



Health, Education & Welfare Committee Agenda November 6, 2023 at 4:00 PM

Health, Education & Welfare Committee

Dara Wood, Chair
Keely Paul
Jay Shatz

Staff Liason

Scot Lahrmer, Village Manager
Andy Kaake, Law Director
Chris Fritsch, Zoning and Project
Administrator

MINUTES

1. Approval of minutes: July 24, 2023

TOPICS OF DISCUSSION

1. Follow up regarding a request from the Human Rights Commission to change the non-discrimination ordinance
2. Deer management: Chris Fritsch

ADJOURNMENT

Health Education and Welfare Committee Meeting July 24, 2023

Committee: Dara Wood, Chair, Keely Paul, Jay Shatz

Staff Liaison: Scot Lahrmer, Village Manager, Andy Kaake, Law Director

Present: Dara Wood, Keely Paul, Jay Shatz, Mayor Tom Muething, Andy Kaake, Scot Lahrmer, Nancy Warren, Bill Doering, Stacy Lefton, Rabbi AD Motzen

Approval of Minuets from June 7, 2023 meeting.

Topic of Discussion:

Request from the Human Rights Commission to change the non-discrimination ordinance. Dara gave a brief recap of what is before us. The Law Solicitor then shared some thoughts.

Estimated Cost to village to make these changes:

Legal fees: Some infractions are considered misdemeanors and Stacy would have to try a case, so could be substantial legal fees. Mr. Kaake would want to see if our ordinance is in shape, see other ordinances to compare. Process to charge someone: Would need a charge form, an investigator, and the police dept involved as well. If an employment issue and more than 15 employees, it would go to federal. General costs to change and try the cases would include research, investigation procedures, trainings, research privacy, fed and state laws, provisions for hearings. These are civil hearings. Mr. Kaake also feels 30-60 days is not reasonable to 'try' a case. Currently goes to state and federal, not us if there is an issue.

In 2018 – we spent \$12-15K range when we initially did the ordinance.

Mr. Kaake thinks it could cost 15-20K of work and research.

- If something is covered already, is there really a need to duplicate it – do a resolution not ordinance if you want to make a statement but keep expenses and liability down.

Education: No risk legally to doing more education.

Consequences: Sensitive issues and how to keep confidentiality – it is an issue, it would be public record so we couldn't keep anything truly confidential. So there are privacy issues.

Risks to the Village to do this: Cost, staff time and we could be sued for interfering in the running of a business.

What does the religious exemption really mean: that may be the toughest one, not sure what is really covers.

Question: Are there portions what is proposed that are more troublesome than others?

- It does focus on sexual identity and sexual orientation etc. and cost to village to change this when not protected federally.

Has Golf Manor's been challenged? Not aware that it has been.

The Law Solicitor feels If we move forward with this, we should look at other ordinances, feels that we may be able to have better wording. Feels Golf Manor ordinance is duplicative.

Most recent ruling by the Supreme Court – question that looms (Andy) how hard is the religious freedom and restoration act going to push on certain things.

There are several levels of regulation

Federal EEOC 15 + employees

State OCRC 4 + employees –

A resident asked why spending money on something that in his opinion has zero impact.

What exposes our taxpayers vs the uncertainty of what may happen fed etc law.

Andy – maybe a middle ground between making a stronger statement and forming a commission. He is very worried about the public record aspect of this with privacy issues and the cost to the village.

If we can strengthen the verbiage that could make a nice statement.

Resolution makes a statement just not an ordinance.

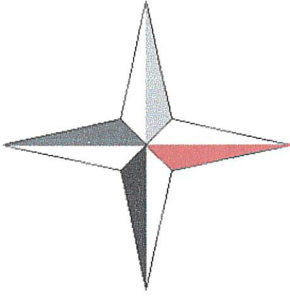
What would it cost if we strengthened the language but take out or adapt some so we are not at so much risk, take out the high risk part. Add some education, probably about 10-15 hours – maybe 10K. to pair down so we are comfortable with it.

Concern was expressed that having the full thing done – it may detract business from coming here to open a business in Amberley Village, on other side, some may like that we stand for that.

If we did a Resolution to say we are an inclusive community and that is important to us – expose us less, not litigious.

Committee members: we don't want to put village at risk, not to be in investigatory business, cost village money. But we do want to make a stronger statement. So do not want to throw it out completely.

Next steps: Mr. Lahrmer will meet with the law solicitor – work on something to bring to next meeting – some committee members still are interested to still see an ordinance (w education component) with stronger language, show we are serious – don't want to go right to a resolution.



DAVIS AVIATION

Aerial Infrared Remote Sensing

8 June 2023

To: Brian Blum
Amberley Village Police
7149 Ridge Road,
Cincinnati, OH 45237

Ref: Deer count quotation for Amberley Village, January-March 2024 timeframe.

Greetings Brian,

Davis Aviation proposes to conduct an aerial infrared deer count survey of Amberley Village during a mutually acceptable time frame noted above, weather and conditions permitting, for \$7220.

The total acreage of the properties is 2240, at \$3.00 per acre, amounts to \$6720. The partial ferry fee, round trip from near Ravenna, OH is \$500, for a **total of \$7220**. Additional counts are expected to be conducted in the area during the same period, thus the ferry fee is reduced.

Deliverables including raw imagery, a report of the findings and a digital KMZ/KML file showing the location of each deer counted, remain the same as in previous years, unless you desire something else.

Sincerely,

Lawrence R. Davis

PASSED: October 9, 2017
BY: Wolf

RESOLUTION NO. 2017-35

RESOLUTION REVISING DEER MANAGEMENT PROGRAM

WHEREAS, in the 1970s, the number of deer in Ohio was estimated at 17,000, which at the time warranted programs to manage the population; over the past 30 years, the numbers have increased dramatically, and are now estimated at about 750,000 statewide;

WHEREAS, Amberley Village is greatly benefitted by the amount of green space and wildlife, which enhances the quality of life in the Village; The Village consists of approximately 2,240 acres (3.5 square miles). There are 403 acres of green space including French Park, a City of Cincinnati public park of 257 acres, and Amberley Green, which is an undeveloped Village-owned property of 133 acres;

WHEREAS, the significant increase in the number of deer in recent years requires that the Village appropriately manage the deer population;

WHEREAS, in response to numerous complaints relating to property damage from deer activity, Amberley Village first implemented a deer management program in 2007, which was revised in 2012 and has continued to be monitored to the present time;

WHEREAS, Council determines that it is in the best interest of the Village and its residents, in order to protect against property damage caused by deer, and danger to human life caused by vehicle accidents with deer, to modify the deer management program in order to better address the needs and resources of the Village;

WHEREAS, the Health, Education, & Welfare Committee met to consider changes to the deer management program, and recommends the changes to Council;

NOW, THEREFORE, BE IT RESOLVED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1:

(A) The Village will conduct a deer count by thermal imaging technology every third year. In order to control costs, the Village Manager may enter into an agreement to share costs with the City of Cincinnati, which owns and operates French Park within Amberley Village, as both jurisdictions benefit from a reduced deer herd in this area, or other neighboring jurisdictions.

(B) The Village is permitted to cull up to 50 deer per calendar year without additional approval by Council. If the Village Police Department determines that, due to

increased complaints of property damage or an increase in deer vehicle accidents, a higher number of deer should be culled, the Police Department may make a request to the Health, Education, & Welfare Committee to increase the number of deer culled.

(C) Deer culling shall only be conducted by members of the Amberley Village Police Department as authorized by the Police Chief. Culling shall be achieved by trained sharpshooters or crossbows.

(D) Prior to culling, notices shall be posted around the culling area warning persons of the activity, and all culling areas shall be closed to the public. Culling may not be performed on private property without written permission from the owner and a release from legal liability approved by the Solicitor. Any such permission granted shall continue in perpetuity until withdrawn by the owner.

(E) The management of the deer population shall include a monitoring program which includes, but is not necessarily limited to, the following:

1. Deer Vehicle Accidents (DVA) -- Amberley Village Police will continue to monitor the number of reported and unreported DVAs occurring within Amberley Village, and will monitor reports of injured deer and deer carcasses collected in the Village. The Village will collect and maintain records of deer vehicle accidents and property damage complaints via an online form accessible on the Village website. Residents may self-report incidents on the web form. Information collected by the Village will be reviewed by the Health, Education, & Welfare Committee once per calendar year in September, in order to assess whether appropriate records are being maintained.

2. Citizen Complaints – Residential complaints received by the Village will be entered into a database to be utilized in monitoring progress of selected control methods and providing guidance in recommending modifications. Complaints of deer damage or traffic related issues can be made directly to the Administration office or by utilizing the Deer Damage Report on the Village's website. This information will be provided to Ohio Department of Natural Resources Division of Wildlife personnel.

3. Harvested Animal Inventory – If required by the Ohio Division of Natural Resources, pertinent data such as sex of deer, age (estimated), and weight should be logged on each animal harvested or removed by other means. Date, time and location should also be included if the information is available.

4. Public Opinion Surveys –Village staff will establish a form for residents to access online in order to self-report property damage, injured deer sightings, and unreported DVAs. Additionally, the Health, Education, and Welfare committee will survey residents by any available online survey in order to gauge resident feedback regarding deer management.

5. All data collected by the Village will be periodically reviewed by the Health, Education, & Welfare committee not less than once per calendar year. Any

changes or amendments to the Village deer management program shall be made and brought before Council's regularly scheduled October meeting, if necessary.

SECTION 2: The Health, Education & Welfare Committee shall revisit and review this resolution every third year, in the year after the latest deer count.

SECTION 3: If any section, paragraph, subsection, clause or provision of this resolution shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this resolution as a whole, or any other part hereof.

SECTION 4: That this resolution shall take effect and be in force at the earliest date allowed by law.

Passed this 9th day of October, 2017.



Mayor Thomas C. Muething

Attest:



Nicole Browder, Clerk of Council

I, Clerk of Council of Amberley Village, Ohio, certify that on the 16th day of October 2017, the forgoing Resolution was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Resolution at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.



Nicole Browder, Clerk of Council