

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, DECEMBER 14, 2009**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, DECEMBER 14, 2009 at 7:30 P.M. Acting Mayor Merrie Stillpass called the meeting to order. The following roll call was taken:

<u>PRESENT:</u>	<u>ALSO PRESENT:</u>	<u>ABSENT:</u>
Jon Chaiken	Bernie Boraten, Village Manager	Rick Kay, Village Treasurer
Fran Cohen	Jack Monahan, Police/Fire Chief	
Peg Conway	Nicole Browder, Clerk of Council	
Ed Hattenbach	Margie Crowley, Finance Administrator	
Louis Katz		
Leslie McIntosh		
Merrie Stillpass		

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

MINUTES

Acting Mayor Stillpass presented the minutes of the November 9, 2009, regular meeting. Mrs. Cohen moved acceptance of the minutes as submitted. Seconded by Mrs. Conway. The motion carried unanimously.

Acting Mayor Stillpass presented the minutes of the December 3, 2009, special meeting. Ms. McIntosh moved acceptance of the minutes as submitted. Seconded by Mrs. Conway. The motion carried unanimously.

FINANCE REPORT

Mr. Boraten presented two revised pages for the October 2009 Finance Report and the November 2009 Finance Report. Mr. Chaiken moved acceptance of the two revised pages of the October Finance Report and the November Finance Report (copy attached). Seconded by Mr. Katz and the motion carried unanimously.

ORGANIZATIONAL MATTERS

Acting Mayor Stillpass opened the floor to the Council to hear nominations for the position of Mayor. Ms. McIntosh nominated Mrs. Stillpass for Mayor. Seconded by Mrs. Cohen. Acting Mayor Stillpass asked if there were any other nominations. Hearing none, she then closed the nominations and the following vote was taken:

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

Mayor Stillpass opened the floor to Council to hear nominations for the position of Vice Mayor. Mrs. Cohen moved to nominate Jon Chaiken for Vice Mayor. Seconded by Mr. Katz. Mayor Stillpass asked if there were any other nominations. Hearing none, she then closed the nominations and the following vote was taken:

AYE: Chaiken, Cohen, Conway, Hattenbach, Katz, McIntosh, Stillpass (7)

NAY: (0)

ABSENT: (0)

RESIDENTS TO ADDRESS COUNCIL

Mr. Stan Cohen, resident at 2301 Royal Oak Court, commented that the Village has received 49 emails from concerned residents in support of the re-appointment of Mr. Steve Cohen as Village Solicitor. Mr. Cohen then read several of the resident emails which were strongly in favor of keeping Mr. Cohen as Village Solicitor. Mr. Cohen then read a quote made by the former Mayor Chuck Kamine at the November 9, 2009 council meeting:

“I also want to thank Steve Cohen, our Village Solicitor. Steve has served in that capacity since I first was appointed to the Planning Commission and he has served with distinction, performing the tasks of advisor to the Planning Commission, prosecutor in Mayor’s Court, and general counsel to the Manager and to the committees. Steve’s professionalism has been an asset to the Village.”

Ms. Marianne Pressman, former Village Mayor, commented that she served 14 years on council and four as Mayor. She stated that Steve was always by her side with no agenda other than seeking the best for the Village. She stated that she was disappointed to see that things have gone downhill. She understands that there will be interviews held which will include Steve Cohen. She asked that the Council seriously consider re-appointing Mr. Cohen.

Mr. Jack Rubenstein stated that he has been a resident at 6890 Fair Oaks for 34 years and an attorney for 42 years. He stated that Mr. Cohen has always returned calls, answered questions and he is highly regarded and admired by the Cincinnati Bar Association. Mr. Rubenstein stated that he is very upset and concerned about the political vendetta involved and Mr. Katz is the man behind it. Mr. Rubenstein pointed out that he was involved with the Village during the four years of litigation regarding the former Crest Hills property and knows firsthand that Mr. Cohen advised the Village to settle the lawsuit. Mr. Rubenstein stated that Mr. Katz chose to ignore Steve Cohen’s advice and then stonewalled Mr. Cohen from any discussions of the lawsuit. Mr. Rubenstein stated that this was no way to treat the Village Solicitor. Mr. Rubenstein stated that Amberley Village is the laughing stock of the community. There is no reason for replacement of Mr. Cohen and the community is fully in support of his re-appointment.

Mr. Stan Vollman, resident at 7770 Willowbrook, stated that he has known Mr. Cohen for 25 years from their working relationship at Wood and Lamping. Mr. Vollman stated that his son is the law director in Deer Park and his son sought Mr. Cohen’s advice during that time. Mr. Vollman stated that although Mr. Cohen now runs a solo practice; he has a strong relationship with Wood and Lamping and could call upon the firm at any time for assistance and support. Mr. Vollman stated that he has made his own observations of Mr. Cohen over the years and has been impressed with his professionalism and believes that Mr. Cohen’s contract should be renewed.

Mr. Tom Neuman, resident at 5120 Rollman Estates Drive, commented that he would like to take the focus away from the personalities and politics. He stated that the Village should present an image to the community as it relates to dealing with the staff. The evaluation process should be considered fair. Employees in the office, police department and maintenance department all need to feel that they will be treated fairly. Mr. Neuman stated that the image currently being presented to the community and employees reflects a bad practice. He urged Council to look at

the current process and ensure that it works fairly and objectively. He stated that we should recognize the people that have served the Village well and give them the courtesy that we, ourselves, would expect.

Mayor Stillpass commented that Council is in the process of interviewing, including Mr. Cohen, for the position of Village Solicitor. She stated that it is Council's right to review the position. She also pointed out that Mr. Cohen's term expired on December 3, 2009, when the term of the council appointing him expired.

COMMITTEE REPORTS

PUBLIC OUTREACH

Mrs. Conway reported that at the November meeting the committee considered a new, free feature called CommunityLink for the Village website. That feature has been implemented and she invited everyone to visit the website and check it out. There are new opportunities to submit questions and request calendar items.

Mrs. Conway also reported that the winter newsletter is underway. The deadline for copy is January 7, 2010. There is a new feature that invites residents to travel with the Amberley Village tote bag and submit photographs to the newsletter. The tote bags are for sale at the administration department for \$3.00 or 2 for \$5.00.

FINANCE

Mr. Chaiken reported that the Finance Committee met and reviewed the 2009 appropriations as well as the budget for 2010. He presented various ordinances relating to the year end and appropriations for the coming year.

Mr. Chaiken read and moved to approve ORDINANCE NO. 2009-22, ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR 2009. Seconded by Mr. Katz and the roll call showed the following vote:

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

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

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

Mr. Chaiken read and moved to approve ORDINANCE NO. 2009-23, ORDINANCE TRANSFERRING FUNDS FOR THE FISCAL YEAR 2009. Seconded by Mr. Katz and the roll call showed the following vote:

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

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

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

Mr. Chaiken read and moved to approve ORDINANCE NO. 2009-24, AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE VILLAGE OF AMBERLEY FOR THE FISCAL YEAR 2010. Seconded by Mr. Katz and the roll call showed the following vote:

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

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

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

STREETS, PUBLIC UTILITIES & SEWERS

Mr. Chaiken reported that the Stormwater Advisory Board met and reviewed pending projects. He stated that the Board made recommendations to request that the Village Engineer review the original plan for the Willowbrook Creek corridor and to advise if there are alternative options that could be considered in addition to the original option. The roads committee approved this recommendation.

Mr. Chaiken reported the Board also recommended that the uncompleted projects of 2009 be bundled into the projects to be completed for 2010. Village staff will complete a 2010 project list and staff, with assistance from the Village Engineers, will provide additional information regarding the East Aracoma Detention Basin project.

Mr. Chaiken moved to approve RESOLUTION NO. 2009-15, RESOLUTION AUTHORIZING THE VILLAGE MANAGER PREPARE SPECIFICATIONS, AND ADVERTISE FOR BIDS, FOR THE 2009 STORMWATER PHASE II PROJECTS. Seconded by Mrs. Conway and the motion carried unanimously.

MAYOR'S REPORT

Mayor Stillpass reported that the application for Tree City USA has been submitted and recommended for approval. The Village also applied for the Growth Award. The Tree City USA Awards Luncheon will be on April 23, 2010 in Montgomery, Ohio. Amberley Village will be hosting the awards luncheon in 2012.

CHIEF'S REPORT

Chief Monahan reported that the Village recently experienced a major power outage. He stated that a transformer blew and live wires were arcing across Ridge Road. He reported that many

residents called into the police department, which made it impossible for emergency calls to get through. He asked that residents call Duke Energy when the power goes out.

Chief Monahan then reported that the Village recently assisted Golf Manor on a fire run on Vera Avenue where people were trapped on the second floor. Two children and one adult were rescued. The family lost everything. A fund was set up at Fifth Third Bank in support of the family. He stated several residents sent in support and he was very proud of such a strong community response.

MANAGER'S REPORT

Mr. Boraten introduced the Village's Financial Administrator, Margie Crowley. He stated that the work involved with preparing the budget each year is very extensive and Ms. Crowley will follow through with the filing of the approved budget with the appropriate entities.

He then reported that the Road Program for 2009 has been completed along with curb work and catch basin work. The Aracoma Forest pipe replacement project has completed its construction phase and has entered the restoration phase. The replacement of the water main on Galbraith Road has commenced and he asked for everyone's patience during this period of extensive work on Galbraith Road.

Mr. Boraten also reported that leaf collection has been underway. The cubic yards collected during the month of November were of equal amount to that which was collected for the entire previous season. He stated that 5,000 cubic yards is the average collection amount per year.

NEW BUSINESS

Mayor Stillpass reported that she has prepared and distributed a list of standing committee appointments for consideration by Council. Mrs. Conway moved to approve the standing committee list as submitted (copy attached). Seconded by Mr. Chaiken and the motion carried unanimously.

Mayor Stillpass reported that she has also prepared and distributed a list of special committees and appointments, including magistrate (copy attached). Mrs. McIntosh moved to approve the special committees and appointments as submitted. Seconded by Mrs. Conway and the motion carried with one abstention from Mr. Katz. Mr. Katz stated that he felt it was not ethical for him to vote on the magistrate matter and he also pointed out that he would not accept compensation for his duties as magistrate.

There being no further business, Mr. Hattenbach moved to adjourn the council meeting. Seconded by Mrs. Cohen and the motion carried unanimously.

Nicole Browder, Clerk of Council

Mayor Merrie Stillpass