

BLUE ASH CITY COUNCIL

January 8, 2009

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on January 8, 2009. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Buckman led those assembled in the Pledge of Allegiance.

**ROLL CALL**

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

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Fire Chief Rick Brown, Assistant to the City Manager Kelly Osler, and interested citizens

Mayor Buckman appointed Kelly Osler to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

Councilman Sumner moved, Vice Mayor Weber 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. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
  - a. Regular Meeting of December 11, 2008
7. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2009-3, final appropriations ordinance
    2. Ordinance No. 2009-1, approving collective bargaining agreement (Fire Lieutenants)
    3. Ordinance No. 2009-2, establishing a special fund associated with the September 2008 wind storm
    4. Ordinance No. 2009-4, authorizing payment in 2009 for various public utility services
    5. Ordinance No. 2009-5, confirming State of Ohio Auditor’s Office selection of a multi-year contract for professional audit services
    6. Ordinance No. 2009-6, authorizing payment to Sister City, Inc. in 2009
  - b. Parks & Recreation Committee, Lee Czerwonka, Chairperson
    1. Ordinance No. 2009-7, authorizing 2009 contracts for professional class instruction, Recreation Department printing, contractual mowing, and installation/provision of holiday lights

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2. Motion authorizing the solicitation of bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials or services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; expansion of the Recreation Center facilities; furniture associated with the Recreation Center expansion; and the sale of excess property and equipment
  - c. Public Works Committee, Henry S. Stacey, Chairperson
    1. Ordinance No. 2009-8, authorizing contract for retrofitting of two Service Department trucks with snow plows and dump bodies
    2. Ordinance No. 2009-9, authorizing 2009 professional services related to the proper disposal of hazardous household waste
    3. Ordinance No. 2009-10, authorizing payment for road salt
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION – Potential Litigation
12. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Stacey moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of December 11, 2008. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

The following liquor permit information was presented to Council:

TO: Archon Hospitality LP

DBA Hyatt Place Cincinnati

Blue Ash

11435 Reed Hartman Highway

Blue Ash, Ohio 45241

Permit Number: 02569260005; Type: New

The Police Department has reviewed this information and has no objection to this permit. No objection to this permit was expressed by Council members.

**Reports From Outside Agencies**

There were no representatives present from outside agencies.

**HEARINGS FROM CITIZENS**

No citizens wished to address Council.

**COMMITTEE REPORTS**

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

“The following offers a brief description of the topics included on the January 8 Council agenda:

**9.a.1. Ordinance No. 2009-3 - Final appropriations ordinance**

On December 1, the City Manager presented to Council the 2009 Proposed Budget which was adopted under Interim Appropriations Ordinance No. 2008-77 on December 11. The Proposed Budget was based upon estimates of fourth quarter 2008 revenue and expenditure activity as well as projections for all of 2009. With the recent closing of the books at year-end, the opportunity arose for the use of actual year-end closing balances (instead of estimates) and for the incorporation of any changes that have arisen since the Proposed Budget was prepared.

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Conversion of the Proposed Budget into a Final Budget document includes a comparison of the City's actual financial results with the estimates, incorporating any new information or projects, and then adjusting the 2009 projections based upon that data. All of those items represent changes to the Proposed Budget that will be reflected in the final document and in the attachment presented to Council under this ordinance.

The closing of the books at the end of the year represents a major portion of the Final Budget effort. That process involved verifying that all revenue had been deposited and recorded, checking that all invoices had been matched and payments issued where possible, and that reservations of funds or encumbrances had been created for all known liabilities as of the closing date. Since the City operates on a cash basis of accounting, there are strict guidelines concerning the recognition of revenue and the manner in which liabilities are funded out of the closing fund balances. Once all of these items are posted, year-end balances are verified in each fund, and then examined in light of the Proposed Budget estimates.

The true year-end financial picture can only be determined after comparison of what the actual fund balances turned out to be against what had originally been estimated for the Proposed Budget. To the extent that revenues were better than expected or where expenses were not as great, the available General Fund balance will increase. Where under collection of revenue occurred or where expenses exceeded our estimate, the available balance drops.

On the revenue side, gross earnings tax collections for all of 2008 totaled \$30,119,007, only \$105,993 short of our Proposed Budget estimate. Of the 2008 collections, \$6,686,242 (22.2%) were net profit related, with withholding representing \$23,432,765, or 77.8% (as compared to 18.3% / 81.7% in 2007). Combined 2008 collections were 9.27% ahead of 2007 actual results. Individually, net profit came in at 32.8% ahead of 2007, and withholding ended up 4% ahead. Combined 2009 projected earnings tax collections at the 1.25% rate in the Final Budget are reflected at \$30,120,000, essentially level with the actual 2008 results. The withholding estimate is \$24,145,000, and net profit is shown as \$5,975,000. Please refer to the following paragraphs for further information on the conversion of the Proposed Budget to its final recommended form. The attachment to the ordinance is very similar to the Proposed Budget, with the exception of the use of actual (not estimated) fund balances and the items described later in this section.

The process of closing the books at the end of each year, and determining the actual year-end fund balances, generally produces supplemental resources in the form of a General Fund balance in excess of the estimate employed in the Proposed Budget for a given year. That outcome usually results from revenue collections in excess of the projection, or from funds not spent in a given area that are "returned" to the General Fund. The outcome for 2008 revealed that the ending General Fund balance was \$12,398,355, which was \$555,195 over the projected General Fund balance used in the Proposed Budget. Although there were a number of minor "excess" revenue collections, most of the supplemental funding was derived from appropriations in the 2008 Budget that were not spent during the fourth quarter. Those resources were utilized to handle any of the adjustments necessary in the Final Budget (as explained below), with the remaining funds used to increase the General Reserve from \$3,000,000 in the Proposed Budget to a new total of \$3,050,000. This reserve serves as the City's "rainy day fund."

Essentially, net profit collections in 2008 were over by an amount almost equivalent to the shortfall in withholding collections for the year. Considering the economy, the decision was made to adjust the Proposed Budget collection estimates to reflect a level or flat total for collections anticipated in 2009. If the economy continues to deteriorate and impact the City's collection levels, further adjustment may be necessary as we move through the early months of 2009.

Other revenue items include appropriating an estimated \$175,000 in the new "Ike" Windstorm FEMA Fund No. 290, although no expenditures from that fund have been appropriated as we would prefer to wait until the funds are actually received before accomplishing that task via transfer ordinance.

On the expenditure side, the following adjustments were necessary and are incorporated into the Final Budget described in the ordinance and on the attachment:

- Property tax expense for 2009 was increased by \$200,000 representing the first half taxes that are necessary to be paid on the City's 130-acre "airport" park. As explained in a memo included in this packet, it is necessary for the City to pay these taxes for the first half while our exemption application is pending with the State Tax Commissioner's office. If the exemption is granted, the City will eventually receive a refund of that payment of \$200,000.
- In keeping with past practice, unspent funds from the Recreation Department's special event accounts were carried over into 2009.

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- Adjustments were necessary on both the revenue and expenditure side relating to wrapping up funding for the Blue Ash/Hunt Road improvement project funded through a ten-year no interest SCIP loan.
- A number of smaller adjustments were incorporated, such as \$6,800 into the Fire Department capital for emergency operations center equipment, a reduction in costs of \$14,000 related to our membership in MVRMA, and a \$19,000 reduction in estimated salaries for the Parks & Grounds Maintenance area.

The 2009 Final Budget, as presented, utilizes actual year-end fund balances, incorporates all of the expected revenues and expenses for both operations, capital, and projects, and includes a contingency of \$446,811; a General Reserve of \$3,050,000; a capital reserve of \$6,466,000; \$300,000 in the land bank within Community Development; and \$275,000 available for economic development incentives. The sum of these items totals \$10,537,811— an amount that could be recognized as non-committed, or reserved, funding expected at the end of 2009.

Please direct questions regarding the closing or adjustment process or any of the adjustment items to the Treasurer at 745-8507 or [jpfeffer@blueash.com](mailto:jpfeffer@blueash.com).

**9.a.2. Ordinance No. 2009-1 - Approving collective bargaining agreement (Fire Lieutenants)**

The City entered into negotiations with the Fire Lieutenants in early December 2008. After just a few negotiation meetings, which were exceedingly constructive, we have agreed (subject to Council's approval) to changes in the contract as outlined below. Of particular note are the changes in the insurance clause and wages.

- References to "Assistant City Manager" were removed and replaced with "City Manager or his designee."
- **Article 14 Seniority** was modified to include language allowing vacation and compensatory time to be scheduled based on length of full-time service as a Lieutenant rather than length of full-time service with the Fire Department.
- **Article 15 Layoff and Recall** language was revised to allow length of full-time service with the employer to determine seniority rather than length of full-time service as a Lieutenant.
- **Article 17 Work Period and Overtime** was modified to allow the City to buy back accrued compensatory time, in excess of (36) thirty-six hours, twice a year. Furthermore, Lieutenants would be granted the right to choose the day of the week on which they would either be eligible to use Kelly time or be eligible for automatic overtime.
- **Article 19 Wages and Compensation** was negotiated to reflect a 2.5% wage increase for both 2009 and 2010; for 2011 the increase will be tied to that received by non-bargaining employees, but will be no less than a 2.5% increase.
- **Article 20 Special Events** was changed to remove Memorial Day and Airport Days as events eligible for the provisions of this Article. Additionally, language was added allowing Lieutenants with seniority to be granted only one of their preferred assignments, if they request more than one assignment during a special event.
- **Article 23 Longevity** was amended to increase longevity from \$4.00 per month to \$5.00 per month of eligible service making the Longevity Article consistent with the City of Blue Ash Code of Ordinances for non-bargaining unit staff.
- **Article 24 Insurance** was revised to include the provision or offering of two different health insurance plans. If employees chose the first plan, the City will pay the same percentage of the monthly cost for Fire Lieutenants as it does for all non-bargaining unit employees who participate in the plan. The second option for employees will be a plan offered at no premium cost to the employee, but the cost to the City for providing the second plan shall not exceed 105% of the City's premium cost (for each given tier) for providing the first plan, for the previous year, to employees. This second plan will provide very basic coverage and is intended for those employees who seldom utilize use health insurance benefits. Additionally a clause was added to provide employees with an annual monetary incentive of \$2,000, to drop health insurance coverage with the City, as long as they are able to provide proof of such coverage elsewhere.
- **Article 26 Continuing Education** language was changed to reflect an increase in the number of hours for which Fire Lieutenants will be compensated by the City to attend continuing education courses. The hours were increased from (14) fourteen to 18 (eighteen) annually; due in part to a change made at the State level requiring more certifications to be maintained annually for firefighter-paramedics.

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- **Article 27 Holidays** was clarified for employees who are assigned to a 40 hour work week. Such employees will receive a paid leave of absence for the Holidays listed in Article 27, rather than being eligible for Holiday pay.
- **Article 28 Vacation** was changed to remove the need to submit vacation schedule requests in January. Additionally, the timeframe to submit a vacation leave request was reduced from (7) seven days to (3) three days.
- **Article 29 Sick Leave** was amended to reflect language in the Blue Ash Code of Ordinances regarding sick leave payouts upon retirement to non-bargaining unit employees. The new language states that upon retirement with less than (12) twelve years of full-time service with the City of Blue Ash, a Fire Lieutenant will be eligible for (2) two hours of pay for every (8) eight hours of unused sick leave (not to exceed 960 hours). Conversely, upon retirement with (12) twelve years or more full-time service with the City of Blue Ash, a Fire Lieutenant will be eligible for (3) three hours of pay for every (8) eight hours of unused sick leave (not to exceed 960 hours).
- **Article 32 Light Duty** was revised to clarify that employees who receive a light duty assignment will be paid according to the schedule to which they are assigned. Furthermore, the City is under no obligation to create light duty assignments.
- There are two Memorandums of Understanding (MOU) that are attached to this contract.
  - The first MOU addresses automatic overtime and guarantees that Fire Lieutenants will work at least (156) one hundred and fifty six hours of overtime annually. This provision allows the City to maintain compliance with the Fair Labor Standards Act.
  - The second MOU addresses both retroactivity and the Insurance clause. As the existing contract expired December 12, 2008, the City agreed to make the changes in wage rates retroactive to December 13, 2008. The City also agreed to allow the insurance provisions under which the Fire Lieutenants are currently covered to continue until October 31, 2009, which is the end of the current health insurance plan year. At that time, the Lieutenants' insurance coverage will be governed by the provisions of Article 24 Insurance in the new contract.

Please address questions regarding this ordinance to the Human Resources Officer at 745-8530 or the Treasurer.

**9.a.3. Ordinance No. 2009-2 - Establishing a special fund associated with the September 2008 wind storm**

As Council is aware, the City has applied for and is expected to receive federal funds to recoup a portion of the additional expense related to the hurricane-like windstorm experienced in mid September 2008. That windstorm resulted in significant additional public services and related expenses required to recover. Distribution of these funds is coordinated through the Federal Emergency Management Agency, and this ordinance would appropriately authorize the establishment of a new accounting fund (Fund No. 290) to account for and appropriately audit these related revenues.

Please direct questions regarding this ordinance to the Treasurer or Public Works Director.

**9.a.4. Ordinance No. 2009-4 - Authorizing payment in 2009 for various public utility services**

Ordinance No. 2009-4 addresses payment to various companies for services expected in 2009 for utility-type expenses required for normal operations of City owned facilities, properties, and operations for the provision of municipal services to citizens. Included is authorization to purchase electricity, natural gas, external phone services, internal phone services, domestic water, and public sewer. Although this ordinance represents the expenditure of routine and budgeted items, the Administration has not presented a similar ordinance until 2008 because of the monopolistic nature of most of these markets. An ordinance is being presented at this time due to the changing marketplace and expanded options available to utility consumers. With aggregate 2009 expenditures to each of these vendors exceeding the ordinance threshold of \$25,000, the Administration is seeking formal Council approval to assure compliance with potential audit requirements.

Sections I through III respectively of the ordinance authorize aggregate 2009 payments to Duke Energy (or to an alternate provider if authorized by Duke Energy) for electricity and natural gas not to exceed \$788,000; to Greater Cincinnati Water Works for water and sanitary sewer services for an amount not to exceed \$186,000 in 2009; and to Cincinnati Bell Telephone for external telephone, network connectivity lines and fiber, optic cables, and data connection services for an amount not to

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exceed \$77,000 in 2009.

Please direct questions regarding this ordinance to the Treasurer.

**9.a.5. Ordinance No. 2009-5 - Confirming State of Ohio Auditor's Office selection of a multi-year contract for professional audit services**

The financial records for the City of Blue Ash are audited each year, either by the Auditor of State Office or under a contract they grant to an independent auditing firm. Up until approximately 2004, the State's audit team actually performed the audits for Blue Ash, but have since recommended multi-year contracts with an independent auditor for such services.

The State Auditor's Office actually prepares the request for proposal document, distributes those packets, opens the bids, and does the actual ranking and consideration of each proposal. The Treasurer and Deputy Treasurer do get an opportunity to review the technical portion of the bids, and we did provide our rankings or grading of each of the six bids to the Auditor's Office for consideration. For the 2008 through 2010 audit years, the State recommended a contract with a Cincinnati firm, Clark, Schaefer & Hackett Company – the same firm awarded the 2004 through 2007 contract. We anticipate that the combined estimated total for the three years will be an amount not to exceed \$65,000.

Although the Auditor of State will actually award the contract for this accounting service, it would be appropriate for City Council to confirm that selection in that the City of Blue Ash will be making payments directly for the audit services.

Please direct questions regarding this ordinance to the Treasurer.

**9.a.6. Ordinance No. 2009-6 - Authorizing payment to Sister City, Inc. in 2009**

As Council is aware, in 2002, the non-profit organization Blue Ash Sister City, Inc. (BASC) was formed (with the assistance of Dinsmore & Shohl) to assist the City in its sister city program efforts with Ilmenau, Germany. Ordinance No. 2009-6 authorizes the payment of up to \$29,500 included in the Budget for these efforts to BASC.

Please direct questions regarding this ordinance to the City Manager.

**9.b.1. Ordinance No. 2009-7 - Authorizing 2009 contracts for professional class instruction, Recreation Department printing, contractual mowing, and installation/provision of holiday lights**

The first portion of Ordinance No. 2009-7 authorizes a contract with Sharon Struewing for professional aerobic dance instruction services associated with the popular Jazzercise classes offered regularly at the Recreation Center. Ms. Struewing continues to lead several classes each week, and her classes will be able to continue through the Phase II construction period. The ordinance authorizes a not-to-exceed amount of \$65,000 in 2009, with a portion of these costs recaptured through the programming fees collected from class participants or through the membership fees collected.

The second portion of Ordinance No. 2009-7 authorizes a contract with BTL Graphic Design for artwork and printing of various Recreation Department brochures and flyers for an amount not to exceed \$30,000 in 2009. Although no one brochure or printing project is expected to exceed the \$25,000 ordinance threshold, since the aggregate services required from this vendor will likely exceed \$25,000 in a single year, an ordinance is being sought to fulfill audit guidelines. Examples of the items include the design and printing of the all-color seasonal Recreation brochures (to be done a number of times throughout the year with timing dependent upon construction progress), concert flyers, backstage passes, posters (for concert series), and other informational material. In addition to being mailed to residents and Recreation Center members on a regular basis, this material is also utilized for general promotional purposes throughout the year. Council is requested to waive formal bidding procedures since this work would be difficult, if not impossible, to bid since the seasonal Recreational brochures may not be consistent in coloring, artwork, etc. Future programming is somewhat difficult to predict and therefore difficult to detail in specifications required for such a bid.

The third portion of Ordinance No. 2009-7 authorizes a contract with The Brickman Group for contractual mowing and/or spraying services for an amount not to exceed \$130,000 in 2009. The City's Parks Maintenance Division has been very satisfied with the landscaping work performed by this vendor the past several years and wishes to continue utilizing their services in 2009.

The fourth and final portion of Ordinance No. 2009-7 authorizes a contract with The Christmas Lighting Company for an amount not to exceed \$35,000 for lighting decorations and their installation in downtown Blue Ash in late 2009. This vendor has been used the past few years for similar services, and the City has been extremely pleased with their product and services. Because expenditures are expected to exceed the ordinance threshold of \$25,000, Council approval via ordinance would be appropriate and in line with audit guidelines. The contract would include the installation of lights which

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the City already owns on trees along Hunt Road, Towne Square Avenue, Towne Square and the Veterans Memorial, and for the Kenwood Road median trees (which are visible from Ronald Reagan Highway). The services provided by this vendor also include removing the lights and year-round storage. Council is also requested to waive formal bidding procedures since this company is the only known local company able to handle a job of this magnitude. City Hall and the Parks & Recreation Department receive many compliments from citizens and visitors regarding lighting and decorating efforts in downtown. Funds for this effort were also included in the 2009 Final Budget.

Please direct questions regarding this ordinance to the Parks & Recreation Director.

**9.b.2. Motion authorizing the solicitation of bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials or services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; expansion of the Recreation Center facilities; furniture associated with the Recreation Center expansion; and the sale of excess property and equipment**

As is routine for the first meeting of the year, this motion appropriately authorizes the solicitation of bids for projects anticipated in the Parks & Recreation areas of responsibility.

**9.c.1. Ordinance No. 2009-8 - Authorizing contract for retrofitting of two Service Department trucks with snow plows and dump bodies**

Ordinance No. 2008-45 authorized the Service Department to order two 2008 Ford F-550 trucks from Woody Sander Ford. Both trucks were received in November 2008.

Ordinance No. 2009-8 authorizes the City to retrofit both trucks with snow plows and dump bodies for use during snow/ice removal operations. Proposals were received from two local vendors and reviewed by Service Department staff. The proposal from Kaffenbarger Truck Equipment Company was deemed the best and most responsive based upon quality, service, performance record, and price.

Please direct questions concerning this ordinance to the Public Works Director.

**9.c.2. Ordinance No. 2009-9 - Authorizing 2009 professional services related to the proper disposal of hazardous household waste**

For many years, the City of Blue Ash has provided household hazardous waste disposal services at the Service Garage. Many residents utilize this valuable and much appreciated service.

About seven years ago, the City changed contractors to acquire better and more responsive services. Ordinance No. 2009-9 authorizes the City Manager to enter into a contract with Midwest Environmental for services for 2009 for an amount not to exceed \$40,000 (the same vendor utilized for the past several years). Service Garage personnel are pleased with the services rendered and Midwest Environmental is properly certified for such disposal activities. While monthly or bi-monthly pickup and disposal costs are far below the \$25,000 annual threshold, it is likely that the total yearly cost will exceed the threshold.

Please direct questions concerning this ordinance to the Public Works Director.

**9.c.3. Ordinance no. 2009-10 - Authorizing payment for road salt**

As Council is aware, the marketplace in the Midwest is experiencing a severe shortage of salt used for snow and ice control. Due to recent winter snow and ice events, the Service Department evaluated the quantity of road salt in storage and the potential salt needs for our community for the winter. Based on computations of current salt storage at the Service Garage, the City has approximately 1,800 tons on hand and projects needing approximately 2,600 tons for a "bad" winter, based on historical consumption.

Recognizing the desire to secure additional quantities of salt, the Public Works Director recently contacted five salt suppliers, with the following results:

- Morton, no salt available
- North American, no salt available
- Cargill, no salt currently available; however, the City was put on a "waiting" list
- ODOT, salt available, \$136/ton if City picks it up
- Evans Landscaping, salt available, \$122/ton delivered to Service Garage

The shortage of salt has made it difficult to purchase salt and has driven prices up considerably. In Hamilton County, salt prices have tripled from purchase prices of 2007-08, and many agencies have not been able to find a salt supplier. Because of these circumstances, the decision was made to purchase 800 tons of salt to ensure an adequate supply for Blue Ash this winter season.

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As you can see above, Evans Landscaping provided the best value at \$122/ton delivered, but required a commitment in December from the City to ensure delivery. The City committed to purchase 462 tons of salt from the 2008 budgeted amount for salt purchases with the remaining balance of the 800 tons to be purchased from the 2009 budgeted amount for salt. Although \$122/ton is a "good" price when compared to the purchase prices that many other Hamilton County cities are paying for salt, it is still almost triple the \$45/ton we paid on our salt contract that expired last summer. The City purchased the maximum quantity of salt allowed on that contract.

Please direct questions regarding this ordinance to the Public Works Director."

**Finance & Administration Committee, Rick Bryan, Chairperson**

Councilman Bryan asked the Clerk to read Ordinance No. 2009-3 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-3

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE CITY OF BLUE ASH, OHIO, FOR THE FISCAL YEAR OF 2009; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-3. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-3 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-1 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-1

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL NO. 3203 (FIRE LIEUTENANT BARGAINING UNIT); AMENDING SEC. 131.07- 2(f) OF CHAPTER 131 OF THE BLUE ASH CODE OF ORDINANCES; AMENDING SEC. 133.18-2(f) OF CHAPTER 133 OF THE BLUE ASH CODE OF ORDINANCES; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2009-1. In addressing a question from Councilman Bryan, Fire Chief Rick Brown commented that the negotiations with the Lieutenants went very well. Councilman Bryan complimented Chief Brown and the Department. There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-1 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-2 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2009-2

ESTABLISHING A SPECIAL REVENUE FUND NUMBER 290  
ASSOCIATED WITH THE HURRICANE-RELATED WIND  
STORM EXPERIENCED IN SEPTEMBER 2008; AND  
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2009-2. In addressing a question from Councilman Bryan, Treasurer Jim Pfeffer commented that the City expects to get 75% of the storm-related expenses – or about \$180,000 during the first quarter of 2009. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2009-2 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-4 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-4

AUTHORIZING PAYMENT FOR EXPENSES ASSOCIATED  
WITH VARIOUS PUBLIC UTILITY SERVICES DURING 2009;  
AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2009-4. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2009-4 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-5 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-5

CONFIRMING THE STATE OF OHIO AUDITOR'S OFFICE  
SELECTION OF AN INDEPENDENT AUDITING FIRM TO  
PERFORM PROFESSIONAL ACCOUNTING REVIEW AND  
AUDIT SERVICES FOR THE 2008 THROUGH 2010 AUDIT  
YEARS FOR AN ESTIMATED AMOUNT NOT TO EXCEED  
\$65,000; AND DECLARING AN EMERGENCY

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

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Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-5. In addressing a comment and question from Councilman Bryan, Treasurer Jim Pfeffer confirmed that the City has been very pleased with past audit services received from Clark, Schaefer & Hackett and looks forward to continuing work with them. There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-5 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-6

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BLUE ASH SISTER CITY, INC. FOR YEAR 2009 PROFESSIONAL SERVICES ASSOCIATED WITH THE SISTER CITY PROGRAM WITH ILMENAU, GERMANY; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2009-6. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-6 passed.

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

Councilman Czerwonka asked the Clerk to read Ordinance No. 2009-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-7

AUTHORIZING THE CITY MANAGER TO ENTER INTO 2009 CONTRACTS FOR PROFESSIONAL CLASS INSTRUCTION SERVICES FOR PARKS & RECREATION DEPARTMENT SPONSORED AEROBIC DANCE (JAZZERCIZE) CLASSES, FOR VARIOUS PARKS & RECREATION DEPARTMENT PRINTING SERVICES, FOR CONTRACTUAL LANDSCAPING AND SPRAYING SERVICES, AND FOR INSTALLATION OF HOLIDAY LIGHTS IN DOWNTOWN BLUE ASH (LATE 2009/EARLY 2010); AND DECLARING AN EMERGENCY

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

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2009-7. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Councilman Sumner abstained due to a family member's ownership with one of the vendors. Six yeases. One abstention. Ordinance No. 2009-7 passed.

Councilman Czerwonka moved, Vice Mayor Weber seconded to authorize the solicitation of bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials or services; mowers and other grounds maintenance and snow removal equipment and

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vehicles; fitness and athletic equipment; paver repair; expansion of the Recreation Center facilities; furniture associated with the Recreation Center expansion; and the sale of excess property and equipment. A voice vote was taken. All members voted yes. Motion carried.

**Public Works Committee, Henry S. Stacey, Chairperson**

Councilman Stacey asked the Clerk to read Ordinance No. 2009-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-8

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR RETROFITTING TWO 2008 FORD F-550 TRUCKS WITH SNOW PLOWS AND DUMP BODIES (NOT TO EXCEED \$32,850); AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Bryan seconded to adopt Ordinance No. 2009-8. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-8 passed.

The Clerk was asked to read Ordinance No. 2009-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-9

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR HAZARDOUS HOUSEHOLD WASTE MATERIALS DISPOSAL SERVICES IN 2009; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Sumner seconded to adopt Ordinance No. 2009-9. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-9 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2009-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-10

AUTHORIZING PAYMENT FOR ROAD SALT FOR AN AMOUNT NOT TO EXCEED \$122 PER TON (DELIVERED) AND AUTHORIZING ADDITIONAL PURCHASES IN 2009; AND DECLARING AN EMERGENCY

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

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Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-10. In addressing questions from Council, Public Works Director Mike Duncan commented that the Department decided it best to order additional salt just in case this winter happens to be a harsh one. He further explained factors leading to the shortage and significant price increase for salt, such as the harsh winter last year that affected the entire Midwest, the sharp increase in fuel cost making it more expensive to transport the salt here, and the shortage of barges available to transport the salt because of their being used in clean-up efforts of Hurricane Katrina. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-10 passed.

**MISCELLANEOUS BUSINESS**

City Manager David Waltz wished everyone a happy New Year and commented that he looks forward to a productive and enjoyable 2009.

**EXECUTIVE SESSION**

After all items on the agenda were acted upon, Councilman Sumner moved, Councilwoman Stoller seconded to convene an Executive Session (in the Blue Ash Conference Room) to discuss matters pertaining to potential litigation. The Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Motion carried.

After matters pertaining to potential litigation were discussed, Councilwoman Stoller moved, Councilman Stacey 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 Sumner moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:16PM.

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Robert J. Buckman, Jr., 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