of the Village that has been underway for the last several years, a recent retirement prompted further review of the job classifications. The Police Department has decentralized the assignment of detective duties which will be assigned to multiple officers. The pay for a detective will be modified to reflect the pay of an officer's normal rate of pay.

Mrs. Conway moved to waive the three readings of Ordinance 2016-4, Seconded by Mr. Hattenbach and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mrs. Conway moved to approve Ordinance 2016-4, Ordinance Amending Village Code 36.02 Pertaining to Police Department Job Classifications. Seconded by Ms. Wolf and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)
NAY: (0)

Mr. Warren asked if by eliminating that section would this enable the Village to have more sergeants. Mrs. Conway stated that any changes would be in consultation with the Village Manager. Chief Wallace commented that there is no desire to take command staffing higher than what it is currently and any changes would be decided by council.

Mr. Warren inquired if special training was required for the detective position. Chief Wallace commented that there is not one particular certification and seven officers have been cross-trained in crime scene processing. He stated the Department benefits from having multiple officers available for crime scene processing and interviews.

Mr. Warren asked if the Village will lose expertise. Mrs. Conway stated that at the committee meeting many items including this were discussed. She noted that the 33-year career detective that retired had expertise that cannot be replaced, and this new approach will build talent in the ranks among more officers. Chief Wallace stated that the Village will lose additional people in the next 5 years and this approach will help develop future supervisors and leaders for the organization and is for the betterment of the department as well as finances.

FINANCE COMMITTEE

Mr. Hattenbach reported that the Hamilton County Auditor has notified the village of an error through an audit of estate taxes, which re-distributed funds that the Village will receive in the amount of \$22,000. Mr. Hattenbach moved to approve Ordinance 2016-5, Ordinance

Transferring Funds for the Fiscal Year 2016. Seconded by Mrs. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (6)

NAY: (0)

LAND DEVELOPMENT COMMITTEE

Mayor Muething reported that Council discussed the proposals for the agreement for a development plan for the Amberley Green at its January meeting which was tabled.

Mayor Muething stated that the Land Development Committee spent 2014 in discussions with various members of the industry to understand development of the Amberley Green and North Site properties. He stated that the next step was taken in 2015 to understand what could be developed at the Amberley Green. A request for proposals was sent out to the industry in July and four responses were received. At the December 30, 2015 Land Development Committee meeting, the committee recommended to authorize the Village Manager to enter into discussions with Amberley Development Partners on a development agreement. The agreement is to develop a plan to understand what is possible. He stated there is a benefit to owning the property and the Village controls the decisions. He noted this would be a long process involving discussions with residents on the ideas of what can be done.

Mayor Muething moved to authorize the Village Manager to proceed with negotiating an agreement with Amberley Development Partners. Seconded by Mrs. Wolf and the motion carried with 4 members voting aye—1 recused (Conway), and 1 abstained (Bardach).

Mrs. Conway explained she recused herself as recommended by the Village Solicitor. She noted although there is not a direct conflict, the purpose is to avoid any appearance of a conflict of interest as her brother-in-law, Rob Smyjunas, is with Amberley Development Partners.

Mr. Bardach commented that while he abstained, he is not opposed to development on the property. He stated he does not support a plan proposed with housing. He stated the current proposal presented is too vague, no financials are discussed, and is lacking many details. He noted the JCC would like to put in a pool, conference center and day camp and that is not addressed. He stated that Dov Limited came forward with a specific proposal that included details. He commented that he has questions about the developer because one of the members of the team is the same one that was utilized to build the Village Municipal Building which has had a lot of problems which resulted in a lawsuit and this does not give him confidence for the group.

Mayor Muething stated that this has been a two-year process and the next step would be to develop a plan. He stated that it is unknown if leasing or selling is the right thing to do. It is clear that revenue has to be generated. The challenges of the property are well-known and will likely include some element of residential. The Long Range Plan approved by Council included some residential and the proposal is consistent with that plan.

Ms. Wolf stated that she was in agreement with Mayor Muething's comments. No developers presented a plan and the Village was informed by two groups that any specific plan presented would be impossible to nail down. She stated that she recalls two of the four developers specifically mentioned working with the JCC—Dov Limited and Mayerson (Amberley Development Partners). She stated that the JCC has not come forward to state exactly what

they would like to propose. A letter from the JCC was received to request they be given consideration by the selected developer.

Mayor Muething commented that he and the Village Manager have met with Marc Fisher and assured that there will be a requirement to work with the JCC to incorporate them into the plan.

Ms. Wolf stated that the council has directed the Village Manager that they would like to implement the Long Range Plan and this is the process being followed.

Mr. Hattenbach stated that information will come forward from the negotiation process and while the Village does not know if any financial commitment will be involved, the next step in the process will get this information. He stated that he agreed with Mayor Muething in that the process will be slow and meticulous.

Mayor Muething reiterated Mrs. Conway's point that the property is deteriorating and everyone is aware of the clubhouse conditions.

Mayor Muething restated the motion passed and reviewed the vote:

AYE: Hattenbach, Muething, Warren, Wolf	(4)
NAY:	(0)
ABSTAINED: Bardach	(1)
RECUSED: Conway	(1)

MANAGER'S REPORT

Mr. Lahrmer read a thank you letter that the Police Department received from Rabbi Pem for conducting active shooter training for their employees.

Mr. Lahrmer shared that Officer Mark Robbins was recognized by the Hamilton County Police Association for ranking 2nd in the outdoor fire arms training program.

Mr. Lahrmer reported that the employees have begun receiving their paystubs via email to avoid printing and the employee's PayDay News monthly bulletin has been shifted to an electronic version.

Mr. Lahrmer shared that upon retirement Det. Jeff Norton gifted a statue of an Amberley police officer to the department. He stated many hours went into perfecting it and the Village was honored to be the recipient. He stated the maintenance department created a frame to protect it and it is on display in the lobby of the municipal building.

Mr. Lahrmer presented the council with the annual codification of Village ordinance passed through November 9, 2015 and stated that it was ready for adoption. Ms. Wolf moved to waive the three readings of Ordinance 2016-6, seconded by Mrs. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf	(6)
NAY:	(0)

Ms. Wolf moved to adopt Ordinance 2016-6, Ordinance Adopting and Enacting a Supplement to the Code of Ordinances of Amberley Village. Seconded by Mrs. Conway and the roll call showed the following vote:

AYE: Bardach, Conway, Hattenbach, Muething, Warren, Wolf (5)
NAY: (0)
ABSTAINED: Hattenbach (1)

Mr. Hattenbach abstained due to one of his clients being a shareholder in American Legal Publishing.

APPOINTMENT OF COUNCIL MEMBER

Mayor Muething reported that Council Member Bill Doering resigned in December and the council went through a process of posting the vacant position and received interest letters from five candidates. All members of council participated in the interview process of the candidates in executive session. Deliberation was held in open session and a selection was chosen.

Mr. Bardach moved to appoint Elida Kamine to Village Council, seconded by Ms. Wolf and the motion carried unanimously.

Mrs. Conway stated that she was impressed with Ms. Kamine's experience. She is an attorney and in city government at the City of Cincinnati. Mrs. Conway stated she felt Ms. Kamine brought interesting perspectives and creative ideas, and looks forward to working with her.

Village Solicitor Kevin Frank administered the oath of office to Ms. Kamine. Mayor Muething welcomed her aboard and asked if she had any comments. Ms. Kamine thanked council for the honor to serve and thanked Bill Doering for his service. She stated that she is looking forward to working with everyone.

Mayor Muething handed out an updated committee assignment list incorporating Ms. Kamine into the structure. He noted the assignments would be for a 2-3 month period and be re-visited to ensure that it is working well. He noted changes were made to align experience on the committees. Mayor Muething moved to approve the committee assignments, seconded by Mrs. Conway and the motion carried unanimously.

CHIEF'S REPORT

Chief Wallace reported that the department received a grant for the K-9 and supplies which was obtained through assistance from Sandy Pywen. He stated \$4,800 received will cover all equipment for the canine cruiser and that the Village is the only department in the county that received these funds.

Mayor Muething asked when the K-9 would arrive. Chief Wallace stated that March 24 will be the start of the program. Equipment has been ordered and confirmation from the Haverkamp Foundation has been received. The Department received its first check for \$3,000 to go toward the program. The City will provide training free of charge and it will be a good opportunity to be able to train with local dogs.

MAYOR'S REPORT

Mayor Muething reported on behalf of the Environmental Stewardship Committee:

- February 18 at 7 p.m. Rumpke will give a presentation on recycling in the community room.
- February 29 at 7 p.m. Gary Meisner will make a presentation on the sign plan for Adath Israel in response to the Nextdoor inquiries.

- The 4th Annual One Stop Drop will take place at the Amberley Green to include shredding paper, electronics, used fabric, and creative re-use items with Scrapnati. Check the Village website for a list of acceptable items.

Mayor Muething moved to approve the June 13 Council Meeting be moved to June 14 due to the Shavuot holiday. Seconded by Mrs. Conway and the motion carried unanimously.

Mayor Muething reported that two members' terms expired December 31, 2015 on the Storm Water Advisory Board. Mayor Muething moved to re-appoint Jon Chaiken and Stan Cohen to the Stormwater Advisory Board for a 4-year term. Seconded by Ms. Wolf and the motion carried unanimously.

NEW BUSINESS

Ms. Wolf reported that the Public Outreach Committee held a meeting just prior to the council meeting regarding social media. She invited residents to like the Village's Facebook Page or follow on Twitter. There is also a mobile app to download.

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

Nicole Browder, Clerk of Council

Mayor Thomas C. Muething