

**MINUTES OF THE REGULAR MEETING  
AMBERLEY VILLAGE COUNCIL  
MONDAY, FEBRUARY 11, 2008**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, FEBRUARY 11, 2008 at 7:30 P.M. Mayor Charles Kamine called the meeting to order. The following roll call was taken:

**PRESENT:**

Charles Kamine  
Tim Carter  
Jon Chaiken  
Fran Cohen  
Peg Conway  
Louis Katz  
Merrie Stillpass

**ALSO PRESENT:**

Stephen Cohen, Village Solicitor  
Chief Monahan, Police/Fire Chief  
Nicole Browder, Clerk of Council

**ABSENT:**

Rich Batterberry, Treasurer  
Bernard E. Boraten, Village Manager

Mayor Kamine welcomed everyone to the regularly scheduled meeting of the Amberley Village Council, and led those in attendance through the pledge of allegiance.

**MINUTES**

Mrs. Cohen moved acceptance of the minutes of the January 14, 2008 regular meeting as submitted. Seconded by Mr. Katz. The motion carried unanimously.

**FINANCE REPORT**

On behalf of the Village Manager, Mr. Chaiken presented the Finance Report for the month of January (Finance Report attached). Mr. Katz moved to approve the January Finance Report. Seconded by Mrs. Cohen. The motion carried unanimously.

**RESIDENT TO ADDRESS COUNCIL:**

Mr. Tom Neuman, resident at 5120 Rollman Estates Drive, expressed his dissatisfaction with the letter and postcard that council sent to residents regarding the options for Crest Hills. Mr. Neuman felt that there were more options available than presented. He stated that he did not want an additional tax burden, which for him would result in an additional \$7,000-14,000 each year.

Mr. Neuman stated that he felt since the council was elected based on their convictions to preserve Crest Hills that council has an obligation to try to fulfill that goal. However, he does not agree with pursuing a golf course.

Mr. Neuman stated that he did not believe that a new subdivision would create enough maintenance expenses to cause an increase in taxes for the residents. He stated that taxes were not increased when Rollman Estates and Rollman Reserve were built, so he did not believe it was appropriate now. Mr. Neuman stated that he felt with the last payment for Village Hall coming due this year, which is \$500,000, in addition to the inheritance tax windfall from last year, that the Village should not be in a position to ask for a tax increase based solely on this subdivision development. Mr. Neuman stated that he felt a subdivision would generate some income and a homeowners' association could absorb some costs as well. Additionally, he pointed out that he saw the revenue potential in the development of the North Site as well.

Mayor Kamine informed Mr. Neuman that the postcard and letter was sent out to gauge the residents' feelings on the basic issue of development or eminent domain. He pointed out that there will be more discussions regarding how council will proceed with this issue. Mayor Kamine reported that it can be shown nationally that housing developments cost more than the dollars generated in taxes.

Mayor Kamine stated that the idea of utilizing a homeowners' association to absorb costs is an interesting method to consider. He reported that the development of Rollman Estates and Reserve did, in fact, create a financial/services burden for the Village. Mayor Kamine also stated that the Village is still behind in the expected level of services and staffing. He stated that although the Village had budgeted for inheritance tax, however, it cannot be counted on for planning the budget each year.

Mayor Kamine stated that the council will be discussing the options for the Crest Hills in the coming weeks. He stated that the court ruling as to whether or not the case will be heard should be released in the next 60 days.

**COMMITTEE REPORTS: LONG RANGE PLANNING COMMITTEE:**

Mrs. Stillpass reported that the committee had its first meeting and discussed focus items. She reported that the most important issues were the Village's image, environmental sustainability, development, new technologies and economic development. She stated that the committee will plan for the development of the Village in these areas.

**BEAUTIFICATION COMMITTEE:**

Mrs. Stillpass announced that the Beautification Committee will meet on February 25<sup>th</sup> at 7:30 p.m. in the community room at Village Hall. She reminded everyone that Arbor Day will be celebrated on Sunday, May 4, 2008, from 1-4 p.m.

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

Mr. Carter reported that the committee met and discussed the 2008 Roads Program. He reported that there was a lot of good data provided by the Village Engineer. He stated that the committee also discussed a list of work to be performed in the Village rights of way.

Mr. Carter asked council to approve RESOLUTION NO. 2008-01, RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE MANAGER TO PREPARE SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE VILLAGE'S 2008 ROAD IMPROVEMENT PROGRAM. Mr. Carter stated that this resolution is based on the road program as submitted by the Village Manager and Public Works Supervisor at the committee meeting. Mr. Carter stated that this resolution would also allow the Village Manager to release the engineer to prepare plans for these improvements as well. Mr. Carter read the streets within Program I and II (see attached). Moved by Mrs. Cohen and seconded by Mr. Chaiken. The motion carried unanimously. Mr. Chaiken clarified that the amount of work that would be completed in Program II will be based on the bids returned.

Mr. Carter then stated that he had requested a recommendation from the Village Manager and Public Works Supervisor regarding the suspension of the brush policy again this summer. Mr. Carter stated that the recommendation was to again suspend brush collection as there was not an overwhelming negative response from residents during the suspension last summer. Mrs. Stillpass asked Mr. Carter if the service department can still perform grounds keeping duties and other projects while the brush collection is suspended or will that department only focus on roadwork. Mr. Carter stated that he expected that only roadwork would be performed, except for emergency responses, such as storms. He stated that if there is other work that must be done during this period, he would expect that the Village Manager would plan for those items since there will be 90 days notice this year prior to the brush suspension. Mr. Carter stated that passing this motion this evening would also allow residents ample time to prepare and clean up their properties prior to the brush suspension.

Mr. Carter moved to suspend brush collection for a 10-week period during the summer months for 2008. Seconded by Mr. Katz, six voted yes and Mrs. Cohen voted no. Mr. Chaiken clarified that waste removal is available to the residents through Rumpke all year round.

Mr. Carter reported that the committee also reviewed a petition submitted by Mr. Michael Lake, resident at 6795 Ridge Road. Mr. Carter reported that Mr. Lake's property recently developed a sinkhole, which the service department inspected. The pipe in Mr. Lake's front yard has a failed joint. Mr. Carter went on to explain that residents can petition council to take over their private drainage watercourse wherein the Village would maintain the pipes. Mr. Lake made his petition to the Village Manager who then forwarded the petition for review by the Village Engineer. The engineer's office returned a recommendation to the committee which was not in favor of the Village taking responsibility of this pipe. The committee discussed the matter and voted 2 to 1 to keep the drainage pipe private, not public. Mr. Carter stated that he voted to make it public. He stated that if the pipe were to collapse, he believes that water will go into Mr. Lake's home.

Mayor Kamine asked for a presentation of the engineer's recommendation. Mr. Carter read from the engineer's report that the watercourse is not connected to a public water system and that it does not meet the conditions set forth in the policy.

Mr. Lake then addressed council. He stated that he has been a resident for one year. He stated that he believes this pipe and creek does connect one Village waterway to another Village waterway. Mayor Kamine informed Mr. Lake that if the pipe were removed, there would be a

creek in the front yard and a bridge would need to be built to access the home. Mr. Lake stated that he did not believe that the pipe would need to be removed.

Mr. Carter urged council to study the circumstances of this petition further prior to accepting the recommendation from the committee. Mr. Chaiken stated that the committee held a spirited discussion for one hour with Mr. Lake's parents. Mr. Chaiken stated the petition was reviewed by professionals as well. He also stated a private upgrade was performed and the maintenance is the owner's responsibility.

Mayor Kamine clarified that the purpose of the petition process was to allow for instances that could result in a financial burden on one homeowner although damage could affect several homeowners. He stated that Mr. Lake's petition is appropriate; however, it does not appear to meet the criteria. Mr. Carter expressed his disagreement with the report issued by the Village Engineer. Mr. Carter stated that he felt the engineer made a mistake and a second opinion was needed.

Mr. Katz stated that he attended the committee meeting and he confirmed that the engineer's report states the pipe would structurally last for many years. Mr. Katz stated there are a number of pipes throughout the Village and this is not just a problem for Mr. Lake.

Mr. Carter urged council to allow the resident to obtain a second opinion with an engineer of Mr. Lake's choice. Mr. Katz moved to postpone the decision on Mr. Lake's petition pending a second opinion to be provided by an engineer of Mr. Lake's choice. Seconded by Mr. Carter and the motion carried unanimously.

#### **PUBLIC OUTREACH COMMITTEE:**

Mrs. Conway reported that the committee recently met and discussed the results of the resident survey regarding Crest Hills. She reported that 2,507 surveys were sent and 1,391 were returned, which is a return rate of 55.5%. Mrs. Conway reported that 555 votes were in favor of eminent domain (option 1), 423 were in favor of high density development (option 2), 362 were in favor of one acre minimum development, 20 were in favor of either development option, and 26 were not in favor of the options provided. Mrs. Conway reported that many residents wrote in comments. The comments will be further analyzed and provided to council for review and consideration in this matter.

#### **MAYOR'S REPORT:**

Mayor Kamine announced that the Long Range Planning Committee members were appointed at the last meeting; however, a vacancy for the previous mayor's seat on this committee was unfilled. He stated that Mr. Bob Stewart was offered to serve in this capacity, but was unavailable to participate. Mayor Kamine stated that he would like to appoint former Vice-Mayor Bill Lennard to the seat. Mrs. Stillpass moved to approve. Seconded by Mrs. Cohen and the motion carried unanimously.

Mayor Kamine announced that an amendment to the Village Charter will appear on the March 4<sup>th</sup> ballot. He stated that this will authorize council, by Resolution, to set the amount, not more than \$15,000, that the Village Manager can spend without council approval. The current limit of \$3,000 has not been changed for many years and council felt this change was appropriate due to inflation and the need to efficiently run the financial operations. Mayor Kamine stressed that this does not involve a tax increase of any sort.

Mayor Kamine reminded residents that anyone may request to speak at the council meetings; however, he would appreciate notification in advance of the meetings so time may be allotted on the agenda.

There being no further business, Mr. Chaiken moved to adjourn. Seconded by Mrs. Stillpass and the motion carried unanimously.

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Nicole Browder, Clerk of Council

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Mayor Charles Kamine