

**MINUTES OF THE REGULAR MEETING  
AMBERLEY VILLAGE COUNCIL  
MONDAY, JANUARY 10, 2010**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, JANUARY 10, 2010, at 7:30 P.M. 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	
Fran Cohen	Jack Monahan, Police/Fire Chief	
Peg Conway	Kevin Frank, Village Solicitor	
Ed Hattenbach	Nicole Browder, Clerk of Council	
Louis Katz	Rick Kay, Village Treasurer	
Leslie McIntosh		
Merrie Stillpass		

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**

Mayor Stillpass presented the minutes of the December 13, 2010, regular meeting and asked if there were any corrections or additions. There being none, Mayor Stillpass stated that the minutes stand approved as distributed.

**FINANCE REPORT**

Mr. Boraten presented the December, 2010, Finance Report (copy attached). Mayor Stillpass asked if there were any questions or comments. Mr. Boraten commented that the income tax was up an additional 17.5%, however, that included one-time tax events that he would not consider repetitive. There was a brief discussion of the additional tax revenue. There being no additional questions or comments, Mayor Stillpass announced that the finance report would be filed as received.

**PRESENTATIONS**

Pleasant Ridge Montessori Principal Maria McDonough provided an update on the school's progress. She reported that the school's status has changed from "emergency" to "value added" and that means the children are making progress. She explained that the school will receive assistance from Xavier University and that Pleasant Ridge Montessori is part of the 16 "turnaround" schools in the Cincinnati Public School system.

Mrs. McDonough encouraged Amberley residents to send their children to the school as it is Amberley's neighborhood school. Considerable efforts are being made to retain families and improve the school's rating.

Mrs. McDonough provided the following event dates and encouraged everyone to attend and support the school:

- Jan 13 from 6:30–8:00pm** State of the School Address
- Jan 22 from 7:00–11:00pm** PRM Annual Fund Kick-Off Party
- Jan 26 from 6:30–7:30pm** Preschool Information Night
- February 10 from 6:30 – 8:00 p.m.** Montessori Journey
- February 24 and 25 from 7:00 – 8:30 p.m.** Kid’s Life (Musical Performance)

Those interested in volunteering should contact the school at 363-4400.

**CITIZENS TO ADDRESS COUNCIL**

Tom Neuman, 5120 Rollman Estates, commented that he is bothered by the budget process. He stated that there is a philosophical change needed as it relates to the budget. He stated that there is not enough income to support the Village’s liabilities, yet additional commitments were made thereby adding liability. He stated that he does not want to see the Village in a financial crisis mode. He stated that he feels that council has not addressed the issue of revenue creation and he believes that the council is not fulfilling its responsibilities.

**COMMITTEE REPORTS**

**FINANCE COMMITTEE**

Mr. Hattenbach presented, read and moved to approve ORDINANCE NO. 2011-01 ORDINANCE AMENDING ORDINANCE NO. 2009-24, PASSED DECEMBER 14, 2009, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS. Seconded by Mr. Katz and the roll call showed the following vote:

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

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

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

**STREETS, PUBLIC UTILITIES & SEWERS COMMITTEE**

Mr. Chaiken provided an update from the recent committee meeting. The final costs from the Galbraith Road project are not yet available from the Ohio Department of Transportation. That information will be shared upon receipt.

The purchase of a new chipper was discussed. Currently, the Village has a 19 year old chipper and a 9 year old chipper as a back-up. The older model has reached its end of

service life. The cost of a new chipper would be approximately \$35,000 and used would be \$17,500. The committee suggested that staff purchase a used chipper.

The committee reviewed a request to replace the Village's 13 year old snow plow. The maintenance on the snow plow cost the Village over \$10,000 last year. Ordering a snow plow is approximately a 6-9 month process. The committee asked the staff to purchase a used snow plow; however, a suitable vehicle was unable to be located. Staff will look into the option of leasing such equipment.

Mr. Chaiken reported that there are a series of approved 2010 stormwater projects for which engineering is underway. These projects are to be completed in 2011.

Mr. Chaiken reported that the council has already approved the electric aggregation opt-in program. The second step in the process is to enact an opt-out program for gas and electric in order to achieve the largest savings possible for the residents. The ordinances will make the opt-out program a question to the residents, for voter approval, on the May 2011 ballot. Mr. Chaiken presented, read and moved to approve ORDINANCE NO. 2011-02, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS. Seconded by Mr. Hattenbach and the roll call showed the following vote:

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

Mr. Chaiken presented, read and moved to approve ORDINANCE NO. 2011-03, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS. Seconded by Mr. Katz and the roll call showed the following vote:

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

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

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

### **LONG RANGE PLANNING COMMITTEE**

Mr. Chaiken reported that the committee met for the third time recently to continue working towards its goal of reaching a recommendation to council for the course of North Site and Amberley Green properties. The committee has been working with the Hamilton County Regional Planning Commission, and the University of Cincinnati, College of Design, Architecture, Art, and Planning's fall Site Planning Studio and Seminar, all of which have provided valuable input and quality ideas.

### **BOARD OF ZONING APPEALS**

Mr. Chaiken reported that the board has two seats with expiring terms as of December 31, 2010. He stated that Rick Lauer is being recommended for appointment, which the Mayor will cover in her report.

### **PUBLIC OUTREACH COMMITTEE**

Mrs. Conway encouraged residents who wish to receive the Village's e-newsletter to forward their email address to [info@amberleyvillage.org](mailto:info@amberleyvillage.org).

### **ENVIRONMENTAL STEWARDSHIP COMMITTEE**

Ms. McIntosh reported that the committee will, at its next meeting, work on the planning of this year's Arbor Day, which is set for April 17. There will be a "tea and tree" dedication. Ruth Fishman's heritage tree nomination will be dedicated. It is the ginkgo tree located next to the playground at Village Hall. The committee is trying to make paper shredding available to the residents again this year at the Arbor Day event.

Ms. McIntosh announced that the Village will host the Tree City USA luncheon on April 20, 2012, which will be held at the JCC. The committee will attempt to make this luncheon the first "green" event. Budget and ideas will be discussed at upcoming meetings. Volunteers are needed.

### **MAYOR'S REPORT**

Mayor Stillpass reported that the terms for two seats on the Board of Zoning Appeals/Planning Commission expired on December 31, 2010. She thanked Elinor Ziv for her service to the Village. Next, the Mayor stated that she would like to re-appoint Susan Rissover and appoint Rick Lauer to the vacant seats. She stated that Mr. Lauer is an attorney with the firm of Robbins, Kelly, Patterson and Tucker. He practices in civil litigation and real estate. He is a six year resident of Amberley Village.

Mayor Stillpass moved to approve the appointments. Seconded by Mr. Chaiken and the motion carried unanimously. Mayor Stillpass stated that the terms for the two seats are set to expire on December 31, 2014.

Mayor Stillpass then announced that council members have received an invitation from Hamilton County to attend the free “Sustainable Workshop—Fiscal Sustainability” on January 21<sup>st</sup> from 8 a.m. to 12:30 p.m. She encouraged all to attend.

### **MANAGER’S REPORT**

Mr. Boraten reported that the Village is waiting to hear from the Ohio Department of Transportation to report the final project costs related to the Galbraith Road Rehabilitation Project.

He also reported that the Village has been working with Cincinnati Water Works regarding plans to replace water mains on Willowbrook, Hudson Parkway and Belkay.

### **CHIEF’S REPORT**

Chief Monahan reported that the Village’s fire department is set for inspection by the ISO (Insurance Services Office) on January 28. He stated that the department’s entire operations will be reviewed and rated. The current rating is three, which is very good, and compares very well with our surrounding communities and the city.

Chief Monahan reported that the Village responded to a house fire on January 3 on Lynnehaven. He stated that a contractor was working inside the attic and sparked the fire. Lt. Wallace arrived on the scene in less than one minute. The home was valued at approximately \$250,000 and the fire damage cost was approximately \$1,000. Chief Monahan stated that the quick response time can be attributed to the low loss amount for this incident.

### **NEW BUSINESS**

Ms. McIntosh stated that the council must discuss and take action on deer management. She stated that there has been an increase in deer-related accidents and there is currently money in the 2011 budget to cover a sharp shooter program. Ms. McIntosh moved that the deer management program be conducted to remove up to 50 deer or not to exceed the budgeted amount for this program. Seconded by Mrs. Conway.

Mr. Katz stated that the recent deer count reflected only 106 deer in the Village. He stated that he disagrees with this matter being discussed at this meeting. He made many statements in disagreement with the methodology and approach in which decisions have been based in order to remove deer. He commented that drivers are aware and looking for other vehicles not deer and the only way to eliminate all deer-related accidents are to eliminate all deer. He has suggested warning signage in the past.

There was discussion regarding the Ohio Department of Natural Resources' (ODNR) perspective on how many deer is an eco-friendly number per square mile. Ms. McIntosh pointed out that after talking with ODNR again, they clarified that the deer count that is appropriate can sometimes be a matter of what is socially acceptable to the residents of a community. Socially acceptable numbers are: 15 per square mile in a city environment, 25 per square mile in an urban area and 35 per square mile in a rural area.

Mrs. Conway commented that she does not have to be convinced by numbers to realize the Village has a deer population problem. A number of resident complaints have been received and the residents are calling upon the council to take action.

Mr. Katz reiterated his feelings against taking any action without first establishing a policy. Ms. McIntosh read minutes describing the committee's policy goals. There was then debate among the members regarding how council establishes decision-making for this matter.

Mrs. Cohen called for a vote of the motion on the floor. Ms. McIntosh repeated her motion to approve that a deer management program be conducted this season in an effort to remove 50 deer or not to exceed the budget amount of \$5,156.00. Seconded by Mrs. Conway and the motion passed with two opposed, Mr. Katz and Mr. Hattenbach.

Mayor Stillpass stated that there being no other business the meeting was adjourned.

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Nicole Browder, Clerk of Council

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Mayor Merrie Stillpass