

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on October 13, 2005. Mayor Rick Bryan called the meeting to order in Council Chambers at 7:30 PM.

**OPENING CEREMONIES**

Mayor Bryan led those assembled in the Pledge of Allegiance.

**ROLL CALL**

MEMBERS PRESENT: Mayor Rick Bryan, Vice Mayor Robert Buckman, Councilman Lee Czerwonka, Councilman Henry Stacey, Councilwoman Stephanie Stoller, and Councilman Mark Weber

MEMBER ABSENT: Councilman James Sumner

Councilman Stacey moved, Councilman Czerwonka seconded to excuse Councilman Sumner from the meeting. A voice vote was taken. All members present voted yes. Motion carried.

ALSO PRESENT: City Manager Marvin Thompson, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Assistant City Manager David Waltz, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Assistant Service Director Rich Dole, Economic Development Director Judy Clark, Assistant Community Development Director Dan Johnson, member of the press, and interested citizens

**PUBLIC HEARING – 7:30PM – Consideration of a large scale residential development near Kenridge Lake (Kenridge Cove) – Ordinance No. 2005-58**

The Clerk was asked to read Ordinance No. 2005-58 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-58

APPROVING A LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN (KENRIDGE COVE) UNDER SECTION 1147.07 OF THE COMPREHENSIVE ZONING ORDINANCE IN THE R-2 RESIDENTIAL, DISTRICT ON PROPERTY CONSISTING OF APPROXIMATELY 5.25 ACRES LOCATED AT 5371 MEYERS LANE AND 5498 KENRIDGE DRIVE (COUNTY AUDITOR'S BOOK 612, PAGE 140, PARCELS 250 AND 199 RESPECTIVELY)

Architect Clete Benken, Partner with Kinzelman Kline Gossman, was present to represent the Kenridge Cove project on behalf of the applicant, Mr. Wittekind, who is out of the country. Mr. Benken displayed a colored rendering of the project. Currently the project area has one single-family residence, and that owner will be moving into one of the new homes to be built on Lot 2. Four additional homes will be built on approximate one-acre sites each. The dwellings will be geared towards larger homes, with all to have some form of lake access. The homes will be served by underground utilities with access from two private drives, one from Meyers and the other from Kenridge Drive. Construction traffic will be divided to the extent possible between the two private drives. The builder does not anticipate the need to remove much of the vegetation. It is their opinion that the value of the new homes should add to the values of the existing homes in the neighborhood.

City Manager Marvin Thompson commented that Planning Commission unanimously approved this development. Its density is considerably less than the existing zoning would allow. Overall, the City believes the development would be a nice addition to the area.

In addressing questions from Councilwoman Stoller, it was noted that any notice requirements of the City were met. She noted receipt of a letter from a resident of Meyers Lane who objected to this meeting occurring on a major Jewish holiday, precluding that

resident's attendance at the meeting, and had questions about the development timetable, about the Meyers entrance to the property, about concerns with the proposed cul-de-sac on Meyers, and about concerns with removal of a fire hydrant. Mr. Benken commented that they do plan to divide construction traffic to the extent possible between the Kenridge private drive and the one off Meyers. The developer does not want to be viewed in a negative way by neighboring property owners. He also commented that worker vehicles would not be left out in front of existing property owners homes. Mr. Benken was not aware of the developer's build-out intent, but offered to find that answer. He also noted that most disruption occurs when the foundations are being built, and that is not a drawn out process. The developer has worked with the City Engineer on the cul-de-sac and fire hydrant issue, and has incorporated what the Engineer has requested of him.

Doug Spring, 5363 Meyers Lane, commented that he would like to know where the new fire hydrant would be placed and also would like to know the placement of the cul-de-sac as it appears it may have impact upon some existing private properties. He also asked why there had to be two entrances to the development – why would one off Kenridge not be enough. Mayor Bryan noted that it is required there be two accesses to all residential areas for safety purposes.

Peter Nord, President of the Kenridge Lake Club, commented that his homeowner's association had concerns with the properties' use of the lake, in particular, the possible use of the lake water for irrigation. He commented that a large number of water fowl populates the lake, and suggested that the water would not be suitable to be applied on yards.

In addressing the question of the cul-de-sac, Assistant Community Director Dan Johnson commented that the plan shows all of the cul-de-sac property to fall within the City's right-of-way, so no private properties would be utilized. The removal of the fire hydrant was approved by the City's Fire Department during the plan review process. Mr. Benken commented that the fire hydrant would be replaced. Mayor Bryan suggested that representatives from the City go out to mark up the lots to show where the cul-de-sac will fall and where the new fire hydrant will be placed.

In addressing the question regarding using lake water for irrigation, Mr. Benken explained that the irrigation of the private properties would be the responsibility of the private homeowners. It was noted that the homeowners would be part of the Kenridge Lake Club and would be bound by the same rules and regulations as existing members.

There being no further comments or questions, the hearing was declared closed at approximately 7:55 PM.

**Consideration of a request for an appeal by Richard A. Roth II regarding a Board of Zoning Appeals decision**

Mayor Bryan asked anyone anticipating to testify regarding this issue to step forward to be sworn in. He explained further that afterwards, Mr. Johnson, representing the City, would introduce the case. Then Mr. Roth will present his side of the issue. Then the City's Solicitor/Prosecutor will ask questions or make comments, and then Council will have the opportunity to ask questions. The actions that Council can take by vote at the end of the proceeding would be to affirm/deny, overturn, or vacate the ruling. For purposes of tonight's discussion, it would be appropriate for two groups to testify, including Mr. Johnson representing the City, and Mr. Roth along with anyone else he has brought to support his case. Mayor Bryan explained that this would not be an appropriate time for comment from others who may be in attendance at the meeting.

Mayor Bryan swore in all potential persons to testify to "solemnly affirm or swear to tell the whole truth and nothing but the truth."

Assistant Community Development Director Dan Johnson stated this is an appeal from a decision of the Board of Zoning Appeals denying an appeal relative to a zoning provision that prevents installation of new gravel driveways. The Code specifies that all driveways must be concrete or asphalt, and Mr. Roth installed a driveway that is gravel. The Board of Zoning Appeals denied the appeal, and that brings us here tonight.

Richard Roth, 4370 Cornell Road, thanked Council for taking the time to listen to this appeal. He is here tonight to appeal the proposed violation of 1145.04(b)(2).

He explained his reasons for the appeal, summarized below:

- ?? He does not believe the law as written is applicable in this circumstance.
- ?? It is his understanding that the major reason for this ordinance not allowing gravel drives is to prevent gravel from spilling upon a roadway.
- ?? Previous Development Coordinator Michael Shiverski, no longer with the City, was on his property with Code in hand, saw the gravel driveway, and was asked specifically if there was any problem with this according to the current City ordinances. Mr. Shiverski was not able to find anything preventing the gravel driveway.
- ?? Many other houses in Blue Ash have gravel driveways and gravel pull-offs.

Mr. Roth read the current code, 1145.04: "any new or existing driveway widened from a single driveway to a double driveway shall be constructed of concrete or asphalt." Mr. Roth believes this does not apply to his situation for two reasons:

1. It is not a new driveway. There is an existing driveway to the residence.
2. It was not widened from a single- to a double-wide driveway.

Mr. Roth showed three photographs to Council for consideration, showing the gravel drive and the existing asphalt driveway leading to a two-car garage. He commented that it is very clear that the asphalt driveway existed at the time the gravel was placed. The existing drive is a double-wide driveway, which he assumes would mean, based upon a previous 1964 case that stated that if the term is not defined, its commonly accepted meaning must be used. The commonly accepted meaning of double-wide driveway, in his opinion, is that it is a driveway leading to a two-car garage.

It is Mr. Roth's belief that this ordinance does not apply since the drive is not new and it is not a single-wide driveway widened to a double-wide driveway.

Mr. Roth further commented that in talking with Mr. Shiverski and other people who have had issues with gravel driveways, the reasoning, from what they have been told from Blue Ash representatives, for not allowing gravel is to prevent gravel from getting on to the road. The gravel in question is at least 85 feet off the sidewalk, with the sidewalk being another eight feet off of the road. There is no chance of gravel getting into the roadway in this instance.

Mr. Roth reviewed briefly the history of this offense. Mr. Roth started receiving letters late in 2004 about this driveway. He requested an appeal and stopped in on September 15, 2004 and asked for an appeals form. He was told there is no appeals process and that he would need to talk with Michael Shiverski. After talking with Mr. Shiverski, he came out to his property on September 17, 2004, and Jim Roth was a witness to this conversation. Mr. Shiverski was asked if there are any issues with this driveway. Mr. Shiverski looked at the Code, and could find no issues. About six months later, Mr. Shiverski was no longer with Blue Ash. Mr. Roth started getting letters again about the driveway. In his opinion, this issue was resolved in September 2004, and should not be brought up again as the City had already spoken on this issue. Also, there are many other gravel driveways in the City, and he showed photographs of such.

Mr. Roth contends that if the intent were to not allow gravel in any circumstance, it could be simply stated. The law has exceptions in it, and this is one of those. He hopes that Council decides the law does not apply in this case, and that the gravel should be allowed to exist as constructed. The two adjoining property owners are also present and believe the gravel drive does not detract from the value of their homes. The adjoining owners do not have a problem with the gravel drive as constructed.

Mr. Jim Roth testified that he was at the meeting on site with Richard and Michael and that Mr. Shiverski did state that it was settled and the driveway was fine. All of a sudden, the

issue arose six months later. Even though Blue Ash no longer employs Mr. Shiverski, he hopes the City will support his actions when he was an employee.

In addressing questions from Deputy Solicitor Bryan Pacheco, Mr. Roth confirmed that the additional course put to the driveway is gravel. He stated that in talking with Mr. Shiverski, Mr. Shiverski did point out the ordinance and decided that this ordinance did not apply. It was then that Mr. Roth looked for himself at the ordinance. Mr. Roth confirmed that the driveway, other than the gravel that he put down later, existed as a driveway at the time the gravel was put in.

In addressing a question from Vice Mayor Buckman, City Manager Thompson commented that there are gravel drives throughout Blue Ash; however, they were grandfathered in before this ordinance was adopted. That is the case with many non-complying zoning situations.

In addressing a question from Councilwoman Stoller, Mr. Roth stated that the existing driveway is asphalt all the way to the sidewalk and street.

Councilman Stacey moved, Councilman Weber seconded to deny the appeal by Mr. Richard Roth II of the Board of Zoning Appeals decision. The Clerk was asked to call the roll. Councilmembers Buckman, Czerwonka, Stacey, Stoller, Weber, and Mayor Bryan all voted to deny the appeal. Six “deny’s.” Motion carried. The request is denied.

Deputy Solicitor Bryan explained the next steps for the applicant. At the next regular Council meeting, scheduled for November 10<sup>th</sup>, Council would consider “Findings of Fact and Conclusions of Law” to be drafted that will reflect Council’s decision tonight. Mr. Roth has 30 days to appeal the decision after it is approved in writing. If Mr. Roth wishes to appeal Council’s decision to the Court of Common Pleas, the time to do so would begin from the time the Findings of Fact and Conclusions of Law is passed by Council, presumably at the next regular meeting scheduled for November 10<sup>th</sup>.

In addressing a question from Mr. Roth as to whether the City would be willing to pay to have the driveway paved (since the reason he is not paving it is because he cannot afford it), Mayor Bryan commented that the City’s paying for the paving would not happen.

Mayor Bryan appointed Assistant Service Director Rich Dole and Treasurer Jim Pfeffer to read the legislation in its entirety in the rear of Council Chambers. Mr. Bryan explained to the audience that anyone interested in hearing the ordinances and resolutions read in their entirety is welcome to move to the rear of the Chambers. He also mentioned that written copies of the legislation on tonight’s agenda may be found on the ledges near the City Administration’s desks.

### **ACCEPTANCE OF AGENDA**

Councilman Czerwonka moved, Councilwoman Stoller seconded to accept the agenda. A voice vote was taken. All members present voted yes. Motion carried.

1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. PUBLIC HEARING – 7:30PM – Consideration of a large scale residential development near Kenridge Lake (Kenridge Cove) – Ordinance No. 2005-58
5. Consideration of a request for an appeal by Richard A. Roth II regarding a Board of Zoning Appeals decision
6. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
7. ACCEPTANCE OF AGENDA
8. APPROVAL OF MINUTES
  - a. Regular Meeting of September 8, 2005

- b. Work Session of September 22, 2005

9. COMMUNICATIONS

- a. Communications to Council - Clerk of Council Jamie K. Eifert
- b. Reports From Outside Agencies
- c. Mayor's Report – September 2005 – Honorable Rick Bryan
- d. Financial Report – Motion to accept the report for September 2005

10. HEARINGS FROM CITIZENS

11. COMMITTEE REPORTS

- a. Parks & Recreation Committee, Lee Czerwonka, Chairperson
  - 1. Presentation by consultants from Hunter Interests and further discussion regarding a potential Performing Arts Center/Conference Center for Blue Ash
- b. Finance & Administration Committee, Mark F. Weber, Chairperson
  - 1. Ordinance No. 2005-63, transferring funds
  - 2. Resolution No. 2005-15, accepting property tax rates
  - 3. Ordinance No. 2005-64, authorizing contract for health insurance coverages
  - 4. Ordinance No. 2005-65, authorizing continuing membership in the Miami Valley Risk Management Association (MVRMA) and acceptance of the Year 2006 pool contribution
  - 5. Resolution No. 2005-14, establishing the maximum maturity for \$1.5 million Bond Anticipation Note related to Recreational facilities
  - 6. Ordinance No. 2005-61, authorizing the issuance of \$1.5 million of Bond Anticipation Notes related to Recreational facilities
  - 7. Ordinance No. 2005-66, authorizing professional service contracts for legal and underwriting services associated with note and bond issuances
  - 8. Ordinance No. 2005-67, authorizing the issuance of \$3.2 million of Bond Anticipation Notes related to the TIF economic development project at 9999 Carver Road (The Landings)
  - 9. Motion setting 7:00PM, Monday, November 28, 2005 as the Budget Study Session and setting 7:00PM, Thursday, December 1, 2005 as the Council swearing-in ceremonies
  - 10. Motion canceling the regular Council meeting of November 17, 2005
  - 11. Motion to reschedule the regular December 2005 Council meeting to 7:00PM, Thursday, December 15, 2005 (in lieu of December 8<sup>th</sup>)
- c. Planning & Zoning Committee, James W. Sumner, Chairperson
  - 1. Ordinance No. 2005-58, approving a large-scale residential development plan known as Kenridge Cove
  - 2. Hearing considering the proposed change of a name of Erskine Road to CEI Drive

- 3. Ordinance No. 2005-68, authorizing the change of a name of a public street from Erskine Road to CEI Drive
- 4. Motion setting 7:40PM, Thursday, November 10, 2005 as public hearing for consideration of a zone change request subject to approval of a change to an approved development plan

12. MISCELLANEOUS BUSINESS

13. ADJOURNMENT

**APPROVAL OF MINUTES**

Vice Mayor Buckman moved, Councilman Stacey seconded to approve the minutes of the regular meeting of September 8, 2005. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Czerwonka moved, Councilman Weber seconded to approve the minutes of the work session of September 22, 2005. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

A Liquor license request was received related to a transfer of ownership for the Through the Garden property as follows:

From:

Through the Garden Ltd  
A Limited Partnership  
10738 Kenwood Road  
No. 8922657

To:

JEMD-WELL LLC  
DBA Through the Garden  
10738 Kenwood Road  
No. 4273269

The Police Department has no problems with this transfer. Council expressed no objections.

**Reports From Outside Agencies**

There were no representatives from outside agencies present at the meeting.

**Mayor's Report – September 2005**

RECEIPTS:

Fines .....	\$32,113.00	
Bonds & BMV fees carried over.....	\$450.00	
Interest Earned.....	\$11.07	
Bonds collected.....	\$800.00	
TOTAL RECEIPTS:.....		\$33,374.07

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$24,026.07	
To the State of OH.....	\$8,198.00	
Refund of Overpaid Fine .....	\$ 0.00	
Bond Money applied.....	\$800.00	
Bond Money returned .....	\$150.00	
BMV.....	0	
TOTAL DISBURSEMENTS.....		\$33,174.07

BALANCE IN BONDS:.....	\$200.00	
Mayor's Court traffic citations.....	295	
Mayor's Court criminal citations	17	
TOTAL.....		312

Sept. Revenue from Mayor's Ct. Cases: \$24,026.07

**Financial Report –September 2005**

Councilman Stacey moved, Councilwoman Stoller seconded to accept the Financial Report for September 2005 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

*CITY OF BLUE ASH FINANCIAL POSITION STATEMENT*

**FOR THE MONTH ENDING SEPTEMBER 30, 2005**

<b>MONTH TO DATE</b>	<b>2004</b>	<b>2005</b>
<b>START OF MONTH FUND BALANCE: 9-1-05</b>	\$11,415,331.97	\$12,212,248.14
<b>Revenues:</b>		
Earnings Tax Collections:	1,410,095.53	1,435,669.63
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>515,994.71</u>	<u>1,586,020.69</u>
= Total Monthly Receipts	1,926,090.24	3,021,690.32
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>3,195,387.32</u>	<u>2,898,728.91</u>
= Total Monthly Expenditures:	<u>-3,195,387.32</u>	<u>-2,898,728.91</u>
<b>ENDING FUND BALANCE: 9-30-05</b>	10,146,034.89	12,335,209.55
<b>YEAR TO DATE</b>	<b>2004</b>	<b>2005</b>
<b>START OF YEAR FUND BALANCE:</b>	9,092,894.75	14,622,289.87
<b>Revenues:</b>		
Earnings Tax Collections:	15,299,546.52	17,031,182.69
Debt Financing (long term)	0	0
Debt Financing (short term)	5,100,000.00	0
Other Revenue Received:	<u>6,837,005.19</u>	<u>7,933,499.30</u>
= Total Monthly Receipts	27,236,551.71	24,964,681.99
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	3,100,000.00	5,100,000.00
Other Expenditures:	<u>23,083,411.57</u>	<u>22,151,762.31</u>
= Total YTD Expenditures:	<u>-26,183,411.57</u>	<u>-27,251,762.31</u>
<b>YTD FUND BALANCE</b>	10,146,034.89	12,335,209.55

100% of the fund balance was invested as of 9-30-05. Interest paid to date on matured investments: \$218,808.90. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY  
FOR MONTH ENDING SEPTEMBER 30, 2005**

<b>MONTH-TO-DATE STATUS</b>	<b>2004</b>	<b>2005</b>
Business Net Profit	162,798.70	196,152.42
Resident Net Profit	61,526.97	20,635.37
Non-Resident Net Profit	11,433.57	22,230.51
Subcontractor Net Profit	792.50	637.44
Net Profit Total	<u>236,551.74</u>	<u>239,655.74</u>
Withholding	1,166,121.29	1,190,349.71
Subcontractor Withholding	7,422.50	5,664.18
Withholding Total	<u>1,173,543.79</u>	<u>1,196,013.89</u>
Monthly Collection Totals	1,410,095.53	1,435,669.63
<b>YEAR-TO-DATE STATUS</b>	<b>2004</b>	<b>2005</b>
Business Net Profit	2,205,992.01	3,778,000.03
Resident Net Profit	593,148.07	622,979.99
Non-Resident Net Profit	173,871.09	191,696.04
Subcontractor Net Profit	16,113.77	13,926.35
Net Profit Total	<u>2,989,124.94</u>	<u>4,606,602.41</u>
Withholding	12,107,863.68	12,235,623.88
Subcontractor Withholding	202,557.90	188,956.40
Withholding Total	<u>12,310,421.58</u>	<u>12,424,580.28</u>
YTD Collection Totals	15,299,546.52	17,031,182.69
YTD Refund Totals	<u>681,654.02</u>	<u>516,766.19</u>

**HEARINGS FROM CITIZENS**

Betty Brooks, 9470 Blue Ash Road, asked that more Police be hired and that potholes on Blue Ash Road be fixed. She explained that nearby homes have been broken into on more than one occasion, and additional police may prevent such things from happening in the future. The Administration was asked to send someone to check the road situation in the area.

Kathy O’Connell (no address was given) asked if there were any cell phone towers in Blue Ash, and the Administration confirmed that there are several in Blue Ash. Mrs. O’Connell cannot get reception at her home, and the Mayor explained that he has the same problem and suggested they both should probably switch cell service.

Hearings from Citizens was declared closed at 8:16 PM.

**COMMITTEE REPORTS**

Prior to the Council meeting, Council members received the following report describing agenda items:

“The following offers a brief description of the items included on the October 13th Council Agenda:

**4 and 11.c.1. Consideration of a large-scale residential development near Kenridge Lake (Kenridge Cove)**

David Wittekind has submitted an application for a large-scale residential development on the peninsula of Kenridge Lake, to be named Kenridge Cove. The R-2 Residential development involves approximately 5.25 acres, and will contain five lots. The development would be accessed from a private drive at the end of Meyers Lane and on the south from Kenridge Drive.

Planning Commission reviewed the project at their September 1<sup>st</sup> meeting, and their comments have been incorporated within the ordinance. Planning Commission recommended approval unanimously, with four members present at that meeting.

A representative for the project will be present at the meeting to address questions or concerns from the public and Council. Plans will also be posted.

Please direct questions regarding this ordinance to the Assistant City Manager or Assistant Community Development Director.

**5. Consideration of a request for an appeal by Richard A. Roth II regarding a Board of Zoning Appeals decision**

See separate memo from Dan Johnson, Assistant Community Development Director, included in your packet explaining this item.

**11.a.1. Presentation by consultants from Hunter Interests and further discussion regarding a potential Performing Arts Center/Conference Center for Blue Ash**

A representative from the consulting firm, Hunter Interests, will be present to discuss further the potential of a performing arts center/conference center for Blue Ash.

Any questions prior to the meeting should be directed to the Parks & Recreation Director.

**11.b.1. Ordinance No. 2005-63 - Transferring funds**

A number of adjustments are needed at this time to the Budgetary Appropriations, impacting both revenue and expenditure areas. An attachment has been prepared to accompany this Ordinance, and that document will itemize all of the proposed changes. Those changes will include the appropriation of supplemental revenue, additional expense, and request a shifting of existing appropriations between accounts.

The most significant item included within this transfer ordinance is a request for additional expenditure appropriations in the Professional Services account for the Community Development Division (\$125,000). This account is primarily utilized for the payment of inspection costs under our contract with National Inspection Corporation (NIC) and for the cost of permit-related and development reviews provided by the City engineer – CDS Associates. The inspection portion of the contract calls for payment by the city to NIC of 90% of the permit fees we collect. NIC also receives payment each month for code enforcement efforts. During 2005, the level of permit collections by Community Development has been substantially greater than our budget estimate, and the need exists to provide for the related payment to NIC. This transfer also seeks authorization to appropriate \$82,000 of that over collection in permit revenue as shown on the attachment. The City also recovers funds expended for engineering review as a part of the process. As an example, our original 2005 budget estimate for permits was \$82,000, and collections so far total \$157,544! Even though permit fees were moderately adjusted to

match Hamilton County levels during this year, the level of building activity is evident. Thus, adjustments are necessary on the expenditure side as well.

Nearly all of the remaining items listed on the attachment pertain to additional expenditure appropriations for diesel fuel and gasoline. The run up in fuel prices was certainly not anticipated at the time the final budget was prepared, indicating a need for these transfers to provide funding for fuel for nearly every department for the remainder of 2005.

Finally, a number of transfers are needed within existing appropriations for the golf course fund as shown on the bottom of the attachment.

Clearly, the items reflected on this transfer are considered "house keeping" in nature. However, we do anticipate a more detailed transfer ordinance in an upcoming meeting, representing efforts to structure all of the appropriations so that funds exist where needed through the end of the year. Any questions can be directed to the Treasurer.

**11.b.2. Resolution No. 2005-15 - Accepting property tax rates**

As is customary this time of year, Council's consideration of this resolution is a part of the City's annual budgetary process, and involves the Hamilton County Budget Commission. The Year 2006 Tax Budget, which was considered and adopted by Council in July, was submitted to the County Budget Commission for their review of our projected financials for next year. Resolution No. 2006-15 seeks Council's acceptance of the amounts and rates of taxation that were included within the Tax Budget, as certified by the Commission and reviewed by the County Auditor's office. In accordance with our Charter provisions and with our historical practice, the inside millage as expressed in this resolution remains at 3.08 mills.

Even though the City millage is small (one of the smaller municipal rates in the region), the overall assessed valuation that the City of Blue Ash enjoys contributes to a substantial source of revenue for the City (and, of course, property taxes from Blue Ash property owners represent the majority of revenue for the Sycamore Schools). Based upon the County's estimated December 31, 2005 total assessed valuation for Blue Ash (considered somewhat conservative), including all real, utility, and personal property, the 2006 estimated property tax revenue to the City of Blue Ash should be approximately \$2,461,321, including Homestead, Rollback, 10K exemption, and public utility reimbursement.

Please direct any questions regarding this resolution to the Treasurer.

**11.b.3. Ordinance No. 2005-64 - Authorizing contract for health insurance coverages**

The City's health insurance contract was informally bid (with assistance by Horan Associates), and the results are outlined below. The proposal from Humana, the City's current carrier, appears to be the lowest and the best. Humana made no demands to change benefits levels, and yet their renewal rate is extremely generous at +2.5%, an estimated increase of \$40,957.44 for 2006. Typical insurance increases in the current market range from 12 to 13%.

Here is a summary of the proposals and how they compare:

	<b>Change in Benefits?</b>	<b>Proposed Rates 2005 SINGLE/FAMILY</b>	<b>Increase from 2004</b>
<b>CURRENT PLAN</b>		<b>346.33 / 951.62</b>	
Humana	No	354.99 / 975.41	+2.5%
Anthem	No	389.92 / 1071.40	+12.59%
CLG (Diamond)	No	378.31 / 1082.43	+13.33%
United	Yes ( + co-pays)	333.23 / 916.39	-3.71%
Medical Mutual	Yes (pre-existing clause and +co-pays)	339.41 / 932.59	-2.00%
CLG (Emerald)*	Yes (+cost of HRA)	314.91 / 901.03	-1.56%

\* Emerald plan would necessitate the addition of a HSA (Health Reimbursement Account) to provide reimbursements equal to the benefits that employees are currently receiving.

Please direct questions regarding this recommendation to the Human Resources Officer at 745-8530.

**11.b.4. Ordinance No. 2005-65 - Authorizing continuing membership in the Miami Valley Risk Management Association (MVRMA) and acceptance of the Year 2006 pool contribution**

From early 1981 through July of 1992, the City enjoyed a very stable relationship with the Clark-Theders Insurance Agency and with the Cincinnati Insurance Company as our primary insurer. We maintained a comprehensive group of coverages, with our annual costs in the \$230,000-\$240,000 range. When those insurance coverages were publicly bid in early 1992, in addition to the conventional bids we received a proposal from a joint self-insurance pool called Miami Valley Risk Management Association (MVRMA). After a careful

analysis of the composition of the pool, its members, comparative costs, and its operating policies and procedures, the recommendation was made to Council that the City join that Association as a member effective July 1, 1992. Council authorized Blue Ash's membership via ordinance.

Even though our membership with MVRMA does not require an annual renewal, we believe it appropriate to approach Council each year with an ordinance affirming our continuing membership and also acknowledging the annual pool contribution or "premium." This ordinance seeks that ongoing approval, and outlines the Year 2006 pool contribution to MVRMA of an amount not to exceed \$258,000 for our basic coverages. In 2006 Blue Ash's coverage will represent approximately 6.16% of all pool costs, up from 5.87% in 2005. There are 20 members at this time, with Centerville representing the most recent addition. MVRMA has been able to maintain a favorable loss experience through the careful selection of its members.

The City's annual contribution is composed of our share of the pool's operating expenses, as well as payment relating to our "share" of expected reserves and losses for the upcoming year. The calculation on what those losses are expected to be is based upon a statistical analysis done by an actuary. The total amount of the expected loss fund for Year 2005 for all 20 members is \$2,335,000 and as losses, claims, and reserves are addressed over the next several years, those costs will be charged against that particular fund. Should total losses exceed that amount, then it is possible that an assessment will be charged against each of the cities using their original percentage as a basis. As has been the case in most years since formation of the pool, the entirety of the loss fund does not get used, and after the loss fund is closed, any balances are refunded or credited to a city in proportion to their percentage of contribution. Blue Ash has already received credits of over \$160,000 from the closure of earlier loss years, and we hope to receive additional credits or offsets in the years ahead as there are loss years with significant balances beyond those required for the claims.

Blue Ash's affiliation with the Miami Valley Risk Management Association has been a positive one, and we are very comfortable with the Administration and structure of the program. MVRMA is the only joint self-insurance pool in the State of Ohio to have been audited and examined by the Ohio Department of Insurance, their financials are audited every year, and they prepare a Comprehensive Annual Financial Report each year as well. No city has ever left the Association, and the group seems very content with the level of service provided by the pool.

Please direct questions concerning the City's membership in MVRMA or this ordinance to the Treasurer.

**11.b.5. Resolution No. 2005-14 - Establishing the maximum maturity for \$1.5 million Bond Anticipation Note related to Recreational facilities**

Several years ago, the City acquired the wooded and vacant 8.5-acre parcel of property adjacent to Xomox and across Cooper Road from the Recreation Center. The purchase price at that time was \$2,100,000, and the acquisition was financed through the use of bond anticipation notes. Since that time, The City has rolled over the notes in the original principal amount. There is a bond anticipation note maturing on November 15, 2005, for \$2.1 million which needs to be addressed.

In conformance with the final budget for this year, the City will be reducing or "paying down" the \$2.1 million dollar note by \$600,000, leaving a remaining balance to be rolled over of \$1.5 million dollars. This resolution, and Ordinance No. 2005-61 which follows, represents the legislation that needs to be considered and passed by City Council to enable this note rollover process.

In keeping with past practice, a resolution is presented which establishes the maximum maturity for the note, an effort which is aimed at keeping the length of time the money is borrowed in line with the life expectancy of the property or the improvement financed. The second legislation, involving an ordinance, actually authorizes the issuance of the debt and describes how the interest rate will be determined when the city's underwriter, Fifth Third Securities Inc., takes this note to market.

After the legislation has been passed, the City will work out a timetable with the underwriter regarding the best time to determine the interest rate, all scheduled to make certain that the new note has been closed and the funds are available to retire the maturing note on November 15, 2005.

Please direct questions regarding this note to the Treasurer.

**11.b.6. Ordinance No. 2005-61 - Authorizing the issuance of \$1.5 million of Bond Anticipation Notes related to Recreational facilities**

See item above.

**11.b.7. Ordinance No. 2005-66 - Authorizing professional service contracts for legal and underwriting services associated with note and bond issuances**

There are expenses and costs associated with preparing for and issuing general obligation bonds, as well as the notes which are issued in anticipation of the bond issues. The city relies upon Fifth Third Securities Inc. for the provision of underwriting services, and with Fred Kiel, Attorney at Law, for bond and note legal services.

This ordinance seeks a not to exceed level of \$58,000 with the office of Fred Kiel relating to services for the preparation of legislation, preparation of transcript documents for closing, for the drafting and completion of the preliminary and final official statement, for legal tax advice regarding the notes and bonds, and other consulting services relating to the issues. Fred Kiel has served as the City's bond council for over 25 years, and the City is most pleased with the quality of his work and the accuracy of his certifications.

A not to exceed amount of \$27,500 is requested under this ordinance for the services of Fifth Third Securities Inc. As the underwriter, Fifth Third pays certain routine costs associated with the bond and note issues, billing them to the city with no markup. The underwriter coordinates and participates in the city's application for a Moody's rating on general obligation bonds, provides market information and assists with the "pricing" of the issues, and supports the administration through the debt issuance process.

Any questions regarding the scope of services or level of expense can best be addressed to the Treasurer.

**11.b.8. Ordinance No. 2005-67 - Authorizing the issuance of \$3.2 million of Bond Anticipation Notes related to the TIF economic development project at 9999 Carver Road (The Landings)**

On August 11, 2005, City Council favorably considered Ordinance No. 2005-46 which essentially authorized Tax Increment Financing for the real estate upon which Duke's "The Landings" project will be constructed on the old Whiting property on Carver Road. The Administration has been working very closely with the other parties to this process, including Duke Realty Ohio and the Sycamore Community School District administration and board. Agreements covering significant components of this process have been drafted, reviewed, and signed by all parties, including Sycamore Schools. Although there are a number of administrative steps that remain, it is necessary at this time to initiate the process for borrowing the funds that will be utilized to construct the public improvements on the site (Phase I parking garage) and to provide funding for the cost of the issuance of the debt, legal services on the TIF, and interest on the initial bond anticipation note.

It is evident from ongoing construction activity on the site that the project is moving forward, and the City has determined a timetable for the issuance of the TIF-related note so that funding is available for reimbursement to the contractor for the construction of the parking garage required for Phase I. Earlier legislation authorized the creation of two restricted and specific funds within the city's accounting structure. Those funds were necessary to accommodate and receive the proceeds of these notes, and to address the payment of expenses associated with the construction portion of the project.

Fund No. 332 was created to receive part of the proceeds of this note (which in total will not exceed \$3.2 million), to pay issuance cost of the note, legal consulting services relating to this arrangement, and to pay interest in the note in 2006. At this stage of the project, it is necessary for funding to be borrowed and placed in these accounts, as the stream of payments in lieu of taxes from the property owner will not start until approximately one year following the completion of Phase I.

The second Fund, No. 444, represents the project construction fund. A portion of the proceeds of this note, in the \$2.9 million range, will be deposited into the City's Fund No. 444, from which invoices will be paid relating to the construction of the Phase I parking garage. This is a restricted fund, and any fund balances not utilized for the construction of the project must be transferred back into the debt related fund No. 332 as described above.

The note legislation, as prepared by Tim Quinn of Taft Stettinius & Hollister, and as reflected in the packet, contains provisions regarding this issuance of bond anticipation note debt by the City of Blue Ash. This note will be tax exempt, will carry a one-year maturity, and will likely be rolled over in advance of the maturity date next fall. Eventually, the principal balance of this note will have to be combined with notes related to the cost of the Phase II or second garage, and all of those balances converted into a 30-year revenue bond. That bond will be retired, over its maturity, through an annual contribution by the property owner (Duke) for deposit into Fund No. 332. The TIF has been structured so that the Sycamore Community School system will receive significant payment from Fund No. 332 after the resources have been set aside to assure funding to retire the annual principal and interest. Over the life of the TIF, the school system should receive nearly all of the funds they would have received had a Tax Increment Financing vehicle not been utilized by the city and Duke Realty Ohio.

It is important to note that this bond anticipation note is not considered a general obligation bond, in that it is a revenue bond and thus does not have the City's full faith and credit backing its eventual settlement and retirement. The retirement of the debt is fully reliant upon the collection from the property owner of payments made in lieu of property taxes. Those payments should be in an amount sufficient to retire the debt and also provide the promised payment to the school system.

Please direct questions to the Treasurer or the Assistant City Manager.

**11.b.9. Motion setting 7:00PM, Monday, November 28, 2005 as the Budget Study Session and setting 7:00PM, Thursday, December 1, 2005 as the Council swearing-in ceremonies**

Given the scheduling of the National League of Cities conference for the first week in December, the Administration is recommending the establishment of November 28<sup>th</sup> for the Budget Study session and Thursday, December 1<sup>st</sup>, as the Council swearing-in ceremonies. Also, given the scheduling of the NLC conference, at which Vice Mayor Buckman is scheduled to attend, item 11.b.11 below moves the regular meeting in December from December 8<sup>th</sup> to December 15<sup>th</sup> to allow his attendance at that meeting, which is traditionally the longest agenda for the year given that it is the last regular meeting of the year.

Please direct questions regarding this motion to the City Manager.

**11.b.10. Motion canceling the regular Council meeting of November 17, 2005**

Given the December meeting schedule as proposed above, and the fact that a November 10<sup>th</sup> regular meeting will also be held, the Administration recommends the cancellation of the November 17<sup>th</sup> meeting as any items could be moved to the December meeting.

Please direct questions regarding this motion to the City Manager.

**11.b.11. Motion to reschedule the regular December 2005 Council meeting to 7:00PM, Thursday, December 15, 2005 (in lieu of December 8<sup>th</sup>)**

See item 11.b.9 above.

**11.c.2. Hearing considering the proposed change of a name of Erskine Road to CEI Drive**

As a part of the economic development recruitment process, Cincinnati Eye Institute has requested that the City change the name of Erskine Road to CEI Drive.

The Administration and Hamilton County Regional Planning have no objections to this request, especially since the building which CEI intends to fully occupy is the only building with the Erskine Road street address. Legal counsel, Bryan Pacheco, has recommended that a "hearing" be held in conjunction to this request, even though there is no "petition" involved, to assure that such a request and action to change the name of the street is covered.

Please direct questions regarding this process to the Solicitor or the Assistant Community Development Director.

**11.c.3. Ordinance No. 2005-68 - Authorizing the change of a name of a public street from Erskine Road to CEI Drive**

See item 11.c.2. above.

**11.c.4. Motion setting 7:40PM, Thursday, November 10, 2005 as public hearing for consideration of a zone change request subject to approval of a change to an approved development plan**

As Council is aware, the City is in receipt of a request from Bob Davis to make changes to his approved development plan, with those changes involving the rezoning of two more properties. More details and information will be presented to Council at the time of the public hearing on November 10<sup>th</sup>, which this motion addresses."

**Parks & Recreation Committee, Lee Czerwonka, Chairperson**

**Presentation by consultants from Hunter Interests and further discussion regarding a potential performing arts center/conference center for Blue Ash**

Mr. Taylor Yewell from Hunter Interests, based in Annapolis, was present to discuss the findings of his study. He thanked Parks & Recreation Director Chuck Funk and the representatives from the architecture firm of Steed Hammond & Paul for their assistance and cooperation in gathering information throughout the past several weeks.

Mr. Yewell's work began about four months ago. His work for Blue Ash was facilitated by the fact that his firm had done other similar projects in this area of Ohio. In commenting on methodology, he commented that his associates typically approach with a somewhat pessimistic attitude as it is common for performing arts centers (PAC) to operate at a deficit. Even though they may not be moneymakers, they are important for a community and require considerable fund raising.

A summary of Mr. Yewell's presentation and conclusions follows:

- ?? A market analysis of other similar venues was done. Other facilities looked at included the Aronoff, Music Hall, Riverbend, and Playhouse in the Park in Cincinnati; Frazee Pavilion in Kettering; and Victoria Theater in Dayton. All of these facilities had other revenue generating uses other than just a PAC, for example, rentable meeting space.
- ?? They looked at potential local and regional user groups, and received a positive response from a survey sent out. They especially found it interesting that the Cincinnati Symphony and Cincinnati Ballet were very excited about the potential of an additional performance venue.
- ?? They looked at a potential audience for performances, including an immediate market area consisting of Blue Ash itself; a primary market area of about a ten-mile radius around Blue Ash, and a secondary market area of about a 35-mile radius. An industry “rule of thumb” for such venues is that 3% of the population, based upon past research, would be potential theater ticket buyers for that particular market. For example, for the immediate market area, for any given Thursday through Sunday evening, 3% of Blue Ash’s population, or about 1,747 persons, would be considered the pool of potential theater ticket buyers. That can be extended to the primary and secondary markets as well. Overall, the PAC is estimated to equal approximately 45,000 in the primary and secondary market areas.
- ?? A Blue Ash PAC would have location advantages over downtown venues due to accessibility, free parking, and overall feeling of safety in an attractive environment. Many people simply will not go downtown because of lack of these factors.
- ?? A PAC of no less than 1,000 seats would be necessary in order to be viable.
- ?? Regarding the conference center potential, a review of the competitive supply shows that the Mets Center in Northern Kentucky (associated with Northern Kentucky University) and the Ponitz Center, both geared toward corporate training, are booked solid and they would not view this new center as competitive as they believe there is enough business for all. Also, local Blue Ash businesses said that they would utilize the meeting space in Blue Ash, and Raymond Walters College indicated that their program could expand if they had such a meeting facility. Mr. Yewell commented that the demand for a conference center would be derived approximately from:
  - ?? Corporate market: 50%
  - ?? Continuing and economic education (RWC): 30%
  - ?? Social, military, educational, religious, fraternal uses: 10%
  - ?? Associations – State and others: 10%
- ?? Dick Thomas, Architect with Steed Hammond Paul, commented more on the space itself. He described a two-story, approximately 80,000 square foot facility, with a 1,200 seat PAC, 7,500 square foot banquet center, and 120 seat auditorium, with conference, boardroom, and break out rooms. The estimated construction costs in today’s dollars would be \$21.3 million. This does not include the cost of land.
- ?? The conclusions drawn were considering the potential of three sites in Blue Ash: Cooper Road on the existing 8.5 acre site already owned by Blue Ash across from the Recreation Center; the former Thriftway site in downtown Blue Ash; and the former Hines site south of Osborne Boulevard, a potential location recently becoming a possibility for such a project. Projected cash flows for Years 1 through 5 assuming these scenarios are summarized below:
  - ?? Using the Cooper Road site (considering the need for an additional \$4 million in parking structure costs): Year 1: -\$633,558; Year 5: -\$213,693.
  - ?? Using the downtown (former Thriftway) site (considering the need for \$6

million in land acquisition and \$4 million in parking structure: Year 1: -\$1,088,918; Year 5: -\$669,053.

?? Using the former Hines site (assuming no parking or land acquisition costs): Year 1: -\$373,352; Year 5: +\$46,513.

- ?? The overall economic impact must also be considered, including such issues as direct spending in the local economic as a result of such projects. It is estimated that an additional \$2.4 million would be the impact associated with a PAC, and an additional \$2.8 would be the impact associated with a conference center. Factors included in these numbers would include spending such as direct purchases made by the operations themselves, indirect spending, and enhanced business attraction and retention potential.
- ?? Negative factors associated with the Cooper Road location include the likelihood of the need for construction of a parking structure and the limited ability for expansion and spin-off development potential (for example, hotels, restaurants, etc.). This site is also remote from the City's existing hotels.
- ?? Negative factors associated with the downtown location include the high cost of land acquisition and the likely land available would be no more than eight acres. This site is also remote from other City hotels. A positive to the downtown location, however, is that other downtown businesses would benefit from such a development.
- ?? Key factors associated with the former Hines site include its easy accessibility, high visibility, assumed low land acquisition costs, and the ability to create a TIF district to assist with funding any public improvements. Also, there is potential for spin-off development at this location.

In addressing a question from Mayor Bryan, City Manager Thompson explained that the conclusions explained tonight are for a project done in its entirety by the City. The potential of this project first arose as the possibility of completing it as a public/private venture – not just the City. However, further investigation of a public/private scenario revealed complications, particularly substantial additional costs due to annual property taxes with such a public/private scenario, estimated to be about \$450,000 per year, as well as higher interest rates in financing such a project. Although these factors may make a public/private venture unviable, Mr. Thompson commented that the Administration would like to prepare a scenario for Council's review in considering both avenues: the City to do such a project on its own (as presented tonight) and the City to do such a project in a public/private venture. The Administration would particularly like to look closer at the debt involved with each scenario and to report back to Council this year.

In addressing a comment from Mayor Bryan, Mr. Yewell commented that the study's projections are somewhat conservative. It is his opinion that a project being located near lodging would enhance the success of such a project. In his previous work, he already had a good idea that Blue Ash would be a good location for a high-tech conference center, in fact one of the best locations in this corridor in his opinion. Mr. Yewell's suggestion is that the former Hines location would have the best potential for success.

In addressing a question from Councilwoman Stoller, Mr. Yewell commented that their projections considered facilities that would generate the most revenue and that a black box typically is not considered revenue generating.

In addressing a question from Councilman Weber, Mr. Yewell commented that there is more evident demand for a meeting facility, and less for a PAC. It is Mr. Yewell's belief that though you could not say that a Blue Ash PAC wouldn't "rob" from existing performing venues, a Blue Ash PAC could have the potential to tap into an untapped market in that there are some people who would never use the other facilities already in place, but would utilize such a facility if it were located in Blue Ash. City Manager Thompson added that one of the first things he and Parks & Recreation Director Chuck Funk did was to visit other area venues in Cincinnati. They learned that Cincinnati has plenty of theaters with less

than 500 seats and more than 2,000 seats. However, seating capacity in between is somewhat untapped, and there would be room for more. The people who run these other facilities believe that the overall benefit to the Cincinnati area in having another venue in this range would outweigh other concerns they had.

In addressing a question from Councilman Stacey, Mr. Yewell commented that the costs of equipment, etc. associated with "high-tech" facilities were considered. They are recommending a mid-range high tech conference center, but not necessarily state-of-the-art level.

In addressing a question from Mayor Bryan, Mr. Yewell commented that their study assumed approximately \$75,000 to \$100,000 per year in fundraising. No endowments or other cash generating factors were considered. He believes this number to be very conservative, and that there are lots of potential for cash generated from naming rights, etc. Their goal was to see if such a project could stand on its own, rather than rely on such larger fundraising efforts.

Mr. Thompson concluded that the Administration would like to review the public/private vs. public only issue more closely, as well as look at potential debt associated with each. They would also like to look at the potential of donations more as well. The Administration plans to get back to Council within 30 to 60 days with these findings.

**Finance & Administration Committee, Mark F. Weber, Chairperson**

Councilman Weber asked the Clerk to read Ordinance No. 2005-63 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-63

PROVIDING FOR THE TRANSFER OF FUNDS AND  
AMENDMENTS WITHIN THE ANNUAL APPROPRIATION  
ORDINANCE NO. 2005-3 FOR THE YEAR 2005 (AS SHOWN  
ON ATTACHMENT); AND DECLARING AN EMERGENCY

Councilman Weber moved, Councilman Stacey seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Weber, Buckman, Stacey, Czerwonka, Stoller, and Mayor Bryan voted yes. Six yeses. Motion carried.

Councilman Weber moved, Councilman Stacey seconded to adopt Ordinance No. 2005-63. There being no discussion, the Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Six yeses. Ordinance No. 2005-63 passed.

Councilman Weber asked the Clerk to read Resolution No. 2005-15 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2005-15

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS  
DETERMINED BY THE BUDGET COMMISSION AND  
AUTHORIZING THE NECESSARY TAX LEVIES AND  
CERTIFYING THEM TO THE COUNTY AUDITOR

Councilman Weber moved, Councilwoman Stoller seconded to adopt Resolution No. 2005-15. There being no discussion, the Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Six yeses. Resolution No. 2005-15 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-64 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-64

AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
CONTRACT FOR EMPLOYEE HEALTH INSURANCE; AND  
DECLARING AN EMERGENCY

Councilman Weber moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Buckman, and Mayor Bryan voted yes. Six yeses. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-64. Mayor Bryan commented favorably regarding the low increase of 2.5% in health insurance cost premiums. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Weber, Buckman, Stacey, and Mayor Bryan voted yes. Six yeses. Ordinance No. 2005-64 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-65 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-65

AUTHORIZING THE CITY MANAGER TO (1) CONFIRM CONTINUING MEMBERSHIP IN THE MIAMI VALLEY RISK MANAGEMENT ASSOCIATION, INC. (MVRMA) AND (2) TO ACCEPT THE YEAR 2006 POOL CONTRIBUTION FOR AN AMOUNT NOT TO EXCEED \$258,000 (PLUS DEDUCTIBLES, SPECIAL COVERAGES, AND BOARD-APPROVED ASSESSMENTS); AND DECLARING AN EMERGENCY

Councilman Weber moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Stoller, Weber, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Six yeses. Motion carried.

Councilman Weber moved, Councilman Czerwonka seconded to adopt Ordinance No. 2005-65. There being no discussion, the Clerk called the roll. Councilpersons Weber, Buckman, Stacey, Czerwonka, Stoller, and Mayor Bryan voted yes. Six yeses. Ordinance No. 2005-65 passed.

Councilman Weber asked the Clerk to read Resolution No. 2005-14 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2005-14

RESOLUTION REQUESTING FISCAL OFFICER TO CERTIFY AS TO ESTIMATED MAXIMUM MATURITY OF \$1,500,000 OF BONDS AND NOTES

Councilman Weber moved, Councilwoman Stoller seconded to adopt Resolution No. 2005-14. There being no discussion, the Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Six yeses. Resolution No. 2005-14 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-61 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-61

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,500,000 OF BOND ANTICIPATION NOTES OF THE CITY OF BLUE ASH FOR THE PURPOSE OF DISCHARGING AT MATURITY (TOGETHER WITH LAWFULLY AVAILABLE FUNDS) A BOND ANTICIPATION NOTE ISSUED PURSUANT TO ORDINANCE NO. 2004-100, AND DECLARING AN EMERGENCY

Councilman Weber moved, Vice Mayor Buckman seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Six yeses. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-61. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Buckman, and Mayor Bryan voted yes. Six yeses. Ordinance No. 2005-61 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-66 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-66

AUTHORIZING THE CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR LEGAL AND UNDERWRITING SERVICES PERTAINING TO THE ISSUANCE OF DEBT OBLIGATIONS IN 2005; AND DECLARING AN EMERGENCY

Councilman Weber moved, Councilman Czerwonka seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Czerwonka, Stoller, Weber, Buckman, Stacey, and Mayor Bryan voted yes. Six yeses. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-66. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Six yeses. Ordinance No. 2005-66 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-67 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-67

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,200,000 OF TAX INCREMENT FINANCING NOTES, SERIES 2005 (DUKE REALTY OHIO PROJECT) OF THE CITY OF BLUE ASH, OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF PAYING THE COST OF CERTAIN PUBLIC IMPROVEMENTS; AUTHORIZING A PLEDGE OF AND LIEN ON CERTAIN SERVICE PAYMENTS TO SECURE SUCH NOTES; AUTHORIZING A TRUST AGREEMENT SECURING SUCH NOTES; AND RATIFYING A SERVICE AGREEMENT SECURING SUCH NOTES; AND DECLARING AN EMERGENCY.

Councilman Weber moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Weber, Buckman, Stacey, Czerwonka, Stoller, and Mayor Bryan voted yes. Six yeses. Motion carried.

Councilman Weber moved, Councilman Czerwonka seconded to adopt Ordinance No. 2005-67. Councilman Stacey commented that work has begun at the site. There being no further discussion, the Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Six yeases. Ordinance No. 2005-67 passed.

Councilman Weber moved, Councilman Czerwonka seconded to set 7:00PM, Monday, November 28, 2005 as the Budget Study Session and setting 7:00PM, Thursday, December 1, 2005 as the Council swearing-in ceremonies. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to cancel the regular Council meeting of November 17, 2005. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Weber moved, Councilman Stacey seconded to reschedule the regular December 2005 Council meeting to 7:00PM, Thursday, December 15, 2005 (in lieu of December 8<sup>th</sup>). A voice vote was taken. All members present voted yes. Motion carried.

Administration summarized meetings scheduled for the year:

- ?? October 27<sup>th</sup>: work session to discuss expansion of Recreation Center and Golf Course Clubhouse. Start time: 7:00PM.
- ?? November 10<sup>th</sup>: Regular meeting, including three public hearings. Start time: 7:30PM.
- ?? November 28<sup>th</sup> (Monday): Budget Study Session. Start time: 7:00PM
- ?? December 1<sup>st</sup>: Council swearing-in ceremonies. Start time: 7:00PM
- ?? December 15<sup>th</sup>: Regular Council meeting. Start time: 7:00PM.

**Planning & Zoning Committee, James W. Sumner, Chairperson**

In Councilman Sumner's absence, Councilman Stacey was asked to preside.

Councilman Stacey asked the Clerk of Council to read Ordinance No. 2005-58 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-58

APPROVING A LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN (KENRIDGE COVE) UNDER SECTION 1147.07 OF THE COMPREHENSIVE ZONING ORDINANCE IN THE R-2 RESIDENTIAL, DISTRICT ON PROPERTY CONSISTING OF APPROXIMATELY 5.25 ACRES LOCATED AT 5371 MEYERS LANE AND 5498 KENRIDGE DRIVE (COUNTY AUDITOR'S BOOK 612, PAGE 140, PARCELS 250 AND 199 RESPECTIVELY)

Councilman Stacey moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2005-58. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Buckman, and Mayor Bryan voted yes. Six yeases. Ordinance No. 2005-58 passed.

**Hearing considering the proposed change of a name of Erskine Road to CEI Drive**

It was explained that this hearing is a technicality associated with the change of the street name. This is being done as a part of the economic development efforts to recruit CEI to Blue Ash. They will occupy the entire Northmark II building, the only building with this street address. No one from Council or the public had questions or comments regarding this action. The hearing was declared closed at 9:10PM.

Councilman Stacey asked the Clerk of Council to read Ordinance No. 2005-68 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-68

CHANGING THE NAME OF ERSKINE ROAD IN THE CITY OF BLUE ASH (LOCATED OFF THE WEST SIDE OF ALLIANCE DRIVE BETWEEN MALSARY ROAD AND REED HARTMAN HIGHWAY) TO CEI DRIVE

Councilman Stacey moved, Councilman Czerwonka seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Czerwonka, Stoller, Weber, Buckman, Stacey, and Mayor Bryan voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilman Weber seconded to adopt Ordinance No. 2005-68. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Six yeases. Ordinance No. 2005-68 passed.

Councilman Stacey moved, Councilwoman Stoller seconded to set 7:40PM, Thursday, November 10, 2005 as public hearing for consideration of a zone change request subject to approval of a change to an approved development plan. A voice vote was taken. All members present voted yes. Motion carried.

**MISCELLANEOUS BUSINESS**

City Manager Thompson commented on a recent article within *The Cincinnati Enquirer* relating to callbacks for emergencies – the idea of having a system in place where residents could be called and informed in event of certain emergencies. It is the Administration's recommendation that a callback system be implemented for Blue Ash. The cost of this would be estimated at \$10,000 for set up, and an estimated \$5,000 per year after that to maintain. No Council member expressed an objection to the implementation of such a program.

Assistant City Manager David Waltz commented that today, Krogers submitted conceptual plans for renovation of their existing store on Hunt Road. They plan to submit final plans within a couple weeks. The plans show anticipated demolition of the existing Krogers and building of a new store at the same location. In the meantime, they would occupy the former Thriftway site in downtown during that construction period. They would anticipate a greater than 50% increase in capacity at the Hunt Road site upon completion.

Parks & Recreation Director Chuck Funk commented that he recently spoke with Blue Ash Airport Days organizers who requested a date change in their event from June to mid September in 2006. Mr. Funk commented that the timing change would work well for his department, as well as other departments involved at the City.

Mayor Bryan complimented Economic Development Director Judy Clark on the successful business luncheon held earlier that day at Watson Brothers and thanked fellow Councilmembers Weber, Stacey and Stoller for attending the lunch as well. He commented that it is easier to keep current businesses and that this was a good opportunity to get feedback from the business community. Councilman Stacey commented on the high percentage of these people who also live in Blue Ash. Councilman Weber added that he

also believes the lunch was a good idea and that it would do nothing but strengthen ties between the City and business community. Councilwoman Stoller commented that she heard no complaints and was pleased to be with the business representatives who were apparently very happy with the community.

Mayor Bryan commented that perhaps the City should strive to not schedule meetings on Jewish holidays. He is not particularly bothered by the instance that arose tonight since Council schedules are set more than a year in advance. Mayor Bryan also complimented Councilwoman Stoller on her handling of the points brought up in the letter received by Council from the Jewish citizen regarding the Kenridge area development.

Councilman Buckman complimented the Parks & Recreation Department on their management of food service throughout the summer, especially the satellite stations set up this year at the Blue Ash Sports Center.

In addressing a comment from Councilwoman Stoller regarding residential tear downs and the construction of homes higher in elevation than the former home was located (for example, on Byerstone construction causing visibility and storm drainage problems on Samstone), City Manager Thompson commented that new construction may not negatively impact other properties.

In addressing a question from Councilman Stacey regarding a seemingly “permanent” POD placed upon a problem property on Kenwood Road just south of Ronald Reagan Highway, Mr. Thompson confirmed that it should not be allowed. This property owner has been cited many times. Mr. Johnson of the Community Development Division will be asked to look at this issue again.

***ADJOURNMENT***

All items on the agenda having been acted upon, Councilman Stacey moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:28 PM.

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Rick Bryan, Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council