

VILLAGE OF GREENHILLS
REGULAR COUNCIL MEETING
DECEMBER 4, 2012
MINUTES

A regular meeting of the Council of the Village of Greenhills, Ohio was called to order on December 4, 2012 at 7:00 p.m. by Mayor Fred Murrell. Present were: Mayor Murrell and Messrs. David Adams, Jeff Halter, Greg Hermes, Bud Wolterman and Mrs. Maria Waltherr. Also present were: Municipal Manager Evonne Kovach, Law Director Lisa Rammes, Police Chief Thomas Doyle, Fire Chief Tony Spaeth and Clerk of Council Kathy Lives.

Mr. Drees was excused due to a business commitment.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Murrell and Webelos Pack 626.

APPROVAL OF MINUTES: The minutes of the November 6, 2012 regular Council meeting, the November 20, 2012 work session and November 20, 2012 special Council meeting were approved as submitted.

RESIDENTS TO ADDRESS COUNCIL – (This is the time for citizens to comment on matters before Council or to ask questions of concern to them. When recognized, please come forward to the lectern, give your name and address and then state your comments or questions. Council meetings are tape recorded for ease of transcription. Comments are limited to two minutes.)

Mr. Tony Schuler, 20 Ashby Street, spoke against the proposed amendments to the Public Records Policy contained in Ordinance No. 2012-53-L&R, on the agenda as Item 1 under New Business, because he believes the amendments diminish the public's freedom of speech and rights to inspect said records.

Judy Huff, 50 Hadley Road, thanked Council and the Municipal Manager for addressing the code violations at 66 Hadley Road. She suggested using the One-Call System for notifying residents of upcoming Council meetings/work sessions.

Diana Harrison-Koller, 53 Illona, suggested the following should be addressed in the Public Records Policy currently under discussion: private emails that conduct public business; failure to respond to a public records request; and audio recording of Council meetings. She noted the proposed amended policy appears to be vague on how to handle the requestors making copies on their own equipment.

Mr. Jim Smith, Interim Winton Woods School District Superintendent, introduced himself to Council and the community. He stated he is retired from the Bethel-Tate School District and provided an overview of his past experience. Mr. Smith provided a summary of his goals for the Winton Woods School District which includes a strong emphasis on test scores and a keen focus on Middle School students.

REPORTS OF VILLAGE OFFICIALS

Municipal Manager – Evonne Kovach

Public Records Requests

- November 1, 2012 – Read in full a public records request from Ms. Pat Andwan for the following: all documents (including e-mail) reflecting NIC reports, inspections, warnings, for rentals, building inspections and code violations; all documents and e-mail communications regarding appraisals, listing for sale, offers, and contingency inspections, counter offers on sale of Village real estate in 2012; all public records regarding the sale, closing, settlement, counter offers, contingency for the sale of 30-40 Flanders; all rental records recording Village-owned real estate, including garages, (tenant name, address, rental rate, payment, vacancy from 2012 through October 2012); job descriptions and performance appraisals for 2010 through 2012; all documents depicting employee “goals and objectives” from 2010 through October 2012, including Municipal Manager; current job description for Ms. Evonne Kovach; rental income and expense records for all 16 Cromwell Road one-bedroom apartments from 2010 to present; renovation estimates for Village one-bedroom apartments located on Cromwell Road (two buildings of eight units); all ads, RFP’s, contracts or instructions, reports and estimates regarding rehab assessment of Cromwell one-bedroom buildings; all NIC inspections reports (rental, code, building) and e-mails specifically for one-bedroom buildings; all NIC inspection reports specifically rental, code, building and e-mails of all Village-owned two and three-bedroom townhomes on Chalmers Lane; all documents which depict plans for redevelopment of Cromwell Road, Chalmers Lane and Chalmers Court including maps, text from Comprehensive Plan and all e-mails of Village public officials pertaining to “redevelopment” of this portion of the National Registered Historical District; salary, number of weekly hours and benefit report for all Greenhills employees from January 1, 2012 to present; invoices to support 2012 payments for all employee benefits, OPERS, insurance (health and life) Police-Fire; and reports depicting names of Village employees and elected public officials covered by any and all benefits.
- November 7, 2012 – Read in full a public records request from Ms. Pat Andwan repeating the above request with new requests as follows: all monthly activity reports from November 2011 to present; all NIC inspection reports (rental, code, building) and e-mails specifically for 26 and 30 Chalmers Lane; employee fringe benefit summary for 2011 and 2012; and full-time employee base wage and salary chart for 2011 and 2012.
- November 9, 2012 – Read in full a public records request from Ms. Pat Andwan for the electronic version of the NIC Housing Inventory Reports for the Village of Greenhills from December 2011 to present. Ms. Andwan stated a similar document for the City of Oxford is easily accessible online.

Of all of the records requests submitted over the last three months, all but one has been provided. Ms. Kovach explained that the NIC Housing Inventory Report for the Village of Greenhills does not exist, and that the like report from the City of Oxford is no longer in use and is out of date.

There appears to be the expectation that certain records/reports are in a specific format, when in fact, they do not exist. The estimated hours for this reporting period exceeds 40 hours.

Other Reports

- Announced Police Chief Thomas Doyle will leave his position the end of the year. A resolution commending Chief Doyle for this excellent service to the Village of Greenhills and allowing him to retain his Village-issued weapon and badge is on the agenda for Council's consideration later in the meeting. As he was quite ill, Chief Doyle was not in attendance. Ms. Kovach indicated she is outlining the process for the Police Chief search and this information will be shared with the Traffic and Safety Committee and Council shortly. The advertisement for the position has begun.
- The 2012 repaving projects are now complete, including portions of Japonica, between Jennings and Handel.
- Provided an update on the American Legion property; emphasized the property is greenbelt and cannot be developed.
- Provided to Council topics related to the Zoning Code for discussion later in the meeting.

Law Director – Lisa Rammes

- The Public Records Policy amendments were reviewed by legal counsel and found to be in order.
- Referenced an ordinance for consideration by Council later in the meeting expressing opposition to HB601. This bill proposes uniform measures for Municipal Income Tax that will result in unfunded mandates and a substantial loss of revenue. Legal counsel will continue to monitor the status of this bill.

Clerk of Council – Kathryn L. Lives

- Ordinance No. 2012-51-L&R were posted as required.
- Also posted as required were: the November 2012 Community Calendar and public notices for the following meetings: special Council meeting of November 20, 2012, December 4, December 6 and December 11, 2012 Charter Review Committee meetings, and the December 12, 2012 Planning Commission meeting.
- Attended the Molloy's Open House on November 13, 2012 and the Greenhills Volunteer Fire Department Annual Recognition Dinner on December 1, 2012.
- Extended Holiday Best Wishes to the Village of Greenhills Mayor, Council, officials and residents.

Fire Chief – Anthony Spaeth

- Thanked all who supported the annual turkey raffle to benefit the Greenhills Volunteer Fire Department.

- Commented on the American Legion situation which is prompting the sale of the property. Encouraged the Village of Greenhills officials and residents to assist the Legion in any way to maintain the viability of the organization.
- Activity for the month of November – six fires in the Village, 18 mutual aid for a total of 24. EMS runs – 29 in the Village, one in the township contract area for a total of 30. Year-to-date – 612 runs.
- Highlights from the Annual Recognition Dinner held on December 1, 2012:
 - Captain Keith Essert – Fire Fighter-of-the-Year
 - Lieutenant Joe Meister – Five Year Service Award
 - Captain Jeff Palmer – Ten Year Service Award
 - Captain Keith Essert – Ten Year Service Award
 - Engineer and ATO – Ten Year Service Award
 - Run Leaders – Ockie Hoffman (100), Robert Sifford (126), Lionel Jarvis (125), Jeff Palmer (148), Tony Spaeth (175), Andy Caster (186), Joe Meister (226), and A.J. Coley (266).
 - New Board Members (ten member board) – Ockie Hoffman, Tom Hoffman, Nick Duffy, Julie Sheets, and Keith Essert.
- Fire safety tips for the Christmas season
 - Keep fresh trees well watered at all times and away from heat source.
 - Use only UL approved lights and string three strands to one line.
 - Do not use candles on Christmas trees; all other candles, use with care and extinguish when not at home.
- Both Councilman Wolterman and Hermes expressed deep gratitude to Chief Spaeth and the members of the Fire Department for their dedicated and loyal service to the Village of Greenhills. On behalf of the Greenhills Fire Department, Chief Spaeth extended Season Greetings to all Village officials and residents.

Mayor – Fred Murrell, Audited Court Receipts

- Audited Court receipts for October 2012 – Village of Greenhills - \$12,795.00; State of Ohio - \$2,232.50; Hamilton County \$76.50; total - \$15,104.00.
- Attended various community events throughout November.
- Noted the following 2012 accomplishments: Water Works project completed that improves the reliability of the water delivery infrastructure and has resulted in the paving of many of the streets on the west side of town; paved a section of Winton Road and Eswin Street; portions of Winton Road rebuilt; revised Zoning Code presented to Council from the Planning Commission; Charter Review Commission appointed and now deliberating changes to the Charter; and trimmed public expenditures without loss of service.

COMMITTEE REPORTS

Finance and Audit – Drees

- For Mr. Drees, Mr. Halter stated *Light Up Greenhills* plans are in the final stages; the event will take place on December 7, 2012.
- Thanked the residents for approving the operating levy which was on the November 2012 ballot.

Inter-Governmental Affairs, Laws & Rules – Walther

- November 11, 2012 – attended a PTA meeting.
- November 13, 2012 – attended the Open House at Molloy's on the Green.
- November 16, 2012 – met with the interim Superintendent of the Winton Woods School District.
- November 16, 2012 – her article, *Area Schools Should Provide Equal Opportunities for Kids*, was published in the *Cincinnati Enquirer*.
- November 16, 2012 – attended former Winton Woods School District Superintendent Camille Nasbe's retirement party.
- December 7, 2012 – will attend *Light Up Greenhills*.
- December 10, 2012 – will attend a PTA meeting.

- Laws and Rules Committee rescheduled from December 10, 2012 to December 17, 2012, 9:00 a.m., Municipal Building.

- At the invitation of School Board Member Kim Burns, will join a group to explore new school facilities.

Services and Streets – Adams

- Thanked Chief Tony Spaeth and the members of the Greenhills Fire Department for their commitment and dedication to the community. He then concurred with Chief Spaeth's comments regarding the American Legion facility.
- Indicated he has received positive feedback regarding his remarks made at the November 6, 2012 Council meeting regarding the Winton Woods schools; he continues to explore different options for Greenhills.
- Last leaf pick up is December 5, 2012. Asked residents to keep parking on the streets to a minimum during snow falls.
- In response to a comment from a resident, Mr. Adams requested the Street Tree Committee to consider a policy for those residents who want to remove and replant trees at their expense.
- Noted *Gracie's Give Back Community Blood Drive* is scheduled for December 14, 2012, 2:00-8:00 p.m., at the Greenhills Community Building. Donations, gifts, cards and presents will be accepted to benefit families at Children's Hospital.

Community Development – Halter

- The Design and Beautification Committee met on November 29, 2012 to further plan and develop the 75th anniversary of the Village of Greenhills. As part of the celebration, an *I Love Greenhills* dance will be held at Molloy's on February 16, 2013.
- *Light Up Greenhills* is scheduled for December 7, 2012, 6:00-8:00 p.m.; encouraged residents and the public to attend. Greenhills Museum will be open during the event.

Traffic and Safety – Wolterman

- The Traffic and Safety Committee will meet in the near future.
- Reminded all residents to indicate Greenhills on the form when renewing motor vehicle license plates.

Recreation and Cable Television – Hermes

The Recreation Commission meeting has been rescheduled from December 5, 2012 to December 12, 2012, 8:00 p.m.; this will be the final meeting of the year.

Mr. Hermes moved, seconded by Mr. Wolterman, to amend the agenda to add under New Business the appointment of Mr. Doug Koller to the Recreation Commission. Motion carried by voice vote.

Mr. Wolterman moved, seconded by Mr. Halter, to add to the agenda under New Business a Resolution No. 2012-59-T&S commending Police Chief Thomas E. Doyle for his dedicated service to the Village of Greenhills. Motion carried by voice vote.

Without objection, a motion was added to the agenda under New Business to reappoint Mr. Michael Brown to the Board of Zoning Appeals and Mr. Wes Noble to the Planning Commission.

UNFINISHED BUSINESS AND GENERAL ORDERS

1. ORDINANCE NO. 2012-52-F

Ordinance to Establish Depository for the Village of Greenhills for the Period of January 1, 2013 Through December 31, 2017 and Declaring an Emergency

Note: Ordinance No. 2012-52-F was read for the first time at the November 6, 2012 regular Council meeting.

Mr. Halter moved, seconded by Mr. Wolterman, to suspend the rules requiring reading the ordinance in its entirety. Motion carried by voice vote.

So that the ordinance will be in force on a timely manner, Mr. Halter moved, seconded by Mr. Adams, to retain the emergency. Motion carried by voice vote.

Mr. Halter moved to adopt, seconded by Mr. Adams.

Halter – The ordinance is in order and adoption is recommended.

Voting as follows: “Aye” – Adams, Halter, Hermes, Waltherr and Wolterman.
Ordinance No. 2012-52-F adopted 5-0 by roll call vote.

NEW BUSINESS

1. ORDINANCE NO. 2012-53-L&R

An Ordinance Amending Chapter 111 of the Village of Greenhills Codified Ordinances Regarding Public Records Policy

Mrs. Waltherr moved, seconded by Wolterman, to suspend reading the ordinance in its entirety two times on two separate occasions and read for the first time by title only. Motion carried by voice vote.

Mrs. Waltherr read the ordinance for the first time by title only.

2. ORDINANCE NO. 2012-54-F

Ordinance Making Supplemental Appropriations

Mr. Halter moved, seconded by Mr. Wolterman, to suspend the rules requiring reading the ordinance two times on two separate occasions and reading it in its entirety. Motion carried by voice vote.

Mr. Halter read the ordinance by title only.

Mr. Halter moved to adopt, seconded by Mr. Adams.

Kovach – This is the year end supplemental to make adjustments in the budget where needed to complete the fiscal year. There are adjustments within funds and no new dollars are being appropriated.

Voting as follows: “Aye” – Adams, Halter, Hermes, Waltherr and Wolterman.
Ordinance No. 2012-54-F adopted 5-0 by roll call vote.

3. ORDINANCE NO. 2012-55-F

Ordinance Adopting a Village of Greenhills Fee Schedule

Mr. Halter moved, seconded by Mr. Adams, to postpone indefinitely.

Halter – After further review, the ordinance needs additional time to further refine the fee schedule.

Motion to postpone indefinitely Ordinance No. 2012-55-F carried by voice vote.

4. ORDINANCE NO. 2012-56-F

An Ordinance to Make Temporary Appropriations for Current Expenses and Other Expenditures of the Village of Greenhills, State of Ohio, During the Fiscal Year Ending December 31, 2012 Pursuant to Exhibit “A” Temporary Appropriation for 2013 (Dated 11-29-12) Attached Hereto and by Reference Made a Part Hereof

Mr. Halter moved, seconded by Mr. Wolterman, to suspend the rules requiring reading the ordinance two times on two separate occasions and reading it in its entirety. Motion carried by voice vote.

Mr. Halter read the ordinance by title only.

Mr. Halter moved to adopt, seconded by Mr. Wolterman.

Kovach – The Village is required to have an appropriation in place by January 1st. Greenhills opts to prepare a temporary appropriation to have the benefit of actual year-end figures when preparing a permanent appropriation. This temporary ordinance represents approximately 25% of an annual appropriation and is based on year-to-date actual 2012 figures, the 2013 Tax Budget, and factors known to exist, such as timing on lease payments, etc. There are no funds allocated at this time in the Sick Leave Fund and Golf Fund.

Voting as follows: “Aye” – Adams, Halter, Hermes, Waltherr and Wolterman.
Ordinance No. 2012-56-F adopted 5-0 by roll call vote.

5. RESOLUTION NO. 2012-57-F

Resolution Requesting the County Auditor to Make Tax Advances During the Year 2013 Pursuant to Ohio Revised Code, Section 321-34

Mr. Halter moved, seconded by Mr. Wolterman, to suspend the rules requiring reading the ordinance two times on two separate occasions and reading it in its entirety. Motion carried by voice vote.

Mr. Halter read the resolution by title only.

6. RESOLUTION NO. 2012-58-F

Strongly Opposing the Passage of HB 601 by the Ohio General Assembly which Proposed Uniformity Measures for Municipal Income Tax in the Form of Unfunded Mandates and a Substantial Loss of Revenue and Declaring an Emergency

Mr. Halter moved, seconded by Mrs. Waltherr, to suspend the rules requiring reading the ordinance two times on two separate occasions and reading it in its entirety. Motion carried by voice vote.

To send the message as soon as possible, Mr. Halter moved, second by Mr. Wolterman, to retain the emergency clause. Motion carried by voice vote.

Mr. Halter read the resolution by title only.

Mr. Halter moved to adopt, seconded by Mrs. Waltherr.

Halter – The State of Ohio is trying to take over the collection of municipal income taxes throughout the State for a fee.

Kovach – Municipalities throughout the State are expressing concern about the content of HB 601. This resolution expresses the concern that Greenhills has regarding the negative impact this bill would have on income tax revenues for the Village.

Murrell – Under this bill, the definition of earnings tax is standardized throughout the State of Ohio.

Voting as follows: “Aye” – Adams, Halter, Hermes, Waltherr and Wolterman.
Resolution No. 2012-58-F 5-0 by roll call vote.

7. Mr. Hermes moved, seconded by Mr. Halter, to appoint Mr. Doug Koller to the Recreation Commission to replace Mr. Dan Starkey.

Hermes – Mr. Starkey stepped down due to pressing personal and business commitments.

Motion carried by voice vote.

8. Mayor Murrell moved, seconded by Mr. Wolterman, to reappoint Mr. Michael Brown to the Board of Zoning Appeals and to Mr. Wes Noble to the Planning Commission, both for a three-year term.

Murrell – Both have served diligently and are long-time residents with a strong willingness to serve the community.

Motion carried by voice vote.

9. RESOLUTION NO. 2012-59-T&S

Commending Thomas E. Doyle for His Dedicated Service to the Village of Greenhills

Mr. Wolterman read the resolution in full.

Mr. Wolterman moved, seconded by Mrs. Waltherr, to suspend the rules requiring the ordinance two times on two separate occasions. Motion carried by voice vote.

Mr. Wolterman moved to adopt, seconded by Mr. Halter.

Wolterman – Chief Doyle has done a wonderful job in proving the integrity, reputation and professionalism of the Greenhills Police Department. Wished him well in his new position with the Hamilton County Park District.

Adams – commended Chief Doyle for his demeanor and calm while leading the Greenhills Police Department.

Waltherr – Thanked Chief Doyle for his service to the community and will always remember him as an officer and a gentleman.

Murrell – Echoed prior comments and thanked Chief Doyle obtaining the CALEA accreditation on behalf of the Village of Greenhills Police Department.

Voting as follows: “Aye” – Adams, Halter, Hermes, Waltherr and Wolterman.
Resolution No. 2012-59-T&S adopted 5-0 by roll call vote.

10. PROPOSED ZONING CODE AMENDMENTS

Mr. Murrell explained the Planning Commission has recommended a proposed Zoning Code change to Council. It is Council’s responsibility review this proposal, and modify it as is necessary, and then vote on the entire, proposed amended document.

1. Section 9.2 E. Provide language that differentiates between herbs grown for ornamental or kitchen use versus “farming” of crops in front yards. Yes or no. Create definition of “farming” to specify “row crops”.

General consensus of Council is to consider a specific definition of “row crops” and a prohibition of same in the front yards. Additional language is needed to possibly include herbs in the landscaping plan. This issue was placed on the next work session agenda.

2. Section 9.2 F. Yes or No. Permit small farm animals.

General consensus of Council is to retain this section as proposed.

3. Chapter 15 – Village Center District. Yes or No. Should the properties on the west side of Winton Road be taken out of the Village Center District.

Mr. Wolterman moved, seconded by Mrs. Waltherr, to modify the proposed Village Center District zoning map by removing the west side of Winton Road and the golf course. After lengthy discussion and careful review, voting as follows: “Aye” – Halter, Waltherr and Wolterman; “No” – Adams and Hermes. Motion carried 3-2 by roll call vote.

CALENDAR

(Without objection the regular Council meeting was moved from January 1 to January 8, 2013.)

December 6, 2012 – Charter Review Committee public hearing, 7:00 p.m., Council Chambers

December 7, 2012 – Light Up Greenhills, 6:00-8:00 p.m., Nicholas G. Bates Commons

December 10, 2012, Laws and Rules Committee meeting, 9:00 a.m., Municipal Building –
CANCELLED

December 11, 2012 – Charter Review Committee meeting, 7:00 p.m., Council Chambers

December 12, 2012 – Planning Commission Committee meeting, 7:00 p.m., Council Chambers

December 12, 2012 – Recreation Commission meeting, 8:00 p.m., Municipal Building

December 13, 2012 - Design and Beautification Committee, 7:00-8:30 p.m., Council Chambers,
Municipal Building

December 14, 2012, Community Blood Drive sponsored by the David Adams Family, 2:00-8:00
p.m., Community Building

December 17, 2012, Laws and Rules Committee meeting, 9:00 a.m., Municipal Building

December 18, 2012 – Council Work Session, 7:00 p.m., Council Chambers

December 24, 2012 – Christmas Eve, MUNICIPAL OFFICES CLOSED

December 25, 2012 – Christmas Day, MUNICIPAL OFFICES CLOSED

December 31, 2012 – New Year’s Eve, MUNICIPAL OFFICES CLOSE AT 12 NOON

January 1, 2013 – New Year’s Day, MUNICIPAL OFFICES CLOSED

January 8, 2013 – Council meeting, 8:00 p.m., Council Chambers, Municipal Building

With no further business forthcoming, the meeting adjourned at 9:35 p.m.

MAYOR

CLERK OF COUNCIL