

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on November 10, 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, Councilman James Sumner, and Councilman Mark Weber

ALSO PRESENT: City Manager Marvin Thompson, Solicitor Mark Vander Laan, 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, Service Director Dennis Albrinck, member of the press, and interested citizens

Jamie Eifert reminded all that tomorrow is Veterans Day and ceremonies would be held at the Veterans Memorial beginning at 10:30AM.

PUBLIC HEARING – 7:30PM – Ordinance No. 2005-59 – amending text of the Planning and Zoning Code

Councilman Sumner explained the public hearing process for all three hearings tonight. The legislation would be read in its entirety, the applicant would be asked to explain the project, Council and the Administration would have the opportunity to comment, and then it would be open to questions from the public.

The Clerk was asked to read Ordinance No. 2005-59 in its entirety.

THEN WAS PRESENTED & READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-59

AMENDING THE TEXT OF PART ELEVEN – PLANNING AND ZONING CODE OF THE CITY OF BLUE ASH TO AMEND THE PLANNED DISTRICT REGULATIONS AND THE PLANNED DISTRICT APPROVAL PROCESS

City Manager Thompson commented that this ordinance addresses proposed text changes to the Planning & Zoning Code as have been discussed with Council. The text creates a new district: Mixed Use Planned Development District, intended generally for only large tracts of land such as the property south of Osborne Boulevard as proposed at tonight's meeting, the property north of Osborne potentially in the future, and the Airport property potentially in the future.

There were no questions from the public regarding this ordinance, and the public hearing was declared closed at 7:33 PM.

PUBLIC HEARING – Ordinance No. 2005-60 – rezoning 42.41 acres of land south of Osborne Boulevard from M-1 Office Industrial to M-3 Planned Office and Mixed Use District and approving a Planned District Development on this land

The Clerk was asked to read Ordinance No. 2005-60 in its entirety.

THEN WAS PRESENTED & READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-60

AMENDING THE ZONING MAP OF THE CITY OF BLUE ASH TO REZONE TO M-3 PLANNED OFFICE AND MIXED USE DISTRICT APPROXIMATELY 42.41 ACRES OF LAND SOUTH OF OSBORNE BOULEVARD BETWEEN REED HARTMAN HIGHWAY AND KENWOOD ROAD, CURRENTLY DESCRIBED AS PARCELS 343, 572, AND 574 OF BOOK 612, PAGE 150 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS; AND APPROVING A PLANNED DISTRICT DEVELOPMENT ON THE SAME LAND SO DESCRIBED

Dennis Cooper, Managing General Partner of CDDBA, LLC was present to discuss the project. Mr. Cooper explained that the proposed project before Council is the same as has been previously discussed at a Council meeting. It involves approximately 43 acres of property lying south of Osborne Boulevard between Kenwood Road and Reed Hartman Highway. The project is mixed use in nature, with heavy emphasis on office, targeted towards medical and research sectors. The project also includes apartments and condominiums, and small sections of support retail. The project is high-end in nature, with no big box development planned. Landscaping is also prevalent throughout the project. Walking trails (open to the public), restaurants, and the potential site for the City's potential performing arts center/conference center (PAC) are also included. Little surface parking is proposed, with 95% of parking consisting of indoor garages which will have security provided.

Jonathon Woche of McBride Dale Clarion Architects gave an overview of the plans which were posted at the meeting. The intent is to have combination of uses including office, residential and supportive uses. Also shown are two parking garages, use of the existing retention lake, a potential PAC/conference center, and a stand-alone restaurant at Osborne and Reed Hartman Highway. The goal is to create an environment where people can live and work, as well as have evening activities – all in the same locale. Residential areas are located towards the eastern (Kenwood Road) portion. Hotel and spa/fitness areas are also shown. The project is intended to be pedestrian oriented.

City Manager Thompson commented that the applicants have worked with the City very closely. In his opinion, this has the potential of being one of the most exciting developments in Southwest Ohio.

In addressing a question from Mayor Bryan, Mr. Cooper explained that they would like to begin construction about July of 2006, with the initial focus on office development. Each building will take approximately one year to build. They would like to open Phase I in summer 2007, with build-out expected to take three to seven years. Mr. Cooper commented that they have plans in place for financing of the project, and they will be required to have tenants committed. Mr. Cooper commented that initial indication from potential tenants is strong.

In addressing a question from Vice Mayor Buckman, Mr. Cooper commented that the health club would be open to anyone who lives and works in the complex and it would also be available to the public, with appropriate fees.

Judy Kelly, 9639 Cooper Lane, expressed concerns with what this project may take away from the downtown area. Councilman Sumner commented that this has been discussed, and it is the City's belief that both developments can be sustained and that this development has the potential to drive investment for not only downtown, but also other portions of Blue Ash.

William Talbot, 11050 Sycamore Grove, asked how many residential units are planned, the price range for these units, and the planned magnitude of the hotel. City Manager Thompson commented that the hotel is mid-size, with perhaps approximately 150 rooms. The condominiums are expected to be priced in the \$450,000 range, and though the number of units is not yet finalized, they envision approximately 400 units.

Pat Bernard, 4629 Hunt Road, asked who these units are geared for, and Mr. Thompson commented that they would probably be of interest to young professionals and empty nesters. There are no single-family freestanding units proposed. These residential units should not be of burden to the Sycamore Schools. The revenues to the schools as a result of this development's increased property value would result in little or no additional students.

Greg Cohen, 9547 Benchmark Lane, asked about the potential of locating a PAC at this site, in his opinion away from a majority of the residential areas of Blue Ash. Mr. Thompson explained that the City has recently completed a study (by an outside consultant) regarding the PAC. That study considered three sites in Blue Ash: downtown at the former Thriftway site, on the Cooper Road site owned by Blue Ash across from the Recreation Center, and this Osborne Boulevard site. That study concluded the most financially feasible location for a PAC is the Osborne Boulevard site, and a major reason, though not the only reason, is due to the low/no cost of land. The developer of the Osborne site would donate land to the City for such a development. In addressing the concern regarding location of a PAC away from residential areas, Mr. Thompson commented that such a project was never intended to be a walk-to destination.

There being no further questions from the public, this public hearing was declared closed at 7:59PM.

PUBLIC HEARING – Ordinance No. 2005-62 – rezoning two parcels from R-2 Residential to R-3 Residential and approving a change to a large scale residential development plan on the north side of Cooper Road between Cooper Lane and Monroe Avenue (Park Manor)

The Clerk was asked to read Ordinance No. 2005-62 in its entirety.

THEN WAS PRESENTED & READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-62

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE IN THE R-3 RESIDENTIAL DISTRICT (INCLUDING 5300 COOPER ROAD AND 9585 COOPER LANE, AFFECTING BOOK 612, PAGE 40, PARCELS 350 AND 381 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS]); AND APPROVING A CHANGE TO A LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN (FORMERLY KNOWN AS PARADISO ON THE SQUARE, CURRENTLY KNOWN AS PARK MANOR) LOCATED NORTH OF COOPER ROAD, WEST OF COOPER LANE, AND EAST OF MONROE AVENUE

Jose Castrejon of McGill Smith Punshon engineers described the plans. The residential development is adjacent to the downtown, which they believe will be a key factor for this project's success. Park Manor is designed to be a walking community. All garages will have rear access, as designers did not want the garages to be seen from the front as a prominent architectural feature. There will be much landscaping throughout, including a green area in the center of the development meant to also be a central gathering place. Each unit will have individual characteristics, including natural stone, and wood – overall to give an “old world” style. They are expected to be priced in the \$450,000 range. Benefits the applicants see to the community with this project include additional residential pedestrian-friendly areas close to downtown, an increase in tax benefits (including to the school district), development that will support the local businesses, minimal impact to the schools system in terms of students, offering of urban living with a suburban feel, rear entry garages, and reduced setbacks.

City Manager Thompson commented that the developer has worked closely with the City, and he believes this project parallels the objectives for revitalization of the downtown. The Administration believes this to be a good addition adjacent to the City's downtown area.

In addressing a question from Mayor Bryan, Mr. Castrejon commented that though he was not a part of the project in its earlier form when named Paradiso on the Square, based upon the work being done in conjunction with updating of the downtown master plan, it is their belief that Park Manor better serves that planned for downtown and would complement those efforts. It is the applicant's intent to start work early in 2006, with two phases planned. The entire project should be complete in three to four years.

In addressing a question from Councilman Stacey, it was noted that the common area towards the center of the development will serve as an overflow relief area for storm water as they plan to provide underground water retention, and will work with the City Engineers to finalize those plans and requirements.

In addressing a question from Councilman Czerwonka, Robert Davis of On-Target Consulting commented that they are presently taking a list of interested people. The builder will be Kurlemann, and he expects home construction to begin early in the spring.

Michael Kelly, 9639 Cooper Lane, expressed concern with the teardowns occurring in established neighborhoods. He encouraged City officials to keep Blue Ash as a “livable” and affordable city. He also asked, later in the meeting, if there was any rezoning proposed within the 9600 block of Cooper Lane.

Judy Kelly, 9639 Cooper Lane, also expressed concerns with the teardowns in established neighborhoods as well as the removal of existing trees. She commented that many residents

believe the small town feeling is going away and encouraged City officials to preserve Blue Ash's economic diversity.

Jim Morgalis, 9651 Cooper Lane, congratulated Council on their being re-elected to their offices. He expressed concern that some people don't like what is happening in Blue Ash. The changes are not supporting Blue Ash's slogan of "City of Choice," as the choice is slowly being taken away. Given the current lot requirements, existing residents don't have the choice of building a new house on their lot. He believes the changes will eventually force out the people because they will no longer be able to afford – forcing out the people who voted Council in their positions. He also expressed concern for the potential of those choosing to stay being "boxed in," with additional traffic, and with storm water runoff. He asked that the City focus on keeping existing office buildings filled to supplement the tax base, not focus on residential areas to do so.

Dan Klapp, 5126 Brasher Avenue, asked what the Mayor believes to be "Cadillac" development. He would not like to see the community taken away and would not like to have developers knocking on his door.

Marcallene Shockey, 4916 Laurel, commented that she favors this proposed development and looks at it as a project that will increase her and other Arcadia neighborhood property value. She commented that property owners do not have to sell their properties – it is their choice to do so.

Jeannine Bell, 9595 Cooper Lane, commented that this project is adjacent to her home and that she plans to stay in Blue Ash. She asked about "phase 2," and confirmed that if homeowners choose to stay, they can do so. She urged the City to step back and listen to residents and not listen so much to the developers.

Lynn Maki, 4849 Myrtle Avenue, commented that she has lived in Blue Ash since 1949. For 27 years, she has heard rumors that the City is "coming for Arcadia." To date they have not, and she does not believe they plan to. She believes the project will be positive for Arcadia and will increase property values.

Orba Arnold, 4839 Fairview Avenue, commented that she has lived in Blue Ash for 45 years. She believes the project will be an asset to the community.

Dan Bell, 9595 Cooper Lane, commented that other homes are being bought as rental property, and he also asked about "phase 2." He also expressed concerns about water runoff.

Peggy Martyn, 4926 Laurel Avenue, commented that she sees both positives and negatives for the proposed development. She expressed concerns with additional traffic cutting through the Arcadia neighborhood.

Pat Doyle, 9479 Highland Avenue, commented that he has lived in Blue Ash for only about three months and asked Council's position on eminent domain.

In answer to the above comments, the Administration or Council made the following points:

- ?? There is no rezoning planned for the 9600 block of Cooper Lane.
- ?? There is no "phase 2" of this project. What would be approved tonight is only what is being presented.
- ?? Regarding traffic, Mr. Thompson commented that there are three access points planned for this development, which will be unique for a subdivision of this size. Although the City cannot eliminate all cut-through traffic, the Administration believes the traffic impact would not be significant.
- ?? It was stated that this Council has made it clear that eminent domain will not be used to take residential properties for development.

Councilwoman Stoller asked that the City Engineers be asked if water problems in adjacent areas could be alleviated with this development.

There being no further questions from the public or Council, this public hearing was declared closed at 8:53PM.

Mayor Bryan appointed Service Director Denny Albrinck 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

Councilwoman Stoller moved, Council Czerwonka 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 – Ordinance No. 2005-59 – amending text of the Planning and Zoning Code
5. PUBLIC HEARING – 7:35PM – Ordinance No. 2005-60 – rezoning 42.41 acres of land south of Osborne Boulevard from M-1 Office Industrial to M-3 Planned Office and Mixed Use District and approving a Planned District Development on this land
6. PUBLIC HEARING – 7:40PM – Ordinance No. 2005-62 – rezoning two parcels from R-2 Residential to R-3 Residential and approving a change to a large scale residential development plan on the north side of Cooper Road between Cooper Lane and Monroe Avenue (Park Manor)
7. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
8. ACCEPTANCE OF AGENDA
9. APPROVAL OF MINUTES
 - a. Regular Meeting of October 13, 2005
 - b. Work Session of October 27, 2005
10. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor's Report – October 2005 – Honorable Rick Bryan
 - d. Financial Report – Motion to accept the report for October 2005
11. HEARINGS FROM CITIZENS
12. COMMITTEE REPORTS
 - a. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Ordinance No. 2005-59, amending the text of the Planning and Zoning Code (affecting Chapters 1131, 1157, 1163, 1165, and 1185 of the Blue Ash Code of Ordinances)
 2. Ordinance No. 2005-60, rezoning 42.41 acres of land south of Osborne Boulevard from M-1 Office Industrial to M-3 Planned Office and Mixed Use District and approving a Planned District Development on this land
 3. Ordinance No. 2005-62, rezoning two parcels from R-2 Residential to R-3 Residential and approving a change to an approved development plan on the north side of Cooper Road between Cooper Lane and Monroe Avenue
 4. Ordinance No. 2005-69, approving a subdivision (Whisper Way) at 4195 Creek Road
 5. Motion setting 7:00PM, Thursday, December 15, 2005 as public hearing for consideration of a special use permit for a residential group home at 4680 Hunt Road
 - b. Finance & Administration Committee, Mark F. Weber, Chairperson
 1. Ordinance No. 2005-70, transferring funds
 2. Motion to approve and accept the Findings of Fact and Conclusions of Law regarding the appeal from Richard A. Roth, II heard at the October 13, 2005 Council Meeting
 - c. Public Safety Committee, Stephanie Stoller, Chairperson
 1. Ordinance No. 2005-71, authorizing the transfer of agency responsibility, assets, property and contracts relating to DART
13. MISCELLANEOUS BUSINESS
14. EXECUTIVE SESSION – Property Acquisition & Personnel Matters
15. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Stacey moved, Councilman Czerwonka seconded to approve the minutes of

the regular meeting of October 13, 2005 and the work session of October 27, 2005. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were no communications to Council.

Reports From Outside Agencies

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

Mayor's Report – October 2005

RECEIPTS:

Fines	\$33,520.00
Bonds & BMV fees carried over.....	\$200.00
Interest Earned.....	\$9.43
Bonds collected.....	\$150.00
TOTAL RECEIPTS:.....	\$33,879.43

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$24,733.43
To the State of OH.....	\$8,676.00
Refund of Overpaid Fine	\$105.00
Bond Money applied.....	\$---
Bond Money returned	\$150.00
BMV.....	\$ 15.00
TOTAL DISBURSEMENTS.....	\$33,679.43

BALANCE IN BONDS:.....

Mayor's Court traffic citations.....	354	\$200.00
Mayor's Court criminal citations	13	
TOTAL	367	
October Revenues from Mayor's Ct. Cases:		\$24,733.43

Financial Report – October 2005

Councilman Sumner moved, Councilman Weber seconded to accept the Financial Report for October 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 OCTOBER 31, 2005**

MONTH TO DATE	2004	2005
START OF MONTH FUND BALANCE: 10-1-05	\$10,146,034.89	\$12,335,209.55
Revenues:		
Earnings Tax Collections:	1,951,133.54	2,649,454.46
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>1,516,896.40</u>	<u>788,626.80</u>
= Total Monthly Receipts	3,468,029.94	3,438,081.26
Expenditures:		
Bond Retirement	2,460,000.00	2,460,000.00
Short term debt refinancing	0	0
Other Expenditures:	<u>3,090,993.40</u>	<u>2,907,101.94</u>
= Total Monthly Expenditures:	<u>-5,550,993.40</u>	<u>-5,367,101.94</u>
ENDING FUND BALANCE: 10-31-05	8,063,071.43	10,406,188.87
YEAR TO DATE	2004	2005
START OF YEAR FUND BALANCE:	9,092,894.75	14,622,289.87
Revenues:		
Earnings Tax Collections:	17,250,680.06	19,680,637.15
Debt Financing (long term)	0	0
Debt Financing (short term)	5,100,000.00	0
Other Revenue Received:	<u>8,353,901.59</u>	<u>8,722,126.10</u>
= Total Monthly Receipts	30,704,581.65	28,402,763.25
Expenditures:		
Bond Retirement	2,460,000.00	2,460,000.00
Short term debt refinancing	3,100,000.00	5,100,000.00
Other Expenditures:	<u>26,174,404.97</u>	<u>25,058,864.25</u>
= Total YTD Expenditures:	<u>-31,734,404.97</u>	<u>-32,618,864.25</u>
YTD FUND BALANCE	8,063,071.43	10,406,188.87

100% of the fund balance was invested as of 10-31-05. Interest paid to date on matured investments: \$253,327.54. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY
FOR MONTH ENDING OCTOBER 31, 2005**

MONTH-TO-DATE STATUS	2004	2005
Business Net Profit	489,314.65	990,251.58
Resident Net Profit	67,666.92	105,434.26
Non-Resident Net Profit	15,476.44	36,852.76
Subcontractor Net Profit	494.99	1,226.63
Net Profit Total	<u>572,953.00</u>	<u>1,133,765.23</u>
Withholding	1,351,223.32	1,476,831.61
Subcontractor Withholding	26,957.22	38,857.62
Withholding Total	<u>1,378,180.54</u>	<u>1,515,689.23</u>
Monthly Collection Totals	1,951,133.54	2,649,454.46
YEAR-TO-DATE STATUS	2004	2005
Business Net Profit	2,695,306.66	4,768,251.61
Resident Net Profit	660,814.99	728,414.25
Non-Resident Net Profit	189,347.53	228,548.80
Subcontractor Net Profit	16,608.76	15,152.98
Net Profit Total	<u>3,562,077.94</u>	<u>5,740,367.64</u>
Withholding	13,459,087.00	13,712,455.49
Subcontractor Withholding	229,515.12	227,814.02
Withholding Total	<u>13,688,602.12</u>	<u>13,940,269.51</u>
YTD Collection Totals	17,250,680.06	19,680,637.15
YTD Refund Totals	<u>701,131.14</u>	<u>610,754.74</u>

HEARINGS FROM CITIZENS

Doug Sullivan, Highland Avenue, asked about the group home issue on the agenda this evening being proposed for a single-family area (near Hunt and Blue Ash Roads).

Councilman Sumner explained that the home proposed is a group home for eight mentally disabled adults and encouraged Mr. Sullivan to visit the Community Development Division to view plans. This is not an appropriate time to discuss this item as the motion tonight will simply set a public hearing for December 15th. Pat Bernard of Hunt Road also expressed concern for this use in this neighborhood. Councilman Sumner commented that all of the public notice requirements of the City will be fulfilled.

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 November 10th Council Agenda:

12.a.1. Ordinance No. 2005-59 - Amending the text of the Planning and Zoning Code (affecting Chapters 1131, 1157, 1163, 1165, and 1185 of the Blue Ash Code of Ordinances)

As previously discussed with Council, this ordinance establishes a new M-3 Planned Office and Mixed Use District. It is generally intended for larger parcels, such as the approximately 40 acres south of Osborne Boulevard, a similar site in size north of Osborne Boulevard, and potentially at least part of the Blue Ash Airport property. Planning Commission reviewed and unanimously recommended that Council create this new district.

12.a.2. Ordinance No. 2005-60 - Rezoning 42.41 acres of land south of Osborne Boulevard from M-1 Office Industrial to M-3 Planned Office and Mixed Use District and approving a Planned District Development on this land

This public hearing and resultant ordinance is identical to the previous presentations before Council by the developer, Dennis Cooper. The approval of this rezoning, subject to the submitted development plan, sets up the opportunity for one of the most exciting developments ever within Blue Ash, and one of the more exciting projects within Greater Cincinnati.

12.a.3. Ordinance No. 2005-62 - Rezoning two parcels from R-2 Residential to R-3 Residential and approving a change to an approved development plan on the north side of Cooper Road between Cooper Lane and Monroe Avenue

On Target Consulting has submitted a request for a change to their development plan for the previously approved Paradiso on the Square residential development on Cooper Road between Cooper Lane and Monroe Avenue. The change involves the request to rezone from R-2 to R-3 two additional parcels as well as a change to the development plan. The two parcels included in this ordinance, which total 1.227 acres and are located at the northeast and southeast corners of the development, were included in the original application; however, they were not included in the final ordinance (2005-2) that rezoned the land.

The proposed development site would now include 7.21 acres, and the plans show 42 attached single-family (townhouse) style dwelling units. The developer also plans to rename the project from its former “Paradiso” title to “Park Manor.” The plans show 12 buildings – seven three-unit buildings, four four-unit buildings, and one five-unit building. Access to the site is via one entrance each from Cooper Lane, Cooper Road, and Monroe Avenue. Internal drives and sidewalks would be privately owned and maintained. Visitor parking areas are spread throughout the site, and each unit would have a two-car garage.

A representative of the project is expected to be in attendance at the meeting, and the plans will be posted for Council and public review.

Please address questions regarding this ordinance or project to the Assistant City Manager.

12.a.4. Ordinance No. 2005-69 - Approving a subdivision (Whisper Way) at 4195 Creek Road

Whisper Way is a subdivision primarily within the City of Sharonville off Creek Road. When the subdivision was originally submitted, since only two lots were within Blue Ash, the City assigned review and approval process to Sharonville as long as all Blue Ash requirements were met (which did occur). This ordinance is needed for plat approval to allow for dedicated right-of-way, and is only a technicality process.

12.a.5. Motion setting 7:00PM, Thursday, December 15, 2005 as public hearing for consideration of a special use permit for a residential group home at 4680 Hunt Road

The City is in receipt of an application for a special use for the now vacant site of the Blue Ash Church of the Nazarene to operate a residential group home for mentally disabled adults – Halom House, currently located in Roselawn.

Plans for the site include reconfiguring the interior as well as an addition of living area to the west side of the building, a new roof, windows, siding, asphalt parking area, an enclosed dumpster, new lawn in the location of the current gravel parking areas and additional landscaping.

The Code requires public hearing for a special use, and this motion proposes setting that for the regular December meeting.

12.b.1. Ordinance No. 2005-70 - Transferring funds

A small transfer ordinance is necessary at this time, and an attachment has been prepared for Ordinance 2005-70.

There are only two issues to explain on this transfer. The first involves the need to appropriate a portion of the Police Department's available fund balance in the restricted Law Enforcement "DART" fund No. 286 in the amount of \$22,000. Each year, the City of Blue Ash utilizes funding from this area to provide their "local match" or contribution to the ongoing operation of the Drug Abuse Reduction Task Force. In order to accomplish that objective this year, the need exists to increase expenditure appropriations in account 286.140.523900 (Miscellaneous Contractual).

Secondly, adjustments are needed in the revenue and expenditure accounts for the TIF – related funds relating to DUKE's "The Landings" development currently underway at the old Whiting location on Carver Road. Adjustments are necessary to align our appropriations with the amount of money being borrowed on the Bond Anticipation Note for this project, and to allow funds to be encumbered for construction of the parking garage in Phase I.

Please direct questions relating to this transfer to the Treasurer.

12.b.2. Motion to approve and accept the Findings of Fact and Conclusions of Law regarding the appeal from Richard A. Roth, II heard at the October 13, 2005 Council Meeting

At the October 13th Council meeting, a hearing was held to discuss the appeal of Mr. Roth regarding the Board of Zoning Appeals decision to deny the 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 Findings of Fact and Conclusions of Law drafted by the Solicitor's Office is included in your packets. It would be appropriate for a motion approving that document to be passed by Council.

Please direct questions regarding this issue to the Solicitor or Deputy Solicitor.

12.c.1. Ordinance No. 2005-71 - Authorizing the transfer of agency responsibility, assets, property and contracts relating to DART

The City of Blue Ash has served as the Administrating Agency for the Drug Abuse Reduction Task Force (DART) since its inception in the 1980's. Although primary funding for the operation of DART was annually provided via a grant through the Ohio Department of Justice, (and by contributions and local matches provided by the governmental entities participating), the oversight and administration of the unit operated much like another City division. Full and part-time DART staff were considered to be employees of the City of Blue Ash, the Chief Police Department official served as the administrating head of the agency, and the Police Department provided oversight and administrative support to the ongoing operations of the DART unit.

Over the past several years, Police Chief, Chris Wallace and his staff, have been evaluating this arrangement, and have recommended that some other governmental entity assume responsibility for the administration of the DART unit beginning in 2006. Throughout most of this year, meetings have been held with DART's Executive Board and with other interested agencies, and Springfield Township has expressed a willingness and an interest in taking over these responsibilities. In order to move forward with the plan and timetable, as established through a series of meetings with Springfield Township, the need exists to secure City Council's authorization for the City Manager and the Police Chief to take the necessary steps to terminate the City's Administrative Agency designation, to provide for the proper transfer of financial resources in accounting funds 282, 286, and 288 (all DART restricted), to allow the transfer of assets that have been utilized by, or on loan to, the DART unit for a number of years, and to provide authorization for the payment of funds in future years originating with DART cases that must be paid to the Administrative Agency and not retained by the City of Blue Ash.

Captain Jim Schaffer has been working closely with the Finance Division and the Treasurer's office on identifying all assets belonging to the City which have been utilized by DART, and it is the Treasurer's recommendation that those assets which DART could utilize and which Springfield Township may require in their efforts, be permitted to be donated to the DART unit. Similarly, other assets which belong to the City of Blue Ash, which cannot be utilized and which are not specific as to DART utilization, will be returned to the City. No new DART grant or related fund will be requested for the 2006 year for Blue Ash, but the three funds mentioned above will need to be kept open on the City's records for as long as necessary to account for all DART related funding.

The need exists for certain contracts to be terminated or amended, certain leases and contracts need to be assigned, and there are countless administrative items that need to be addressed. Should there be any questions concerning this issue, feel free to contact the Police Chief at 745-6227, Captain Jim Schaffer at 745-8459, or the Treasurer's office at 745-8507."

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2005-59 by title only (it having been read in full during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-59

AMENDING THE TEXT OF PART ELEVEN – PLANNING AND

ZONING CODE OF THE CITY OF BLUE ASH TO AMEND THE
PLANNED DISTRICT REGULATIONS AND THE PLANNED
DISTRICT APPROVAL PROCESS

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

Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2005-59. In answer to a question from Councilman Stacey, it was noted that the height of buildings in the new district would be limited to eight stories, which has been approved by the Fire Department. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-59 passed.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2005-60 by title only (it having been read in full during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-60

AMENDING THE ZONING MAP OF THE CITY OF BLUE ASH TO REZONE
TO M-3 PLANNED OFFICE AND MIXED USE DISTRICT
APPROXIMATELY 42.41 ACRES OF LAND SOUTH OF OSBORNE
BOULEVARD BETWEEN REED HARTMAN HIGHWAY AND KENWOOD
ROAD, CURRENTLY DESCRIBED AS PARCELS 343, 572, AND 574 OF
BOOK 612, PAGE 150 OF THE HAMILTON COUNTY AUDITOR'S OFFICE
RECORDS; AND APPROVING A PLANNED DISTRICT DEVELOPMENT ON
THE SAME LAND SO DESCRIBED

Councilman Sumner 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, Sumner, and Mayor Bryan voted yes. Seven yeases. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-60. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-60 passed.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2005-62 by title only (it having been read in full during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-62

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE IN THE R-3 RESIDENTIAL DISTRICT (INCLUDING 5300 COOPER ROAD AND 9585 COOPER LANE, AFFECTING BOOK 612, PAGE 40, PARCELS 350 AND 381 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS)); AND APPROVING A CHANGE TO A LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN (FORMERLY KNOWN AS PARADISO ON THE SQUARE, CURRENTLY KNOWN AS PARK MANOR) LOCATED NORTH OF COOPER ROAD, WEST OF COOPER LANE, AND EAST OF MONROE AVENUE

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

Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2005-62. Councilman Sumner commented that this project was passed by the Planning Commission. Councilwoman Stoller asked the Administration to check with Engineers to see if water retention efforts with this project could possibly alleviate existing water problems in the area. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Buckman, Stacey, and Czerwonka voted yes. Councilman Sumner and Mayor Bryan voted no. Five yeases. Two no's. Ordinance No. 2005-62 passed.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2005-69 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-69

APPROVING THE PLAT FOR WHISPER WAY SUBDIVISION AND ACCEPTING THE DEDICATION OF A PORTION OF CREEK ROAD PUBLIC RIGHTS-OF-WAY; AND DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilman Weber seconded to adopt Ordinance No. 2005-69. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-69 passed.

Councilman Sumner moved, Councilwoman Stoller seconded to set 7:00PM, Thursday, December 15, 2005 as public hearing for consideration of a special use permit for a residential group home at 4680 Hunt Road. A voice vote was taken. All members voted yes. Motion carried.

Finance & Administration Committee, Mark F. Weber, Chairperson

Councilman Weber asked the Clerk to read Ordinance No. 2005-70 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-70

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 Buckman, Stacey, Czerwonka, Stoller, Weber, Sumner, and Mayor Bryan voted yes. Seven yeases. Motion

carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-70. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-70 passed.

Councilman Weber moved, Councilman Stacey seconded to approve and accept the Findings of Fact and Conclusions of Law regarding the appeal from Richard A. Roth, II heard at the October 13, 2005 Council Meeting. A voice vote was taken. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Bryan voted yes. Councilman Sumner abstained (since he was not present at that meeting). Six yeses. One abstention. Motion carried.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Ordinance No. 2005-71 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-71

AUTHORIZING THE CITY MANAGER TO TRANSFER RESPONSIBILITY FOR THE DRUG ABUSE REDUCTION TASK FORCE ADMINISTRATIVE AGENCY DESIGNATION TO ANOTHER GOVERNMENTAL ENTITY AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Weber seconded to adopt Ordinance No. 2005-71. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Sumner, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-71 passed.

MISCELLANEOUS BUSINESS

Mr. Thompson reviewed the major capital improvement items to be included in the 2006 Proposed Budget, which will be delivered to Council the week of Thanksgiving. The capital items, defined as those which are expected to cost \$100,000 or more, are being presented in no priority order:

- ?? \$100,000 for six replacement police cruisers net of trade.
- ?? \$900,000 to replace the Fire Department's 1982 100-foot aerial truck.
- ?? \$200,000 for unspecified economic development incentives. This would be intended for use with large prospects.
- ?? \$375,000 for land acquisition costs related to economic development or revitalization.
- ?? \$152,000 for sidewalk construction.
- ?? \$125,000 for upgrade of the HVAC controls system at the current Recreation Center (receiving applause from some in attendance at the meeting).
- ?? An "operational reserve" of approximately \$2.15 million, representing approximately 10% of expected tax revenues in 2006.
- ?? A reserve of \$1.15 million for capital improvement projects. This is a new concept this year and the Administration would propose this so that monies can be set aside for future capital projects.
- ?? A \$400,000 contingency.
- ?? \$145,000 for improvements to the Glendale-Milford/Plainfield Road intersection signal.
- ?? \$600,000 for street paving.
- ?? \$324,000 for Phase I restoration (as previously discussed) of the historic Hunt House.
- ?? \$600,000 debt retirement for the 8.5-acre site owned on Cooper Road, reducing the

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outstanding note to only \$1 million.

In addressing a question from Councilwoman Stoller, Mr. Thompson commented that money is set aside in various areas to address public storm water issues. It was not listed as a capital project since no single item would exceed \$100,000.

In addressing a question from Councilman Sumner, it was mentioned that the new reserve for future capital projects would be counted towards the Charter's 40% rule for capital projects.

Service Director Denny Albrinck commented that the sidewalk planned for the area of the Hunt Road railroad crossing near Blue Ash Road would probably be constructed this spring.

Councilman Weber expressed thanks to Chuck Funk and the Parks & Recreation Department for their assistance with the Wire-to-Wire 1990 Cincinnati Reds reunion held recently at the Recreation Center. He noted special thanks to Recreation employees Kathy Swensen and Barb Griffin, and also to Tom Murphy. He also thanked fellow Councilmen Buckman, Czerwonka, and Stacey for assisting as well.

In addressing a question from Vice Mayor Buckman, Mr. Thompson commented that the City has no bearing regarding power outage problems. Many factors can cause these, including for example, a squirrel in a transformer box. This is Cinergy's responsibility.

Councilman Czerwonka complimented the Parks & Recreation staff on their new facility at 6131 Interstate Circle as a recent Recreation Board meeting was held at the site. He believes this facility will cover the division's needs well.

In addressing a question from Councilman Stacey regarding the Portable On Demand (POD) still in place at the problem Kenwood Road property, Assistant City Manager David Waltz commented that the use of these containers is a relatively new phenomenon that is not adequately addressed by the Code. It is the Administration's intent to present early in the year various Code update recommendations, including change to better address this issue.

Some discussion was had regarding the status of the Blue Ash Airport Days event and the previous discussion regarding the concern with risk and liability issues. Treasurer Jim Pfeffer commented that the City's insurance does not cover airport-related activities, and in 2005 the Administration worked with program coordinators and the City Solicitor's office to minimize this risk as much as possible, without eliminating the activity. MVRMA also made recommendations, some of which were implemented. Solicitor Mark Vander Laan added that the City would never get to a situation where there is zero risk with such an event given the nature of aerial activities. Though accidents do not happen very often, they can, and you control that with as much insurance and risk transfer to cover the event as is reasonable. Further discussion was had regarding the City's role in being a sponsor in that the City intends to provide \$16,000 funding for the event next year in addition to in-kind services such as police and fire presence. This level of funding is less than what had been provided in years prior to 2005. Mr. Vander Laan would not recommend the City be a sponsor. Parks & Recreation Director Chuck Funk added that since the organizers charge admission for the event, it also creates an additional level of liability. After some discussion, it was determined that the City would prepare information on paper regarding the overall risks, what risks are eliminated with the elimination of the City's sponsorship (provision of additional funding), and overall how comfortable the City would be in providing only in-kind services. Mr. Funk will talk with organizers that these discussions are underway so they will not be totally surprised if the City should decide to eliminate the additional \$16,000 funding.

Mayor Bryan commented favorably on another fine business luncheon held earlier today.

Mayor Bryan reminded all of the Veterans Day ceremonies tomorrow to begin at 10:30AM.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilman Stacey moved, Councilman Weber seconded to convene an Executive Session to discuss matters pertaining to property acquisition and personnel. The Clerk called the roll. Councilpersons Weber, Sumner, Buckman, Stacey, Czerwonka, Stoller, and Mayor Bryan voted yes. Seven yeases. Motion carried.

After matters pertaining to property acquisition and personnel matters were discussed, Councilman Weber moved, Councilman Czerwonka seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Weber moved, Councilman

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Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 10:20PM.

Rick Bryan, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council