

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
TUESDAY, OCTOBER 14, 2008**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on TUESDAY, OCTOBER 14, 2008 at 7:30 P.M. Mayor Charles Kamine called the meeting to order. The following roll call was taken:

PRESENT:

Charles Kamine
Jon Chaiken
Fran Cohen
Peg Conway
Louis Katz
Leslie McIntosh
Merrie Stillpass

ALSO PRESENT:

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

ABSENT:

Rick Kay, Village Treasurer

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 September 8, 2008, regular meeting as amended. Seconded by Mr. Katz. The motion carried unanimously.

Mr. Katz moved acceptance of the minutes of the September 25, 2008, special meeting as submitted. Seconded by Mrs. Stillpass. The motion carried unanimously.

FINANCE REPORT

Mr. Boraten presented the Finance Report for the month of September, 2008 (Finance Report attached). Mr. Chaiken moved to approve the September Finance Report. Seconded by Mrs. Conway. The motion carried unanimously.

MAYOR'S REPORT:

Mayor Kamine took a moment to reflect on the fallout from Hurricane Ike which caused major wind storm damage throughout the Village. He reported that the size and widespread damage of this wind storm was unprecedented in the Village's history. Village maintenance crews responded by working extra hours to clear the streets of brush and debris which was the first priority. He expressed his gratitude for the amazing effort that was put forth by all Village employees during this major storm event.

Mayor Kamine also thanked the Jewish Community Center for extending their facility to residents during the power outage. Residents were able to utilize the JCC for their daily needs. Mayor Kamine thanked Adath Israel for their gracious offer to host Friday night dinner for residents during the power outage.

Mayor Kamine asked the Village Manager for a report regarding the wind storm event. Mr. Boraten responded that during the cleanup local governments worked together with Duke Energy by coordinating efforts and strategizing daily with telephone conference calls. He stated that the total statistics were being compiled for use in the application for reimbursement of funds from the Federal Emergency Management Agency (FEMA).

Mr. Boraten reported that there were 1,503 cubic yards of brush picked up during the last nine months prior to the storm and during the 14-day cleanup from this wind storm the maintenance crews picked up 2,288 cubic yards of material. The crews worked six days a week in addition to contract crews which were dispatched into the Village. Most of the material has been collected, however, the Village is responding to the second and third wave of brush being pulled out to the curb.

Mr. Katz asked where the chipped brush and debris will ultimately be disposed. Mr. Boraten reported that Hamilton County has sought bids for a program in which units will respond to our location to collect and haul out the chips and debris. Hamilton County will provide tub grinders which will be utilized to chip up the large logs and debris that our equipment cannot chip due to the large size. Mr. Boraten stated that Hamilton County will provide assistance to fund the transportation of the chips and debris being hauled out of the Village. He reported that the Village has coordinated with a local company that will accept the Village's chips to recycle into energy, which allows the Village to cut costs.

RESIDENTS TO ADDRESS COUNCIL:

Mr. Tom Neuman, resident at 5120 Rollman Estates Drive, stated that he would like to raise the issue of financial irresponsibility on the part of Council. He announced that a group has been formed called the Citizens Against Amberley Village Excess and their website address is caave.info. He expressed his concern with what he felt was going to be exorbitant initial expenses for the Crest Hills property. He reported that the possible rehabilitation of the golf course, from what he had heard, could reach three to five million dollars. He stated he was discontent with the use of the emergency measure for a majority of the ordinances that have been passed over the last two years. He stated he felt it was crisis management which was not appropriate and that the Village should not be operated this way. He also expressed that he felt the Village newsletter should have opposing views on any political articles published.

Mr. Katz responded to Mr. Neuman's claim that Mr. Katz said that the cost to rehabilitate the golf course would be three to five million dollars. He stated that, at that point in time, the members of the country club were considering moving back to Amberley. Mort Olman, an expert on golf, contacted Bobby Hansen, a well-known golf course developer along with Richard Mandell, a golf course architect. They wrote a report for the Ridge Club for the Club to redevelop the course. Mr. Katz clarified that their intent was different than what the Village was considering. Restoration of the course could be about \$1 million.

Mayor Kamine responded to Mr. Neuman by explaining that now that the Council has purchased the property a study phase will commence and no final decision has been made to date. He stated that there will be committee meetings and public meetings to reach a final decision. The Council was unable to move forward until it was known that the closing and settlement would be finalized. He reiterated that Council will not rush into a final decision on the future of this property. Mayor Kamine mentioned that during the trial there was an expert witness that testified that it would cost \$1 to \$1.5 million for rehabilitation of the course.

Mrs. Diane Levine, resident at 6770 Fair Acres Lane, thanked the Mayor and Council for purchasing the irreplaceable 133 acre property. She stated that if Kris Neyer thinks that the Village is lax in service that the need for service would be increased if the Crest Hills property were developed. Mrs. Levine expressed her appreciation for all of the efforts by the maintenance department during the wind storm and power outage. She urged everyone to now work together to determine the future of the Crest Hills property.

COMMITTEE REPORTS:

BEAUTIFICATION COMMITTEE:

Mrs. Stillpass reported that there were eight residents who participated in the ReLeaf Program. There were 33 orders for a total of \$800. The trees can be picked up on October 18th on Reading Road.

Mrs. Stillpass stated that the next Beautification Committee meeting will be on October 27th at 7:30 p.m. and the Committee will continue developing the visual preference for the gateways.

FINANCE COMMITTEE:

Mr. Chaiken reported that the Ohio State Auditor requires the Village to, from time to time, make adjustments for appropriations. He clarified that this is not an increase or a decrease, but a matter of accounting methods.

Mr. Chaiken moved to approve ORDINANCE 2008-20, ORDINANCE AMENDING APPROPRIATIONS FOR THE FISCAL YEAR 2008. Seconded by Mr. Katz and the roll call showed the following vote:

AYE: Kamine, Chaiken, Cohen, Conway, Katz, McIntosh, Stillpass (7)
NAY: (0)
ABSENT: (0)

Mr. Chaiken moved to approve the Ordinance passed as an emergency measure. Seconded by Mr. Katz and the roll call showed the following vote:

AYE: Kamine, Chaiken, Cohen, Conway, Katz, McIntosh, Stillpass (7)
NAY: (0)
ABSENT: (0)

Mayor Kamine used the passage of the appropriations modification ordinance as an explanatory opportunity in response to Mr. Newman's comments informing the audience that Council does pass various ordinances by emergency measure in order to efficiently run the Village operations. He stated that the Council meetings are a month apart and it would take considerable planning to have every ordinance read three times. However, the Council does make an effort to have three readings for important ordinances, such as those that change the law. He stated that outside forces, such as the auditor's office requires reallocation of funds within the budget twice a year, which will change now to six times a year. He stated that most of the ordinances passed as emergency measure are relative to these types of requirements.

Mr. Chaiken next presented a resolution to adopt the levy amounts and rates as required annually by the auditor. Mr. Chaiken moved to approve RESOLUTION 2008-14, RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Seconded by Mr. Katz and the motion carried unanimously.

Mr. Chaiken announced that there has been some difficulty with the Village acquiring salt this year due to supply shortages in the region. It was explained that the Village had been participated in three joint bidding processes conducted by Hamilton County that resulted in

unsuccessful bids. Therefore, the Village will now seek to acquire salt outside of the bidding process. Mr. Chaiken moved to approve ORDINANCE NO. 2008-21, ORDINANCE AUTHORIZING THE VILLAGE MANAGER TO CONTRACT FOR HIGHWAY SALT AND AMENDING APPROPRIATIONS. Seconded by Mrs. Cohen and the roll call showed the following vote:

AYE: Kamine, Chaiken, Cohen, Conway, Katz, McIntosh, Stillpass (7)
NAY: (0)
ABSENT: (0)

Mr. Chaiken moved to approve the Ordinance passed as an emergency measure. Seconded by Mrs. Cohen and the roll call showed the following vote:

AYE: Kamine, Chaiken, Cohen, Conway, Katz, McIntosh, Stillpass (7)
NAY: (0)
ABSENT: (0)

Mr. Chaiken reported that the 2009 State Capital Improvement Program has been organized for Round 23 and the proposed contracts would commence road improvement work on Galbraith Road in collaboration with Deer Park and the Hamilton County, wherein the cost associated with the project are shared. Mr. Chaiken moved to approve RESOLUTION NO. 2008-15, RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SUBMIT AN APPLICATION TO, AND TO ENTER A CONTRACT WITH, THE OHIO PUBLIC WORKS COMMISSION FOR STATE CAPITAL IMPROVEMENT PROGRAM FUNDS; AND TO ENTER INTO JOINT AGREEMENTS WITH THE CITY OF DEER PARK, OHIO, AND WITH THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, OHIO, FOR RESURFACING AND IMPROVEMENTS TO GALBRAITH ROAD. Seconded by Mrs. Cohen and the motion carried unanimously.

STORMWATER ADVISORY BOARD:

Mr. Chaiken provided an update regarding the replacement of pipe along Aracoma Forest Drive. He stated that residents were invited by the Public Works Supervisor, Steve Rasfeld and the Maintenance Department Supervisor, Wes Brown to a meeting wherein the staff gave a presentation of the project to the residents. At this time, there are many outstanding easements the Village is waiting on from those residents. Without easements; this project will be delayed and tabled until 2009.

HEALTH, EDUCATION & WELFARE COMMITTEE:

Ms. McIntosh reported that a committee meeting was held on October 7th. The committee worked on redeveloping the mission statement into a broader scope. Discussion was held regarding the environmental issues that would be incorporated into a newly developed suburban deer policy. Chief Monahan and Lt. Blum were present and assisted with the discussion relating to safety issues. Copies of deer policies were distributed and the committee will meet again in two weeks to develop the key elements of the suburban deer policy for the Village.

PUBLIC OUTREACH COMMITTEE:

Mrs. Conway reported that the Village's fall newsletter will be in mailboxes the first week of November.

MANAGER'S REPORT:

Mr. Boraten reported that the Village has received a no further action letter from the Ohio EPA regarding the underground storage tanks. He stated that this has been a decade long effort to reach this final stage. He clarified that tests had produced levels which were just slightly over the threshold. The Village took action over the summer to implement deed restrictions on as required by the Bureau of Underground Fuel Storage Tanks. He stated that the letter is certainly welcomed news after such a long process.

Mr. Boraten then reported that the Ohio EPA has contacted the Village regarding the requirement to implement a gas monitoring plan at the North Site property. He stated that the Ohio EPA has now reviewed their position and has requested that the Village re-test prior to continuing with the gas monitoring plan.

There being no further business, Mrs. Cohen moved to adjourn. Seconded by Mrs. Conway. The motion carried unanimously.

Nicole Browder, Clerk of Council

Mayor Charles Kamine