

MINUTES
Village of Evendale
Regular Council Meeting
September 13th, 2016

The Village of Evendale Regular Council Meeting was called to order by Mayor Richard Finan at 7:00 pm.

Public Hearings: To consider an appeal of the BZA decision to deny a variance for the installation of an electrical fence on the property of Mr. Joseph Berns, Jr., 3451 Sherbrooke Dr, in accordance to Section 1266.09(h)(1)(A)(ii) of the Village of Evendale Zoning Code. Mr. Berns address council and explained the need of his electric fence to control the deer, how it is designed and functions. Neighbors of Mr. Bern's also supported his position. Motion was made to close the public hearing by Mr. Puthoff, seconded by Ms. McDaniel and unanimously approved at roll call.

Roll call- The following council members were present: Mayor Richard Finan, Council Members: Mr. Puthoff, Ms. McDaniel, Mr. Albrinck, Ms. Smiley-Robertson, Mr. Ranz and Mr. Schaefer. Also present: Recreation Department Manager, Dave Nichols, Police Chief Korte, Fire Chief Hauck, Village Engineer, James Jeffers; Service Department Director, Jim Bothe, Village Solicitor, Tim Burke, and Barb Rohs, Village Clerk.

The mayor presented Ord 16-54- ORDINANCE APPROPREIATING FUNDS AND APPOINTING ROBERT J. HUDNALL AS FIRE FIGHTER/PARAMEDIC FOR THE VILLAGE OF EVENDALE AND DECLARING AN EMERGENCY. A motion to read ORD #16-54 by title only was made by Mr. Schaefer, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #16-54 as made by Mr. Schaefer, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. A motion to adopt ORD #16-54 was made by Ms. Smiley-Robertson, seconded by Mr. Schaefer and unanimously approved on roll call. Mayor Finan declared ORD. #16-54 adopted as an emergency.

Mr. Hudnall took the Oath of Office and introduced his family.

Mayor Finan presented the consent calendar. The motion to accept the consent calendar was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved.

Reports of Council Committees:

Mr. Finan reported that Duke Energy has submitted 2 routes to the Ohio Power Siting Board and the path going through Evendale is the #2 option. There is a resolution on the agenda to join forces with City of Cincinnati and other communities to continue to intervene with this process.

Finance, Recreation, GHF, CAC Council Committee:

Mr. Albrinck reported that receipts for August were approximately \$1,200,000. Year to date receipts are up approximately \$509,000. GHF's Row by Row event was a great success. Cultural Arts Center reported the Big Art Party was very successful. The Evendale Photography Exhibit will be October 14, 15 & 16. Please submit entry by September 19. The Fine Art Exhibit- Winter Show is October 21-23.

Police, Fire, Service, Engineering and Code Enforcement:

Mr. Ranz reported that the Mayor has authorized the Fire Department to begin the hiring process again due to an expected retirement in April of 2017. The list from the 2015 hiring process has been exhausted. Police department testing of body cameras is ongoing. The Mayor has also authorized the Police Department to begin the hiring process due to an expected retirement mid-2017. In order to attract a wider pool of candidates with the characteristics the Village desires, Chief Korte requested to allow for military experience in lieu of the current 2 year college requirement. The new requirement for any candidate will be a high school graduate, 21 years or older, with at least one of the following requirements; 2 years of college, a DD214 which shows an honorable discharge, or current active military duty. Someone who does not have a 2 year degree, agrees to complete the degree in the next 3 years.

IBI has submitted final drawings to ODOT for the Thru the Valley project. ODOT has 2 weeks to review and come back to us with their assessment & comments. Final drawings will be due in October.

Presentation of Ordinances and Resolutions:

The Mayor presented ORD. #16-52A ORDINANCE REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS AND APPROVING A VARIANCE THE PROHIBITION ON FENCE MATERIALS FOUND IN EVENDALE ZONING CODE § 1266.09(h)(1)(A)(ii) FOR THE PROPERTY AT 3451 SHERBROOKE DRIVE (PID 611-11-64) OWNED BY JOSEPH F. BERNES, JR. AND JEANNE A. BERNES. A motion to amend Ord 16-52A to add a sentence at the end of the ordinance “This approval is conditioned upon the electric fence being limited to the areas immediately around the garden and flower beds and not used as a perimeter fence.” was made by Mr. Schaefer, seconded by Ms. McDaniel and approved. A “no” vote by Mr. Ranz for the amendment is noted. A motion to read ORD #16-52A by title only was made by Mr. Ranz, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #16-52A as made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to adopt ORD #16-52A was made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. Mayor Finan declared ORD. #16-52A adopted.

A motion to table ORD #16-52B by title only was made by Mr. Puthoff, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. ORDINANCE UPHOLDING THE DECISION OF THE BOARD OF ZONING APPEALS DENYING A VARIANCE FROM THE PROHIBITION ON FENCE MATERIALS FOUND IN EVENDALE ZONING CODE § 1266.09(h)(1)(A)(ii) FOR THE PROPERTY AT 3451 SHERBROOKE DRIVE (PID 611-11-64) OWNED BY JOSEPH F. BERNES, JR. AND JEANNE A. BERNES

The Mayor presented ORD. #16-53 ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY. A motion to read ORD #16-53 by title only was made by Ms. McDaniel, seconded by Mr. Puthoff and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #16-53 as made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to agree to the emergency section is made by Ms. Smiley-Robertson, seconded by Mr. Schaefer and unanimously approved on roll call. A motion to adopt ORD #16-53 was made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. Mayor Finan declared ORD. #16-53 adopted as an emergency.

The Mayor presented ORD. #16-55 ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ANTHEM TO PROVIDE A COMPREHENSIVE HEALTH INSURANCE BENEFIT TO FULL TIME VILLAGE EMPLOYEES AND DECLARING AN EMERGENCY. A motion to read ORD #16-55 by title only was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #16-55 as made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to adopt ORD #16-55 was made by Mr. Schaefer, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. Mayor Finan declared ORD. #16-55 adopted as an emergency. Mr. Ranz thanked the VOE HIRT committee for taking ownership in this process.

The Mayor presented ORD. #16-56 ORDINANCE AUTHORIZING THE MAYOR TO RETAIN THE LEGAL SERVICES OF THOMAS L. GABELMAN AND DECLARING AN EMERGENCY. A motion to read ORD #16-56 by title only was made by Mr. Puthoff, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #16-56 as made by Mr. Puthoff, seconded by Ms. McDaniel and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Puthoff, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. A motion to adopt ORD #16-56 was made by Mr. Puthoff, seconded by Ms. McDaniel and unanimously approved on roll call. Mayor Finan declared ORD. #16-56 adopted as an emergency.

The Mayor presented ORD. #16-57 ORDINANCE APPROVING AN APPROPRIATION AND TRANSFER FROM THE GENERAL FUND TO THE GORMAN FARM FUND TO REFUND THE FARM FOR A CAPITAL ASSET SALE AND DECLARING AN EMERGENCY. A motion to read ORD #16-57 by title only was made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. A motion to suspend the second and third readings of ORD #16-57 as made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. A motion to agree to the emergency section is made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. A motion to adopt ORD #16-57 was made by Mr. Schaefer, seconded by Ms. Smiley-Robertson and unanimously approved on roll call. Mayor Finan declared ORD. #16-57 adopted as an emergency.

The Mayor presented ORD. #16-58 ORDINANCE CREATING A RESIDENTIAL DEAD AND DYING TREE REMOVAL ASSISTANCE PROGRAM AND DECLARING AN EMERGENCY. A motion to read ORD #16-58 by title only was made by Ms. McDaniel, seconded by Mr. Ranz and unanimously approved on roll call. This is the first reading. Discussion: Mr. Ranz introduced this program to assist in removing dying trees from the property of residents. The resident would have to use one of the two approved tree service companies, apply and then receive reimbursement. This would be available to the first fifty residents. The wording for process of reimbursement the ordinance was discussed. This is a pilot program. Mr. Schaefer stated his concerns. It neglects those who have already removed trees, there is no “means” testing, and it should be those trees in harm to public right of way or threatening property. It is part of homeownership to maintain your property and this is a hand out. He feels this program is too general. Mayor Finan wants to test this program for one year and then amend the program. Mr. Albrinck does have some concerns about the application process. A motion to suspend the second and third reading of the ordinance was made by Mr. Ranz, seconded by Ms. McDaniel and did not pass. “Yay” votes from Mr. Ranz, Ms. McDaniel, and Ms. Smiley-Robertson. “Nay” votes from Mr. Schaefer, Mr. Puthoff, and Mr. Albrinck. Since five votes are needed for passage, this is the only first reading.

The Mayor presented ORD#16-59 ORDINANCE AMENDING SECTION 674.07, REMOVAL OF TREES AND TREE LIMBS REQUIRED TO PROVIDE THE PENALTY PROVISION. A motion to read ORD #16-59 by title only was made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. Discussion: Mr Schaefer would like to join Ord #16-58 and #16-59. Chief Korte addressed council and stated that this is not only trees. A motion to suspend the second and third readings of ORD #16-59 as made by Mr. Ranz, seconded by Mr. Schaefer and unanimously approved on roll call. A motion to adopt ORD #16-59 was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. Mayor Finan declared ORD. #16-59.

The Mayor presented RES. #16-02 RESOLUTION AUTHORIZING THE VILLAGE SOLICITOR TO FILE TO INTERVENE BEFORE THE OHIO POWER SITING BOARD TO OPPOSE THE DUKE ENERGY PIPELINE. A motion to read RES. #16-02 by title only was made by Mr. Schaefer, seconded by Ms. McDaniel and unanimously approved on roll call. A motion to amend RES. #16-02 to correct board name throughout the resolution to Ohio Power Siting Board was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved. A motion to suspend the second and third readings of RES. #16-02 as made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to adopt RES. #16-02 was made by Ms. Smiley-Robertson, seconded by Mr. Schaefer and unanimously approved on roll call. Mayor Finan declared RES. #16-02 adopted as amended.

The Mayor presented RES. #16-03 RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF EVENDALE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. A motion to read RES. #16-03 by title only was made by Mr. Schaefer, seconded by Mr. Albrinck and unanimously approved on roll call. A motion to suspend the second and third readings of RES. #16-03 as made by Ms. Smiley-Robertson, seconded by Mr. Schaefer and unanimously approved on roll call. A motion to adopt RES. #16-03 was made by Ms. Smiley-Robertson, seconded by Mr. Schaefer and unanimously approved on roll call. Mayor Finan declared RES. #16-03 adopted.

Other Business:

Resident Phil Schneider addressed council. He does not think the draft of # Ord. 16-58 accomplishes the original intent of council. It needs to better identify the type of trees that need to come down. If it is specifically for ash trees then it needs to be stated in ordinance.

Motion to adjourn into was made by Mr. Albrinck, seconded by Mr. Albrinck and unanimously approved.

Meeting was adjourned at 8:10 pm.

Mayor

Attest:

Village Clerk