

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, MARCH 9, 2009**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, MARCH 9, 2009 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
Lt. Brian Blum, Police/Fire Department
Rick Kay, Village Treasurer
Nicole Browder, Clerk of Council

ABSENT:

Chief Monahan, Police/Fire Chief

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

Mayor Kamine presented the minutes of the February 9, 2009, regular meeting. Mrs. Cohen moved acceptance of the February minutes. Seconded by Mrs. Stillpass. The motion carried unanimously.

FINANCE REPORT

Mr. Boraten presented the Finance Report for the month of February, 2009 (Finance Report attached). Mr. Chaiken moved to approve the February Finance Report. Seconded by Mrs. Cohen. The motion carried unanimously.

COMMITTEE REPORTS:

LAW COMMITTEE:

Mr. Katz presented for the second reading an ORDINANCE AMENDING SECTIONS OF THE AMBERLEY VILLAGE INCOME TAX CODE. Mr. Katz encouraged residents to review the proposed changes by going to the Village website or obtaining a copy from Village Hall. The ordinance will be presented at the March meeting for adoption.

PUBLIC OUTREACH COMMITTEE:

Mrs. Conway reported that the Committee had met twice recently and discussed the Amberley Village Green property. In the interest of soliciting broader input on decision making beyond Council regarding the use of this property, the Committee proposed an ad hoc citizen advisory committee be formed. Mrs. Conway read and moved to approve RESOLUTION NO. 2009-02, RESOLUTION FORMING AN AD HOC ADVISORY COMMITTEE ON THE AMBERLEY GREEN PROPERTY. Seconded by Mrs. Cohen and the motion carried unanimously.

BEAUTIFICATION COMMITTEE:

Mrs. Stillpass reported that the Committee met on February 23 and received a presentation of the slab garden design by Sharon Floro, a landscape architect. Ms. Floro designed a scheme that included a mix of trees, shrubs and bulbs that would display year-round interest with seventy percent of the plant material selected as native species that will do well alongside other selections that are not as appealing to deer. Part of the design will incorporate a rain garden and new signage for the building. Ms. Floro has proposed a budget, which has been submitted to the Finance Committee.

The Committee also discussed the signs for the rain garden between the ball fields and Dena Lane. Steve Rasfeld, Jeanette McCarthy and representatives of the Mill Creek Watershed Council of Communities met at the site to discuss the signage. The signs are now in the process of being designed and may be installed by the Arbor Day/Green-Up Day on May 3.

Mrs. Stillpass then announced that the Village is a sponsor of a series of Green Landscape Workshops with the City of Montgomery and the City of Blue Ash. The workshops are held on Thursday evenings at Terwillger's Lodge and there is no charge to Amberley Village residents. The next workshop is on March 12 regarding soil testing and sustainable plant selections. The speakers scheduled are Holly Utrata-Halcomb with the Hamilton County Soil and Water Conservation District and Steve Foltz with the Cincinnati Zoo and Botanical Garden. There are also upcoming workshops on March 19 regarding rain barrels and water harvesting; March 26 regarding composting and mulching; and April 2 regarding lawn care and integrated pest management. The free workshops will conclude with a final workshop on April 4 in which there will be a charge of \$25. Additional details can be found on the Village website.

Mrs. Stillpass stated the Committee has been working on plans for the Arbor Day/Green-Up Day program on May 3. Sgt. Rock has agreed to volunteer his time again and Mitzi Miller will open the history room. There will also be a new e-waste recycling program which Leslie McIntosh will further introduce.

Ms. McIntosh explained that the e-waste recycling program is a new event for Arbor Day and it is a way of connecting the community to green initiatives by reducing carbon footprints. She stated that she believed it is a good service for the environment and for the residents. The event will take place in conjunction with the Arbor Day event. The Cincinnati Park Board and the Hamilton County Solid Waste District utilize a recycling vendor which is called Technology Recycling Group. This vendor along with volunteers will conduct the program.

Amberley Village will provide a secure, covered location for Amberley Village residents to drop off residentially used electronics for recycling. These items include radios, printers, copiers, computers, and televisions. The materials will be dismantled by the recycling contractor. Picture tubes, batteries, circuit boards, and metals will be disposed of in a responsible manner. The Technology Recycling Group will utilize a program designed by the Department of Defense to remove all data from computer hard drives and will shred incompatible hard drives.

Ms. McIntosh explained that with the digital television conversion, she anticipated that residents might need to dispose of their old analog televisions. Currently, the Technology Recycling Group will be able to take Sony, Zenith and Goldstar televisions. These brands will be returned to their manufacturer at no charge. Any other brand of television under sixty pounds will incur a \$10.00 fee and over sixty pounds will be a \$20.00 fee. The Beautification Committee and others have not determined how this fee will be collected or paid.

Ms. McIntosh stated that she has arranged to load the materials into an Amberley Village truck which will be moved to one of the locked garages for overnight security. The event is May 3 from 1-4 p.m. On the Monday following the event, the materials will be transported to the Technology Recycling Group facility. Volunteers will help promote the event that day with signage and will check residents' identification as they visit the drop-off site. Ms. McIntosh encouraged all residents to participate in the recycling event.

Mrs. Stillpass stated that a postcard is being planned to announce Arbor Day and it will include an announcement regarding the new e-waste event.

Mrs. Stillpass then announced that Amberley Village has been designated a Tree City USA for the fifth consecutive year and received a Growth Award for the third consecutive year. An awards luncheon will be held on April 17th in Hamilton, Ohio where the Village will receive our plaque.

HEALTH, EDUCATION & WELFARE COMMITTEE:

Ms. McIntosh announced that the next meeting will be on Wednesday, March 18 at 4 p.m. The Committee will view a video presentation about alternative programs and discuss the modified 'pay as you throw program'. She stated that all of the cities listed in the 'Top Ten Most Livable Cities' have some form of 'pay as you throw'. This program means that the Village would provide a base level of service and if a resident needs more service, there will be an additional cost to the resident. Typically, this takes the form of a prepaid sticker that would then be affixed to the additional waste placed at the curb.

Ms. McIntosh reported that Tom Turchiano from Rumpke Recycling will be the Committee's guest speaker at the next meeting. Mr. Turchiano will also discuss new techniques to reduce waste materials and associated costs.

Ms. McIntosh then reported that the Committee has collected the final deer-related auto accident reports from the Police Department and at the upcoming meeting the Committee will compare the figures with previous years. She then reported that the Cincinnati Park Board has completed an infrared fly-over of French Park. Its purpose was to determine the number of deer visible, utilizing this technology, in the park and some portions surrounding the park area. The results will be available in another week.

Ms. McIntosh stated that the Committee would work on collecting the various data regarding the deer count, auto accidents, and details of our programs to date and develop a central resource location for that data so that anyone can access the compiled information.

Mr. Katz then stated that he would like to hear the report of the recent deer culling. Lt. Blum reported that the deer management program that was authorized by Council for 2008-2009 season has been completed. The program was successful. Council authorized the expenditure for up to \$10,000 for the program. The final cost for the program for the season was \$8,247. Four Amberley Village Police Officers and one Public Works employee worked on five separate nights culling the deer. The program consisted of officers closing French Park early on the dates of operation. There were 75 deer culled. Thirty-three were culled at Amberley Green and 42 were culled in French Park. All antlers were given to the Ohio Department of Natural Resources. The deer were processed by a company by the name of End of the Trail and the meat was donated to the Free Store.

Mr. Katz asked when the dates of the culling took place. Lt. Blum stated that he could find out and have it ready for the upcoming Health, Education and Welfare Committee meeting. Lt. Blum recalled one being in December and the last one was on February 23.

Mr. Katz then stated that the fly-over that was completed which Ms. McIntosh just announced would not be very applicable. The Mayor confirmed with Ms. McIntosh that the Committee has the results of last year's fly-over. The Mayor then stated that we would now be in position to compare the data collection from both fly-over counts, one representing data prior to the cull and one count being after the cull. Ms. McIntosh stated that the fly-over data we have was from April 6, 2008 and the recent fly-over was on February 24, 2009. There was then some discussion regarding the date of the final cull. Ms. McIntosh reported that Jim Godbey at the Park Board stated that the fly-over was before the final cull, but the date can be checked again. Mayor Kamine stated that in any event because the last night of the cull, there were 14 taken, and there were 61 taken prior to the final cull, so there should be a way to compare the fly-over counts.

Mr. Katz stated that, at the last Council meeting, he believed that Ms. McIntosh and Chief Monahan reported that the number of deer to be culled was determined by the Ohio Department of Natural Resources. He stated that he then spoke with Lt. Blum the following morning and Lt. Blum informed him that was not the case. Mr. Katz asked Lt. Blum if that was correct. Lt. Blum stated that the Ohio Department of Natural Resources ultimately has the say on the number of deer culled. At any point, they could advise us to stop culling deer or to cull more deer. Mr. Katz then asked Lt. Blum if it was correct that the 75 was an arbitrary number just based on the tags. Lt. Blum confirmed such. Mr. Katz stated that Lt. Blum stated that the Ohio Department of Natural Resources determined the number of deer, if they should be culled, and, if he understood correctly, Lt. Blum also stated that they could not provide you with those numbers. Lt. Blum stated that the Ohio Department of Natural Resources cannot give you an exact number. Lt. Blum stated that the Ohio Department of Natural Resources can tell you that the number should be in the range of 15-25 per square mile. Lt. Blum stated that the Ohio Department of Natural Resources would have to bring a biologist to the Village and determine how many acres of woods the Village had, determine the make-up of the residential property, the roadways, and account for the structures, and then they would go from there with a biologist to be able to tell you an exact number. Mr. Katz asked if we ever had any number given to the Village by the Ohio Department of Natural Resources. Lt. Blum stated that we did not.

Mr. Katz asked to Lt. Blum if the determination made by the Police Department, based on the direction given by Council, was just to be as successful as possible and to kill as many deer as possible for \$10,000. Lt. Blum responded by stating that it was not necessarily to kill as many deer as you can for \$10,000, but from the Health, Education and Welfare Committee meetings that he sat in we had the fly-over count that the Police Department conducted in which there was 115 and that was before a spring birth, which we figured was pretty close to 200 for the deer estimated to be in the Village at that time. He further stated that he believed that the Village is close to 3.5 square miles which meant that we should probably have approximately 90 deer in the Village is what was estimated. Mr. Katz then stated that the estimate was then the calculation conducted at the time for the 75 tags. Lt. Blum confirmed such.

McIntosh then reported on the Hamilton County Climate Initiative. The program is offered by the Hamilton County Solid Waste Management District and its purpose is to share information regarding greenhouse gases and recycling. A portion of the program was devoted to climate protection which included information about choosing foods produced with less energy. She stated that Hamilton County is doing very well in its recycling endeavors with 43% of our residential waste and 6% of our industrial waste being recycled. She stated that the number one product in the waste bin is paper and it's the easiest to recycle, so she asked everyone to keep that in mind. The number two item in the waste bin is plastics and then food waste.

Ms. McIntosh stated that there is a hazardous waste program and during the year of 2007 they eliminated 528 tons from the waste stream. They also sold at public and community events 1500 compost bins, so that might be a service considered for our residents.

Ms. McIntosh reported there is that another County program called Strategies for Green Development. This program included discussions about smart growth and reducing carbon emissions. It was shown that there are vast design differences in neighborhoods and that the only way to get from place to place is in a car because there are no safe traveling routes for pedestrians and bicyclists. They were considering redevelopment of neighborhoods and taking into consideration that people may want to walk to local places. Traffic issues were also discussed. It was explained that the mentality used to be that if traffic increased then the road should be widened. The techniques which were established to slow traffic, which we might consider for our Village, are street friction, such as rumble strips, and keeping the streets on a smaller path with parked cars. A green approach for parking lots which was discussed was permeable parking surfaces, runoff areas, and adding more trees for absorption and shade.

Mayor Kamine stated that he received a postcard in the mail regarding the County's hazardous waste program and residents should expect one also. The postcards announced the dates and location where residents can drop off household waste such as paint cans and certain chemicals.

FINANCE COMMITTEE:

Mr. Chaiken reported that the Committee recently met to discuss the financial results for 2008, the investment policy for our reserve funds and the Groundworks proposal that the Beautification Committee submitted that Mrs. Stillpass spoke of earlier. He stated that the Village's investment committee, by ordinance, should be comprised of the Finance Chair, the Mayor and one other

member of Council. There is an opening on the Investment Committee for the member of Council slot. The Mayor will cover this item in his report.

Mr. Chaiken next reported the highlights of the financial results for 2008. In the General Fund, the Village ran a deficit of approximately \$1.15 million which included the last payment for Village Hall of \$500,000. There were one-time expenses of approximately \$115,000 that were related to the litigation regarding the Amberley Green property and an additional \$100,000 (approximately) related to the storm event that occurred in late 2008.

As Mr. Boraten has referred to at prior council meetings, Mr. Chaiken stated that he believed that the Village was in line to recover in excess of \$100,000 from the Federal Emergency Management Agency. Mr. Chaiken stated that the Committee conducted a global review of the Village, looking at not only what to expect going forward, but how we arrived at where we are today. The Village has been projecting deficit budgets since 1998 when the Gibson Greeting Card Company closed. The Village lost approximately 50% of its revenue stream. In 1998, Village reserves were approximately \$9 million. At the end of 2008, the Village reserves are approximately \$6.2 million. In that same period of time, the Village spent \$4 million to build a new Village Hall. The reserves are down approximately \$3 million, which is about \$300,000 a year over the ten year period. Mr. Chaiken stated that this doesn't necessarily point to a systemic problem of overspending, but be cognizant of how we arrived at where we are today.

The Committee also recognized that Amberley Village has not requested an increase in taxes in many years. The Village has challenges to face and our budget is tied to revenue streams that can generate dollars from the earnings tax and property tax, which are the two primary sources of our funds. There is a variable stream from state tax revenues, however, that is a moving target that cannot be relied upon. The Village reserves as projected, potentially could run out by 2013-2014, if the Village does not see changes to its revenue stream. In 1998, the reserves were projected to last approximately 10 years. The Village should continue to budget conservatively and keep a close watch on where the community's money is being spent and maintain a high level of police and fire and other resident services. Mr. Chaiken stated that the Village needs to continue monitor how we are spending our reserves so that we are spending in a measured and calculated basis.

Mr. Chaiken reported that the last topic of discussion was the Groundworks proposal for the slab garden in front of Village Hall. The Beautification Committee requested the funds to complete the slab garden work and the Committee would like the Village Manager to complete a bid process to ascertain the exact cost of that project due to specification variables.

Mr. Katz asked if there were any additional expenditures related to the project at this time. Mayor Kamine stated that \$20,000 was approved and encumbered in the 2008 budget for this project, however, we now have an estimate that is much higher than \$20,000. Now we need to send it out to bid to find out the total cost and whether it can be broken into phases and how much work can be done in-house.

Mayor Kamine stated that once we have that information, there may, at that time, be a request for additional funds. Mr. Katz then asked if the \$20,000 could be spent now. Mayor Kamine

confirmed that we could spend it, but we are not moving forward at this time. Mr. Katz asked if the \$20,000 could be reconsidered by Council. Mr. Katz stated that the fact that it is encumbered does not mean that we have to spend it. The Mayor stated that interpretation would be correct. Mr. Katz stated that considering what Mr. Chaiken reported, the Council needs to seriously consider what the Village undertakes.

Mr. Katz stated that while he was listening to Mr. Boraten talk about interest rates, it made him recall that a year or so ago, the rates were five to six times what they are today and he anticipates the real estate tax revenues to decline based upon the valuations in Rollman's which are down 14%. Mr. Katz stated that in keeping with what Mr. Chaiken reported, the Council really needs to fully consider expenses. He stated that as he and Mr. Chaiken had discussed, it's an equation and there are two sides to the equation. The revenue stream and the expenses, and you either have to increase revenue, cut expenses or some combination thereof to get to a balanced approach. The old adage of tax and spend is something we ought not to be painting ourselves into a corner with and we need to fully consider expenses, reconsider them and consider them a third time if we have to. He stated that Council is responsible to the citizens for that consideration prior to spending any funds.

Mayor Kamine stated that with this particular project there is not an opportunity to proceed with spending the committed funds, therefore, once the bid is completed, the project will be reviewed in full.

Mr. Chaiken stated that the point that he left with after completing the analysis is that the Village is not rolling in money or bringing in barrels, but we are also not spending frivolously. The financial review did not point to haphazard spending of the community dollars, so we need to stay that course and we need to watch carefully those projects that we undertake. However, he stated that he did not want to turn away a project that would enhance the Village. All of the pros and cons must be weighed.

Mayor Kamine stated that the Village Code of Ordinances provides that there be an Investment Committee to review investments of the Village. In the past, when the interest rates were high, it did not take a lot of study to ascertain what the policy should be. Times have changed in the last year, so we need to be more vigilant about ascertaining the direction of the investments. The Investment Committee as provided for in the Code had not been previously activated by this Council. It is, by ordinance, comprised of the Mayor, the Finance Committee Chair and one member of Council. He stated that discussions have been held often with the Village Manager about the investments, but we do not have a formal policy, therefore, we are going to move forward with that now. Mayor Kamine then appointed Merrie Stillpass to be the third member of the Investment Committee. The Committee will then proceed to establish policies with regard to Village investments and review those periodically. The ordinance requires the Committee to review those policies quarterly.

Mr. Cohen informed the Mayor that a vote of Council is not required to make the appointment. Mr. Katz then asked the Mayor to explain how he chose Mrs. Stillpass for the appointment. Mayor Kamine stated that he felt it was important for the Vice Mayor to be involved these future decisions.

MANAGER'S REPORT:

Mr. Boraten stated that we placed on the agenda this afternoon for renewal of a resolution which names the present Treasurer to be in the position with the Finance Administrator to draw down advances in taxes as they become available. This resolution is typically enacted once each year. We did have one in effect for Mr. Batterberry.

Mr. Boraten stated that the reason he brought this to Council's attention is because the Village does have available inheritances taxes of which we have received notification from the County. Mr. Boraten reported that we have built up to \$462,000 which is available. The Village can draw three-quarters of that down and with that amount available he would like to draw it down. The resolution does need updated with the current Treasurer's name listed, as a requirement of the County, versus listing the position of the Treasurer.

Mayor Kamine read RESOLUTION NO. 2009-01, RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENT OF TAXES. Mr. Katz moved approval of the resolution. Seconded by Mrs. Conway and the motion carried unanimously.

Mr. Boraten stated that he wanted to comment briefly, that as Council is aware, the Village, as is being done by all governments throughout the Country, has been pursuing the infrastructure funds. He stated that he recalled that in 1974, when the last economic stimulus was passed. He was working for the Ohio-Kentucky-Indiana Regional Council of Governments at that time, and he helped to manage the many of those grants. He stated that this is far more extensive. It's unprecedented and the amount of paperwork which all governments are going through right now is enormous. It is taxing to all of the organizations out there. There are individual agencies reporting to us that they are now one of the arms through which funds will be dispensed.

The Manager also reported that the Village may go through the entire process and receive absolutely nothing. We have been working extensively on this. We have put forth proposals to the attention of the Federal Government that, at this time, would total over \$4.5 million worth of projects that Amberley could have an interest in performing. We will be monitoring for additional opportunities. Council will be kept updated as we proceed.

Mr. Katz then asked if there was an update regarding FEMA. Mr. Boraten reported that there was not an update at this time and he will make the announcement upon receiving the money.

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

Nicole Browder, Clerk of Council

Mayor Charles Kamine

