



**Florence City Council
Special Meeting
Tuesday, May 30, 2023
6:00 p.m.**

MINUTES

The City Council of the City of Florence, Kentucky, met in special session on Tuesday, May 30, 2023 at 6:00 p.m. at the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, with Mayor Julie M. Aubuchon presiding as chair.

CALL TO ORDER & WELCOME:

Mayor Julie M. Aubuchon called the special meeting to order and declared the meeting open for the presentation of items on the special meeting agenda.

ROLL CALL:

The roll was called, and the following six (6) members of council were registered present: Mel Carroll, Lesley Chambers, Jenna Kemper (Vice-Mayor), David A. Osborne, Patricia Wingo, and Gary Winn.

Staff members present were: City Attorney, Thomas R. Nienaber; CFO/HR, Linda Chapman; Fire/EMS Chief, Rodney Wren; Chief of Police, Tom Grau; Public Services Director, Eric Hall; Business & Community Development Director, Joshua Hunt; Assistant City Clerk, Brandi Roundtree; Victoria Riley, Community Services Coordinator; Gianna Pretelini, Community Services Administrator; and Police Lieutenant, Jeff Mallery.

The following were also present in the audience: Miss Heart of Bourbon Country, Adisyn Donk; Members of For Family by Family, Sienna Thompson and Dashia Thompson; Resident of Boone County, Jacob Smith; Resident of Florence, Naomi Liebson; Resident of Florence, Andrew Cable; Resident of Florence, Nancy Corman; Resident of Florence, Karla Alonso; Resident of Florence, Angela Cable; Northern Kentucky Tribune Reporter, Trisha Scheyer; and Resident of Florence, Thomas Judd.

APPROVAL OF MINUTES:

Mayor Aubuchon called for a motion to approve the minutes of the May 9, 2023, special meeting. Councilmember Wingo motioned to approve the minutes with a second from Councilmember Kemper. **All councilmembers present voted aye.**

PRESENTATION:

Mayor Aubuchon called upon Community Services Coordinator, Victoria Riley to introduce Adisyn Donk, Miss Heart of Bourbon Country.

Adisyn Donk thanked everyone for the opportunity to attend the meeting. Adisyn referred to her PowerPoint presentation. She explained that her platform for the Miss Kentucky Pageant is the Kentucky Clean Water Project. Growing up, she enjoyed the ocean and wanted her platform to have something to do with water. While Kentucky is landlocked, she stated most litter ends up in the ocean. Therefore, she believes if we clean our rivers, lakes, and streets in Kentucky, it will help reduce litter in the oceans.

Adisyn has been networking with various businesses and has attended several events within the area to spread awareness. Additionally, she organized a clean-up event that occurred on Earth Day, April 22 and April 23. She hopes to spread the word and have more volunteers during her next annual clean-up event. Adisyn stated she will be attending the Miss Kentucky in June and thanked everyone for their time.

Councilmember Chambers inquired of the ducks Adisyn had in her presentation. Adisyn explained she previously lived in Hebron and had ducks there. She currently resides in an apartment in Florence and does not have the ducks.

Mayor Aubuchon thanked Adisyn for the reminder to keep water clean.

PRESENTATION:

Mayor Aubuchon called upon and welcomed Sienna Thompson and Dashai Thompson with For Family by Family.

Sienna Thompson provided an update on the First Annual Juneteenth Event that will take place on Monday, June 19. She stated the event will begin by honoring the First Baptist African American Church located on Shelby Street. The celebration will continue at Stringtown Park. Sienna stated the celebration will include a variety of food, cultural music, and educational experiences. There will be vendors, games, healthcare resources, and educational resources. This is a family friendly event, free of charge and open to everyone in the community.

Mayor Aubuchon clarified that the address of the First Baptist African American Church is 21 Girard Street. Sienna stated yes, that is where the church is located.

Mayor Aubuchon inquired of Public Services Director, Eric Hall, as to the status of the playground of Stringtown Park.

Mr. Hall stated they are hopeful to have repairs completed prior to the event.

Ms. Thompson stated that they still plan to hold the event at Stringtown Park even if the play area is unavailable. They will have games and play items for the children.

Mayor Aubuchon inquired of how long the event will last. Ms. Thompson stated until 5:30 p.m.

Councilmember Chambers stated she is excited for the event and thanked Ms. Thompson.

Councilmember Carroll stated he will be attending the event on behalf of the city and looks forward to working with Ms. Thompson.

DISCUSSION & POSSIBLE ACTION – ZONING TEXT AMENDMENT:

Mayor Aubuchon called upon Business & Community Development Director, Joshua J. Hunt, with regard to discussion of the Zoning Text Amendment for Household Agriculture and Household Pets.

Mr. Hunt referred to memos provided in the council packet and opened the floor for questions and discussion from councilmembers with regard to the zoning text.

Mayor Aubuchon stated the zoning text amendment previously went through the Boone County Planning Commission. The text amendment included definitions regarding household agriculture. She stated the discussion tonight was regarding whether there was a consensus amongst council to request the Boone County Planning Commission begin the process to again amend the zoning text definitions of household agriculture.

Councilmember Chambers inquired if a motion was required to discuss the issue.

Mayor Aubuchon stated a motion would be needed to decide whether council desired to direct the Boone County Planning Commission to revise the zoning text following discussion.

Mr. Hunt stated directing the Boone County Planning Commission to revise the zoning text with regard to household agriculture is a very involved process that would impact many different parts of the zoning codes.

Councilmember Chambers thanked Ms. Cable for coming to meetings and providing information to councilmembers regarding urban hens. Councilmember Chambers stated “At the same time, I do appreciate that a lot of people do not want to live next to urban hens and what I really like about what you have presented to us and what other cities have done, they have set up guidelines that if someone does not want to live next to urban hens, they can opt not to. Like Erlanger, I think Elsmere has a process where they can get permission, they have to get permission from everyone connected to them before we start this...Here’s my conclusion. Basically, I trust the city, the citizens of Florence to keep urban hens responsibly. I trust that if someone wants to take the time to file for a permit, buy a coop and obligate themselves to care for hens, I trust them to do so with pride. I trust that they will keep the chicken’s home clean, just like we already trust those people, the same people, with keeping dogs and cats and their homes clean. I trust that the policies of a setback requirement, consent from adjoining neighbors and a limit on how many hens a person can have, can ensure hens in our community would be a welcomed addition. I respect property rights, lifestyle choices, of all residents. If someone wants to add chickens to their family, I respect that choice. Chickens have been known to be support animals, caring for animals can resort in a positive benefit for both the caretaker and the creature being cared for. Who are we to impede on

a family's right to live a sustainable lifestyle. We shouldn't force people to buy eggs from a grocery store instead of enjoying organic eggs from their backyard. The ability to keep hens for eggs alleviates the costs of inflation. The current ordinance disproportionately hurts lower income residents and exacerbates food insecurity.”

Councilmember Kemper agreed with Councilmember Chambers and stated she would be open to additional discussion and the process of amending the text.

Mr. Hunt stated the memos he provided laid out the items to consider, “...if you allow one type of farm animal, and chickens are farm animals, it's an agriculture type use in a property that is zoned suburban residential, and in my opinion, talking with our legal, it's a slippery slope. If you allow one animal, why not allow ducks, why not allow bee hives, why not allow pigs...the other cities have ordinances that they referenced, I do not believe it is in the best interest of a city to pass an ordinance like that. We are a little different in that our zoning regulations specifically do not allow pet farm animals within a residential zone.” Mr. Hunt explained other counties, such as Kenton County, have seventeen zoning codes. Within Boone County, the city would first have to amend the text and the definition of a farm animal. Next they would be required to amend various definitions including accessory use structures, building materials, and setbacks with the Boone County Planning Commission.

Councilmember Chambers stated “I have faith that you guys can handle that, that legal can handle it, that zoning and planning can do it. I think that when this ordinance was passed, to begin with, it was, tell me if I'm wrong, it was during COVID. From my understanding a lot of people did not know it was passed. So right now, we have citizens asking for something and we should do everything we can to keep our citizens happy. And as far as it being a slippery slope, then okay. If someone comes here and they say I want to be a beekeeper, we are getting paid very well to do this job. We can take the time to listen to their needs and see what we can do to facilitate their desires. But right now, we have people asking for chickens. I have done a lot of research and it seems like it is a very reasonable request.”

Mr. Hunt inquired if she was allergic to bees if she would want to live next to someone with bees. Councilmember Chambers replied we are not discussing bees at this time, but if that issue arose, council should discuss.

Councilmember Wingo stated the issue with chickens started long before COVID. She explained the city was involved in previous litigation because the definition of household pet was not strong enough. The issues had been reviewed and discussed by city council repeatedly. Councilmember Wingo stated the text currently in place took over a year to create and was approved in 2021. Very few people expressed any interest in having hens or chickens throughout the entire process. While she understood what Angie was saying, she stated councilmembers must make decisions based on the entire community, not just a few.

Councilmember Wingo inquired as to how many Homeowner Associations were in Florence. Mr. Hunt stated there were approximately forty Homeowners Associations in Florence.

Councilmember Wingo believed none of the Homeowner Associations permitted chickens and the Homeowners Associations do not include the entire city.

Councilmember Kemper stated she believed it benefited looking at the text further "...40 HOAs in the city and the HOAs would not allow it, then we are not talking about a whole lot of people here that would be affected. I know my HOA would never allow it. But I think, if you don't live in an HOA, if you, choose to live in an HOA, you are choosing to live in an HOA for a reason, because you don't want to live next to chickens. But if you are not in an HOA, why not have that freedom to be able to have that. I mean it's just like saying you are not allowed to grow sunflowers, they are an eyesore. An HOA would never allow me to have a garden in my front yard but that's why I live in an HOA, because I lived in a neighborhood that was not an HOA and we decided that we liked the lifestyle of an HOA, but that's my personal decision. So, I don't know why we would not be open to helping those that don't have an HOA cracking down on things and let them live."

Mr. Hunt stated, "There is also an opposite side of that. There are also people that cannot afford to live in an HOA community that do not want to live next to chickens and how are we protecting them?"

Councilmember Chambers replied that the ordinance could be written how council determined and have a requirement for homeowners to receive permission from their neighbor.

Mr. Hunt stated that is not how zoning regulations work.

Councilmember Chambers stated, "That's how it works in Elsmere. Why can't it work like that here?"

Mr. Hunt stated zoning regulations require Findings of Facts and those cannot be based on the fact that the neighbor does not mind to live next door to chickens.

Mayor Aubuchon stated Erlanger's Ordinance is under their nuisance ordinance and the text does not relate to our regulations.

Councilmember Chambers believed the city could figure it out and stated chickens are a big responsibility that many people would not want to take on, but the people that did want them, would have that ability. She did not believe it was that complicated and the city should tell people what they could and could not do in their own backyard if neighbors agreed.

Councilmember Winn stated Mr. Hunt's memos explaining the zoning text regarding household agriculture was very informative and a vote on the issue should be taken.

Mayor Aubuchon requested any additional comments.

Jacob Smith, Resident of Boone County, stated he would like to discuss the issue. He explained he contested a citation he received in Boone County and won his case.

Mayor Aubuchon requested the discussion be kept to the current issue and not a citation that was issued through Boone County, not the City of Florence.

Mayor Aubuchon opened the floor to citizen comments and requested citizens keep their comments under two minutes and only related to the zoning text amendment. She requested everyone refrain from making comments regarding the health benefits of chickens as the health benefits are not disputed.

Jacob Smith, 6772 Hillock Court, Resident of Boone County, stated he resides outside the City of Florence. He stated he was familiar with the zoning regulations and he was cited for having chickens. He believed the code had language regarding chicken coops and the regulations changed for the Hengehold case. Having read the Hengehold case, he felt the zoning laws were arbitrary and unconstitutional.

Mayor Aubuchon agreed the language was not clear and therefore the city amended the zoning text. Mayor Aubuchon inquired as to who cited Mr. Smith if he did not live in the City of Florence.

Mr. Smith stated he was cited by a Boone County Code Enforcement Officer.

Mayor Aubuchon explained that the City of Florence had no jurisdiction as to county matters and were unable to comment on citations issued by Boone County.

Mr. Smith stated he obtained signatures on a petition to allow chickens and also received monetary donations from people in his neighborhood for his code citation which indicated people were not against having chickens.

Angela Cable, Resident of Florence, stated she understood why the zoning text was changed after the Hengehold case due to the 48 free-range chickens. However, she did not understand why the ordinance and zoning text could not be amended to allow six hens and a runner per household. Mrs. Cable believed people were afraid to leave their homes during the text amendment process because it occurred during COVID. If another pandemic occurred, she would like to have the ability to provide food for her family and community from hens. She felt the benefits were plentiful and the discussion should be ongoing.

Naomi Liebson, 62 Utz Drive, Resident of Florence, stated that it is the peoples right under the constitution in the pursuit of life, liberty and happiness to have their freedom. Ms. Liebson stated she believed by prohibiting chickens, the government is overreaching and provided an overview of the history of America. Ms. Liebson stated she does not live in an HOA community because she wants the freedom to be able to do whatever she wants with her own property. She stated the city cannot treat the city as it is one big HOA and believed the city was stepping on homeowner's rights.

Andrew Cable, 22 Ridge View Avenue, Resident of Florence, stated his wife, Angela Cable, spoke with a Code Enforcement Officer in Erlanger and there had only been two complaints regarding chickens in Erlanger within the last nine months. He stated the complaints were regarding roosters and the roosters were removed from the property. Mr. Cable stated there had been no complaints regarding hens.

Karla Alonso, 164 Meadow Creek Drive, Resident of Florence, stated she was a Marine Corps veteran. She does not reside in an HOA because she wants the freedom to do what she wants on

her property. She felt if a person wanted to have chickens under certain requirements, such as a limited amount of chickens, certain type of run/coop, and property size requirement, they should be able to do so on their own property. While in the military, even though some of her missions were difficult and took a long time, the missions were still completed. She believes as elected officials, city council should make the change and not stop the amendment from taking place as it would cast a negative light.

Councilmember Osborne thanked everyone for attending the meeting and voicing their opinions. He inquired as to how many in attendance had lived in Florence over forty years. As citizens of Florence, people move to Florence because of the amenities and services. Residents are obligated to follow rules in place, even if some of the rules are not widely accepted. Councilmember Osborne stated “If we did not have these kind of ordinances, do you think people were going to move into Florence, next to a \$200,000 dollar house, and you see dogs running around, and you see chickens, and you see donkeys. I know it’s farfetched, but it does happen. These rules have to be enforced, because I don’t want to live next door to somebody that I would hear a donkey or I hear chickens or dogs running around in their yard. The lady said about the property. We do have a right. If we didn’t, this would be a chaotic country, Boone County and the City of Florence. I support what we did back in 2020, I support it now, because it is the only reasonable right thing to do. That’s my opinion. Thank you.”

Nancy Corman, 24 Ridgeview, Resident of Florence, stated she did not understand how the zoning text amendment was initially passed without public participation. She further did not understand how a vote could be taken without additional discussion. Ms. Corman inquired as to the contents of the memos provided to councilmembers by Mr. Hunt and inquired how she could receive a copy of the memos.

Mr. Hunt stated it was the same information he discussed with Ms. Corman during their previous phone conference.

Ms. Corman believed everyone should have had access to the information.

Mayor Aubuchon stated the documents were available through Open Records Request.

Ms. Corman believed she would not have received the information in a timely manner and inquired as to how a vote could be taken without further discussion.

Mayor Aubuchon explained the issue had been discussed many times. Mr. Hunt agreed and explained discussions were held over a three year period and felt it was the most publicized issue in Florence during that timeframe.

Ms. Corman stated the issue being discussed in the media was different from being discussed at a council meeting. Ms. Corman inquired as to why an ordinance could not be passed and allow chickens within the City of Florence rather than a zoning text amendment.

Mayor Aubuchon explained that the city was previously involved in litigation. As a result of that litigation, the city reviewed and adopted a zoning text amendment. Therefore, any changes to the household agriculture text would be adopted by text amendment.

Mr. Hunt explained that an ordinance could not be passed that contradicted zoning regulations set forth.

Mayor Aubuchon stated that the city is unable to adopt an ordinance similar to Erlanger's as a result of zoning regulations.

Ms. Corman inquired if Mr. Hunt's memos were available to citizens outside of an open records request. Mr. Hunt explained memos are available through the open records request process.

Ms. Corman inquired how citizens could review information provided to councilmembers and inquired as to why the information is not available to the public until after the council meeting.

Ms. Cable inquired as to why there was no transparency with the information provided to councilmembers.

Mayor Aubuchon stated information may be obtained through an open records request.

Mayor Aubuchon inquired if any councilmember desired a motion with regard to the zoning text amendment.

Councilmember Chambers requested a vote.

Mayor Aubuchon requested clarification with regard to the motion Councilmember Chambers wanted to vote on.

Councilmember Chambers motioned to continue "to work on amending everything for the chickens and agree to move forward to agree or disagree with adjustment of the current zoning laws to allow people to have six chickens in the city."

Mayor Aubuchon clarified the motion on the floor was "to direct the city to request the Boone County Planning Commission to review the zoning text with regard to household agriculture".

Councilmember Chambers affirmed her motion and Councilmember Kemper followed with a second.

Councilmember Kemper requested clarification with regard to a yes vote. Mayor Aubuchon clarified that councilmembers should vote yes if they wish to amend the zoning text with regard to household agriculture and no if they wish for the zoning text to stay as it is currently written.

Mayor Aubuchon requested a roll call vote. Councilmember Carroll, no; Councilmember Chambers, yes; Councilmember Winn, no; Councilmember Kemper, yes; Councilmember Wingo, no; Councilmember Osborne, no. **Roll call recognized two yes votes, and four no votes, motion fails.**

MAYOR'S REPORT:

- Mayor Aubuchon informed everyone the Florence Aquatic Center opened over the weekend. She encouraged everyone for information regarding membership, hours of operation and passes, please call 859-647-4619.
- Mayor Aubuchon informed everyone Legacy Living Florence, located at 8250 Gunpowder Road, will celebrate their one year celebration on Tuesday, June 6. They will have a ribbon cutting and the city will present them with a Proclamation at 3:00 p.m. All are invited to attend.
- Mayor Aubuchon announced in honor of Flag Day on Wednesday, June 14, the city will display American Flags on Ewing Blvd. She stated Flag Day commemorates the adoption of the Stars and Stripes as the Official Flag of the United States and encouraged everyone to display the American Flag on June 14.
Councilmember Carroll commended the flags which were displayed at the city building for the Memorial Day Parade and Program. He stated the flags were displayed for deceased service members.
- Mayor Aubuchon expressed her appreciation to the city staff for the Memorial Day Parade and Program. She believed it was the biggest and the most turn out of citizens watching the parade. She stated the program turned out nicely and they were able to obtain a picture of all service members who attended the program.
- Mayor Aubuchon announced the first Summer Concert Series will be held on Friday, June 16 at the Florence Mall. The concert will feature opening act music by the brother/sister duo "TYPO". Headlining act is East of Austin, a cover band making their mark on the country music scene with the perfect blend of high energy and soulful sounds. This event will be held from 6:00 p.m. until 10:00 p.m. The Summer Concert Series is presented by Heritage Bank. Heritage Bank is the title sponsor this year. Additional sponsors are Viox and Viox, Shepard Insurance, Dallas and Turner, Florence Mall, Mitchell Insurance, St. Elizabeth, and the Air Force. Mayor Aubuchon stated this is the first of the three concert series. There will be food vendors including Dreamy Whip, Kona Ice, La Torta Loca, Eddie's BBQ, Phat Daddy's and Poseidon's Pizza to name a few.

Following the Mayor's Report, audience member Ms. Corman inquired if there was anything else that could be done because six people just made a decision for the whole City of Florence.

Mayor Aubuchon stated Florence City Council is elected by the citizens of Florence.

Ms. Corman inquired if any of the councilmembers reached out to any of their constituents regarding this issue.

Mayor Aubuchon stated she is unable to speak on behalf of the councilmembers as to whether or not they spoke to any constituents regarding this matter.

CLOSED SESSION:

There was no need for Closed Session.

ADJOURNMENT:

There being no further business to come before Council, Mayor Aubuchon called for a motion to adjourn the Special Meeting. Councilmember Winn so moved, with a second from Councilmember Kemper. **Councilmembers present voted aye**, the time being 6:53 p.m.

APPROVED:

/s/ Julie M. Aubuchon
Julie M. Aubuchon, Mayor

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk

