

**MINUTES OF THE REGULAR MEETING
AMBERLEY VILLAGE COUNCIL
MONDAY, MAY 14, 2012**

The Council of Amberley Village, Ohio met in a regular session at the Amberley Village Hall, 7149 Ridge Road on MONDAY, MAY 14, 2012 at 6:30 P.M. Mayor J.K. Byar called the meeting to order. The following roll call was taken:

PRESENT:

Richard Bardach
J.K. Byar
Bill Doering
Ed Hattenbach
Tom Muething
Ray Warren
Natalie Wolf

ALSO PRESENT:

Scot Lahrmer, Village Manager
Rich Wallace, Police/Fire Chief
Kevin Frank, Village Solicitor
Nicole Browder, Clerk of Council

ABSENT:

Rick Kay, Village Treasurer

Mayor Byar welcomed everyone to the regularly scheduled meeting of the Amberley Village Council and led those in attendance through the pledge of allegiance. Ms. Betty Whitaker then sang the National Anthem.

MINUTES

Mayor Byar presented the minutes of the March 12, 2012, regular meeting. He asked if there were any corrections or additions. Ms. Wolf noted the amendment on page two. Mr. Hattenbach moved to approve the minutes as submitted. Seconded by Mr. Muething and the motion carried unanimously.

Mayor Byar presented the minutes of the April 9, 2012, regular meeting. He asked if there were any corrections or additions. Since there were no corrections or additions, Mayor Byar stated that the minutes stand approved as submitted.

FINANCE REPORT

Mr. Lahrmer presented the March, 2012, Finance Report (a copy of which is attached to these minutes). A summary of this report noted total revenue for the month of March of \$106,021 while expenses equaled \$426,689. At the end of March, the unencumbered General Fund balance was \$1,905,181.

Mayor Byar asked if there were any questions for the manager. Mr. Warren asked Mr. Lahrmer if a poll could be taken of other communities' revenues to-date to compare to the Village's revenue trend. Mr. Lahrmer stated that certain significant revenues are expected in April and suggested taking such a poll at some point after those revenues are received.

Since there no other questions or comments, the report was accepted as submitted.

HEALTH, EDUCATION & WELFARE COMMITTEE

Ms. Wolf reported that the committee met on May 7 to re-address the development of a deer management policy. The Cincinnati Park Board gave a presentation on its bow hunting program. The committee will continue to meet and gather information. Presentations are anticipated from the City of Wyoming and the Ohio Department of Natural Resources. Ms. Wolf encouraged residents to attend and sign-up for meeting notifications on the Village website.

ENVIRONMENTAL STEWARDSHIP COMMITTEE

Ms. Wolf stated that the Village hosted the Tree City USA Awards luncheon on May 20 at the Jewish Community Center. Over 220 attended and it was the most attended luncheon to date. She noted that Commissioner Todd Portune presented a proclamation commemorating the event, which has been hung in the lobby outside council chambers. Teresa DeZarn Jackson provided entertainment. Messrs. Jose Garcia and Steve Foltz gave presentations which are available on the Village website for review.

Ms. Wolf noted that flowering Pear trees should no longer be planted because it is considered an invasive species at this point.

On April 15, the Mayor presented a proclamation in celebration of National Arbor Day in Amberley Village.

Ms. Wolf reported that Girl Scout Meredith Bailey worked with the Environmental Stewardship Committee to receive her gold award by making improvements to the rain garden.

Next meeting date is May 21 at 7:30 p.m. in the community room.

COMPENSATION AND BENEFITS COMMITTEE

Mr. Warren thanked the manager and his colleagues on the Committee for all of their hard work. He reported that the committee reviewed healthcare plan options to the current Council for Local Government Benefits Pool, including exiting the current healthcare pool. Quotes from healthcare providers were obtained through USI. Costs of plans equivalent to our existing plan would result in premium increases of 46% to 185%. A plan similar that recently passed Federal healthcare law would result in an increase of 18%. The committee is expecting healthcare renewal information from USI in the coming weeks.

Mr. Warren reported that as a follow-up to the recommendations of the Ad Hoc Committee the Compensation and Benefits Committee has been meeting to review how the Village compares to other jurisdictions' compensation and benefits. Review of the sick leave policy will be completed at the next meeting on May 24 at 4:30 p.m. The next items to be considered will be the longevity policy and short-term disability. The Village currently does not provide short-term disability to its employees. It is being considered as a replacement for some aspects of the sick leave policy.

Mr. Doering then stated that Mr. David Rinderle of USI, who has worked with the Village on its healthcare benefits, passed away in April. Mr. Doering extended his condolences to the family and commented that Mr. Rinderle was a great asset to the Village for policy development.

STREETS, PUBLIC UTILITIES & SEWERS COMMITTEE

Mr. Doering presented RESOLUTION 2012-35, PROCLAIMING MAY 20-26, AS NATIONAL PUBLIC WORKS WEEK. He stated that the purpose of the resolution was to promote public awareness and show appreciation to the Amberley Village staff involved with the service department operations. The service department employees are on-call 24-hours a day, 7-days a week and provide critical tasks, including firefighting, to support the safety and quality of life enjoyed by village residents. Mr. Doering moved to approve RESOLUTION 2012-35, seconded by Mr. Muething and the motion carried unanimously.

PUBLIC HEARING: Ordinance 2012-03

Mayor Byar announced that council would open the public hearing on proposed ORDINANCE 2012-02, ORDINANCE ADOPTING SECTION 154.54 TO PERMIT DOMESTICATED CHICKENS IN THE VILLAGE. The public hearing opened at 6:54 p.m.

Mr. Rasfeld provided the highlights of the ordinance. The purpose would be to deem domesticated chickens not to be “farm animals” as currently defined in the Village Code of Ordinances. By permit, domesticated chickens could be kept on residential properties. Six chickens may be kept at one time, prohibits the keeping of roosters, prohibits slaughtering on residential property, prohibits raising the chickens for commercial purposes and prohibits the selling of the chickens or eggs for profit. The ordinance regulates the habitat, calls for screening of the structure housing the chickens, mandates that chickens be within a containment area by day and secured at night. Sanitary conditions must be maintained or the Village could revoke the permit to keep chickens. The ordinance requires setbacks of the coop or habitat to meet the typical setbacks for accessory structures in the given residential zone (20’ in Residence A and 12’ in Residence B).

Mr. Bardach then read the ordinance. Mr. Byar invited those interested in speaking on this ordinance to the podium.

Ms. Amy Bogard, resident at 8420 Springvalley Drive, expressed her support for the chickens, however, questioned the process since a new draft of the ordinance was developed which she believed was too complicated. She supported the current version of the ordinance and stated that the expanded draft of the ordinance would permit over 30 chickens on a property. She also noted her discontent with utilizing the solicitor’s time to create an overhaul of this ordinance when the original draft served the purpose.

Mr. Jon Chaiken, resident at 2451 Brookwood, expressed his support for the current version of the ordinance. He noted that the Planning Commission is a separate body from council and worked to create the ordinance with the assistance of the solicitor. He stated he felt it would be counterproductive to the village’s processes to not approve the current ordinance.

Ilene Ross, resident at 7505 Aracoma Forest, expressed her support for the current version of the ordinance. She stated that 30 chickens would be too many and would require a coup of over 300 square feet to ensure health and sanitary conditions. She also expressed her dissatisfaction of utilizing the solicitor’s time to create a second draft.

Ms. Amy Rubenstein, resident at 2601 Section, commented that she disagreed with the ordinance version presented by Councilmember Warren and the utilization of the solicitor’s time to re-write a second version. She explained various reasons why the second version, in her opinion, is a complicated approach, while the current version serves the purpose of what the residents are requesting.

Ms. Susanna Goering, resident at 2665 Section Road, stated that as a neighbor to the Rubenstein’s chickens, she has had a wonderful experience and not smelly or problematic. Her children enjoy visiting the chickens and her son helps clean the coup, which she felt was helpful in teaching responsibility.

Ms. Katie Burroughs, resident at 2500 Willowbrook, expressed her support for chickens and the current ordinance version. She stated Amberley was known for its rural atmosphere and

this action would merely codify something has been already happening in the Village. All of her family has raised chickens and it has been a positive experience.

Ms. Alsia Brown and Karen Metzger, residents from Arborcrest Drive, expressed their support for chickens and stated having chickens was the highlight in the family. The children love them as pets and have had their portraits taken with the chickens. They share a chicken coup and requested that the number not be limited to 6 as they have 9 chickens.

Ms. Tammy Peters, 7100 Willowbrook Lane, expressed her support for chickens. She explained how she and her son visit the Rubenstein's chickens and it has been a great experience.

Ms. Judy Sullivan, resident at 7475 Fair Oaks, expressed her support for having chickens. She just returned from a trip where she learned to eat organically and is thankful that she can continue this effort here at home.

Since no others in attendance wished to speak, Mayor Byar closed the public hearing at 7:19 p.m. Council began deliberations on the ordinance. It was noted that the Law Committee met prior to the council meeting this evening and recommended passage of the current version of the ordinance.

Mr. Warren expressed his concerns to meet the needs of all residents in the village, those in favor of chickens and those opposed to being exposed to chickens, those having large properties and those having small properties. He highlighted health risks associated with housing chickens. While he endorsed residents' right to have chickens, he noted all residents are neighbors and everyone must be considered. He stated his intent was to try and meet everyone's needs. He expressed support for a permit fee, allowing egg sale, slaughtering, and protection from chickens beyond the proposed ordinance.

Council had discussion regarding the definition of a roof as well as other proposed changes to include allowing up to two residents to share a coup on one property to keep up to 12 chickens, and to strike the reference to when an inspection would occur. It was also proposed to incorporate into the ordinance a section to call for a review of this ordinance after one year to evaluate its effectiveness.

Mr. Muething moved to approve ORDINANCE 2012-02, ORDINANCE ADOPTING SECTION 154.54 TO PERMIT DOMESTICATED CHICKENS IN THE VILLAGE, with the following amendments:

- Add: If two residents share a common chicken habitat or coop on one property, up to 12 chickens may be kept on the premises.
- Delete second sentence of (E) (2) under Permit section.
- Add: The Health, Education & Welfare Committee shall revisit and review this ordinance no later than one year from the effective date hereof.

The motion was seconded by Mr. Doering and the motion passed, Mr. Warren voted against.

FINANCE COMMITTEE

Mr. Hattenbach moved to pass ORDINANCE 2012-03, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT TO PURCHASE A NEW COMPUTER SERVER

AND AMENDING APPROPRIATIONS FROM THE GENERAL FUND. Seconded by Mr. Doering and the motion passed and the motion passed unanimously.

Mr. Hattenbach read and moved to approve RESOLUTION 2012-36, RESOLUTION AUTHORIZING THE ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONING THE LOCAL GOVERNMENT FUND. Seconded by Mr. Muething and the motion carried unanimously.

Mr. Hattenbach read and moved to approve RESOLUTION 2012-37, RESOLUTION AUTHORIZING A CONSULTING AGREEMENT FOR LEGISLATIVE SERVICES. Seconded by Mr. Muething and the motion carried unanimously.

Ms. Wolf expressed her concern as to whether comparative quotes for services were obtained prior to entering the agreement or if any research was conducted regarding the company's track record. Ms. Wolf asked Mr. Lahrmer if he had any experience with Aronoff and Associates. Mr. Lahrmer stated that his previous employer did retain their services; however, the contract was terminated due to lack of progress.

Ms. Wolf expressed her desire to keep the contract limited to four months and any continuation would only be authorized by council. Mayor Byar confirmed that the resolution contained language limiting the contract to four months. Mr. Muething expressed that he felt the proper relationships were in place when he visited Columbus.

The Solicitor reminded Council that Ordinance No. 2012-03 contains an emergency clause that must be adopted separately from the underlying ordinance. Mr. Hattenbach made a motion to adopt Ordinance No. 2012-03 as an emergency measure. Seconded by Mr. Muething and the motion carried unanimously.

POLICE/FIRE COMMITTEE

Mr. Muething presented RESOLUTION 2012-38, RESOLUTION PROCLAIMING MAY 13-19, 2012 AS NATIONAL LAW ENFORCEMENT MEMORIAL WEEK AND MAY 15 AS PEACE OFFICER'S MEMORIAL DAY. Mr. Muething commented that this resolution is to generate public attention and show appreciation to the employees of the Amberley Police Department. He noted their dedication during the levy meetings and mentioned the stories from residents reflected a highly regarded police department with employees that go well beyond the call of duty.

Mr. Muething commented that in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week. During the week, all Amberley Village Police Officers will wear a black band across their badges in memory of all the law enforcement officers who have given their lives in the line of duty. Every year, on average, 145 American police officers are killed in the line of duty and over 58,000 officers are assaulted in the performance of their duties.

On May 15, flags will be flown half-staff in honor of Police Memorial Day.

Mr. Muething moved to approved Resolution 2012-38, seconded by Mr. Hattenbach and the motion carried unanimously.

MANAGER'S REPORT

Mr. Lahrmer reported that the 2013 tax budget will be prepared and presented to council in June to review. This budget being prepared will reflect a theme of controlled expenditures.

Mr. Lahrmer reported that the biennial audit of the Village's records will be conducted by Caudill & Associates this month.

Mr. Lahrmer reported that Zicka Homes has successfully closed on their first tear down/rebuild which will occur on Springvalley.

The Board of Zoning Appeals concluded its public hearing on the conditional use permit request for 2400 Section Road. The Board directed the Solicitor to prepare proposed findings of fact and conclusions of law either in favor of, or in denial of, the application. The Board will review the findings at its next meeting on June 7.

The Board of Zoning Appeals approved a 3-foot variance for a fence at the community gardens on Amberley Green.

The Board of Zoning Appeals will hold a public hearing on the new regulations to be considered for the North Site Zoning District. This will be forwarded to council, likely in June.

Mr. Lahrmer reported that there has been interest shown in the Amberley Green property by developers. Zoning for this property should be changed in order to move in that direction. A joint meeting of the Land Development and Finance Committees will be held to discuss the financial options for the Amberley Green.

Mr. Lahrmer thanked council for the resolutions recognizing public service. He noted that the Village celebrated Public Service Week by serving breakfast to the Village employees. He and the Chief cooked pancakes and an assortment of healthy food choices to thank the employees for the work they do.

Ms. Wolf commented that council needs to keep in mind what we want Amberley to look like in the future. She encouraged council to attend the regional planning commission seminars and workshops offered. She noted form-based zoning codes were of interest to her.

MAYOR'S REPORT

Mayor Byar thanked council for all of their hard work since they have been in office. He recognized their work to pass the levy as well as several ordinances and resolutions.

There being no further business, Mayor Byar adjourned the meeting.

Nicole Browder, Clerk of Council

Mayor J.K. Byar