

BLUE ASH CITY COUNCIL

April 23, 2009

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on April 23, 2009. Vice Mayor Mark Weber called the meeting to order in Council Chambers at 7:00 PM.

OPENING CEREMONIES

Vice Mayor Weber led those assembled in the Pledge of Allegiance.

ROLL CALL

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

MEMBER ABSENT: Mayor Robert J. Buckman, Jr.

Councilman Bryan moved, Councilwoman Stoller seconded to excuse Mayor Buckman from the meeting. A voice vote was taken. All members voted yes. Motion carried.

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Thomas C. Adamec (to be appointed to vacant Council At Large position later this meeting), member of the press, and interested citizens

Vice Mayor Weber appointed Human Resources Officer Margaret Main to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

ACCEPTANCE OF AGENDA

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

1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL – Deputy Clerk of Council Sue Bennett
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 Meetings of March 12 and March 26, 2009
 - b. Special Meeting of April 4, 2009
7. COMMUNICATIONS
 - a. Communications to Council – Deputy Clerk of Council Sue Bennett
 - b. Reports From Outside Agencies
 - c. Mayor's Reports – February and March 2009 – Honorable Robert J. Buckman, Jr.
 - d. Financial Reports – Motion to accept the reports for February and March 2009
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
 - a. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Resolution No. 2009-2, appointing Thomas C. Adamec to City Council to fill the vacant At Large position due to the resignation of Henry Stacey
 2. Ordinance No. 2009-17, authorizing adjustment of procedure associated with publication of passed legislation (second reading)
 3. Ordinance No. 2009-19, transferring funds
 4. Ordinance No. 2009-20, authorizing extension of HVAC maintenance contract with Peck Hannaford + Briggs
 5. Motion appointing a voting representative to the First Suburbs Consortium of Southwest Ohio

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- b. Parks & Recreation Committee, Lee Czerwonka, Chairperson
 - 1. Ordinance No. 2009-21, authorizing purchase of furnishings associated with the Recreation Center renovation and expansion project
 - c. Public Works Committee, Thomas C. Adamec, Chairperson
 - 1. Ordinance No. 2009-22, amending Ordinance No. 2008-43 regarding the 2008 paving program
 - 2. Ordinance No. 2009-23, authorizing an agreement with ODOT associated with the Reed Hartman Highway rehabilitation project (funded with Federal stimulus dollars) and establishing a related accounting fund number 291
 - d. Planning & Zoning Committee, James W. Sumner, Chairperson
 - 1. Motion to remove Ordinance No. 2009-14 from the table
 - 2. Ordinance No. 2009-14, setting an expiration date for the special use permit granted by Ordinance No. 84-14 regarding construction of a sign at 10996 Deerfield Road & repealing Section I(B) of Ordinance No. 83-47 (*second reading*)
 - 3. Motion setting 7:00PM, Thursday, June 11, 2009 as public hearing regarding an application for a zoning map amendment affecting property at 9110 Blue Ash Road
 - 4. Motion setting 7:00PM, Thursday, May 14, 2009, as public hearing regarding an amendment to a special use permit for a townhouse development on the north side of Cooper Road at Monroe Avenue (Park Manor)
 - e. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Ordinance No. 2009-24, authorizing extension of lease for police impound lot
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION – Personnel Matters (Planning Commission vacancy & compensation of public employees update)
12. ADJOURNMENT”

APPROVAL OF MINUTES

Vice Mayor Weber moved, Councilman Bryan seconded to approve the minutes of the regular meetings of March 12, 2009 and March 26, 2009 and the Special Meeting of April 4, 2009. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

The Deputy Clerk of Council noted receipt of a request for the following liquor license:

PERMIT #: 39606750305

Type: New

TO: Hook SuperX LLC, DBA CVS Pharmacy 6097, 9525 Kenwood Road, Blue Ash, Ohio 45242

The Police Department has reviewed this request and has expressed no objection. A C-1 permit class allows beer only, carry out, and a C-2 permit class allows wine and prepackaged mix drinks (carry out only). Council expressed no objections to this permit.

Reports From Outside Agencies

There were no representatives from outside agencies in attendance at the meeting.

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Mayor's Reports – February and March 2009

ITEM	FEBRUARY 2009	MARCH 2009
RECEIPTS:		
Fines	\$14,770.00	\$17,991.00
Bonds carried over	0	0
Interest earned	0	0
Bonds collected	0	\$150.00
TOTAL RECEIPTS	\$14,770.00	\$18,141.00
DISBURSEMENTS		
To Blue Ash (fines, costs, interest, etc.)	\$10,724.00	\$12,837.00
To the State of Ohio	\$3,726.25	\$4,579.25
Ohio Dept. of Pub Safety (Drug Law Enf. Fund)	\$309.75	\$414.75
Refund of overpaid fines	\$10	\$160.00
Bond money applied	0	\$150.00
Bond money returned	0	0
BMV	0	0
TOTAL DISBURSEMENTS	\$14,770.00	\$18,141.00
Balance in Bonds	0	0
Mayor's Court Traffic citations	143	142
Mayor's Court criminal citations	15	16
Total Mayor's Court cases	158	158
Revenues from Mayor's Court Cases	\$10,724.00	\$12,837.00

Financial Reports – February and March 2009

Councilwoman Stoller moved, Councilman Bryan seconded to accept the Financial Reports for February and March 2009 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING FEBRUARY 28, 2009

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 2-1-09	\$24,723,320.09	\$22,028,561.35
<u>Revenues:</u>		
Earnings Tax Collections:	2,191,138.14	2,271,285.11
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	583,002.63	361,566.30
= Total Monthly Receipts	2,774,140.77	2,632,851.41
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	3,279,655.31	3,942,098.60
= Total Monthly Expenditures:	-3,279,655.31	-3,942,098.60
END OF MONTH FUND BALANCE: 2-28-09	24,217,805.55	20,719,314.16
YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 2-1-09	\$24,395,221.48	\$21,919,948.20
<u>Revenues:</u>		
Earnings Tax Collections:	5,199,756.41	5,105,595.21
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,049,739.69	1,137,093.99
= Total YTD Receipts	6,249,496.10	6,242,689.20
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	6,426,912.03	7,443,323.24
= Total YTD Expenditures:	-6,426,912.03	-7,443,323.24
YEAR-TO-DATE FUND BALANCE:	24,217,805.55	21,719,314.16

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100% of the fund balance was invested as of 2/28/09. Interest paid to date on matured investments: \$39,988.51. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING FEB. 28, 2009

MONTH-TO-DATE STATUS	2008	2009
Business Net Profit	109,123.56	115,316.13
Resident Net Profit	26,091.05	42,230.09
Non-Resident Net Profit	9,246.54	10,394.76
Subcontractor Net Profit	1,646.01	3,596.04
Net Profit Total	146,107.16	171,537.02
Withholding	2,002,538.69	2,051,994.76
Subcontractor Withholding	42,492.29	47,753.33
Withholding Total	2,045,030.98	2,099,748.09
Monthly Collection Totals	2,191,138.14	2,271,285.11 (3.66%)

YEAR TO DATE STATUS

Business Net Profit	748,085.58	629,842.14
Resident Net Profit	108,280.79	114,181.36
Non-Resident Net Profit	31,400.99	37,071.03
Subcontractor Net Profit	3,742.39	4,382.44
Net Profit Total	891,509.75	785,476.97
Withholding	4,196,345.12	4,210,190.70
Subcontractor Withholding	111,901.54	109,927.74
Withholding Total	4,308,246.66	4,320,118.44
YTD Collection Totals	5,199,756.41	5,105,595.41 (-1.81%)
YTD Refund Totals	\$115,396.65	221,004.76 (91.52%)

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING MARCH 31, 2009

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 3-1-09	\$24,217,805.55	\$20,719,314.16
Revenues:		
Earnings Tax Collections:	2,539,600.77	\$2,639,688.21
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	948,046.51	1,023,622.65
= Total Monthly Receipts	3,487,647.28	3,663,310.86
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	2,379,324.66	3,605,356.32
= Total Monthly Expenditures:	-2,379,324.66	-3,605,356.32
END OF MONTH FUND BALANCE: 3-31-09	25,326,128.17	20,777,268.70

YEAR TO DATE

YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 3-1-09	24,395,221.48	21,919,948.20
Revenues:		
Earnings Tax Collections:	7,739,357.18	7,745,283.42
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,049,739.69	1,137,093.99
= Total YTD Receipts	6,249,496.10	6,242,689.20
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	1,997,786.20	2,160,716.64
= Total YTD Expenditures:	-8,806,236.69	-11,048,679.56
YEAR-TO-DATE FUND BALANCE:	25,326,128.17	20,777,268.70

100% of the fund balance was invested as of 3/31/09. Interest paid to date on matured investments: \$46,671.24. Receipt and expenditure figures do not include interfund transfers.

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BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING MAR. 31, 2009			
MONTH-TO-DATE STATUS	2008	2009	
Business Net Profit	336,219.21	506,810.44	
Resident Net Profit	46,105.64	64,452.83	
Non-Resident Net Profit	7,714.71	12,566.74	
Subcontractor Net Profit	7,213.80	3,510.60	
Net Profit Total		397,253.36	587,340.61
Withholding	2,119,454.99	2,039,621.58	
Subcontractor Withholding	22,892.42	12,726.02	
Withholding Total		2,142,347.41	2,052,347.60
Monthly Collection Totals		2,539,600.77	2,639,688.21 (3.94%)
YEAR TO DATE STATUS			
Business Net Profit	1,084,304.79	1,136,652.58	
Resident Net Profit	154,386.43	178,634.19	
Non-Resident Net Profit	39,115.70	49,637.77	
Subcontractor Net Profit	10,956.19	7,892.84	
Net Profit Total		1,288,763.11	1,372,817.38
Withholding	6,315,800.11	6,249,812.28	
Subcontractor Withholding	134,793.96	122,653.76	
Withholding Total		6,450,594.07	6,372,466.04
YTD Collection Totals		7,739,357.18	7,745,283.42 (.08%)
YTD Refund Totals		\$204,646.43	429,436.50 (109.84%)

HEARINGS FROM CITIZENS

Kenneth Byrd, a Hazelwood resident, commented that the neighborhood recently held a meeting and would like to request improvements at the Hazelwood Center and Oakwood Park, including the following:

- Outside bathrooms
- Picnic shelter
- Water fountain (the ones currently there frequently do not work)
- Grill
- Fencing around the basketball court
- The Hazelwood center to be opened every day with longer operating hours
- More activities for the children
- A concrete square

Councilwoman Stoller commented that she has talked with several residents in the neighborhood and has suggested that neighborhood representatives meet with the City Administration to see what the City can do in terms of this request. It was concluded that in coming weeks, a meeting would be scheduled.

Judy Henry, a Hazelwood neighborhood resident, asked if the City would be willing to provide port-a-lets for the Hazelwood family reunion in July 2010. They are in the planning process for this event and do not yet know how many people are expected. It was suggested that this request be discussed at the time that Mr. Byrd's requests are discussed with the City.

Hearings from Citizens was declared closed at approximately 7:10 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 topics included on the April 23 Council agenda:

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9.a.1. Resolution No. 2009-2 - Appointing Thomas C. Adamec to City Council to fill the vacant At Large position due to the resignation of Henry Stacey

As directed by Council following their application and interview process, Resolution No. 2009-2 formally appoints Tom Adamec to the City Council At Large position which is vacant due to the recent resignation of Mr. Stacey.

9.a.2. Ordinance No. 2009-17 - Authorizing adjustment of procedure associated with publication of passed legislation (second reading)

Thursday's reading of Ordinance No. 2009-17 represents the second reading of the ordinance associated with a recommended adjustment to the procedure involving publication of legislation passed by Council.

After reviewing the Charter and working with the Solicitor's Office, the recommendation before Council is to include a new procedure to allow the City's website, through the creation of a "municipal bulletin" section, to also satisfy the Charter's publication requirements associated with Council's passed legislation, in addition to other procedures to assure those without the internet will have access to such information. This legislation will allow the use of our website "publication" to meet the Charter requirements when timing or other issues preclude the traditional use of newspapers.

Please direct questions regarding this ordinance to the Solicitor or to the Public Information Officer.

9.a.3. Ordinance No. 2009-19 - Transferring funds

A number of adjustments are necessary to the Final Budget as passed by Council in January 2009. The attachment to this ordinance appears very complex, and thus we are recommending a narrative approach to address the issues rather than to identify each individual line.

The most significant item addressed within this transfer is the distribution of the "Ike" windstorm reimbursement received from FEMA earlier this year. The City received a total of \$185,082, which was deposited to the specific tracking accounts within Fund No. 290, as required by law. This transfer returns money from Fund 290 to each of the various areas within the City which expended funds related to the Ike windstorm. Thus, any item reflected on the attachment with Fund No. "290" relates to this effort.

The most significant "application" or usage of these funds is within the Public Works area. The Public Works Director has requested that a total of \$135,000 be sent to the ice control supplies account within the SCMR area (221), with an additional \$27,000 to be utilized for street construction/curbing during the 2009 year. It would appear that the City of Blue Ash will be relying on a cooperative salt purchase with the City of Cincinnati at a favorable price, and the Public Works Director has recommended we purchase salt with this funding to protect ourselves from potential price escalation in the future.

Within the Public Service area of the Public Works group, grant funding of \$16,560 has been received from Hamilton County as part of our recycling efforts. This funding will pay for the placement of attractive and durable recycling containers for cans and plastic bottles in our downtown area. Accommodations have been made within the revenue and expenditure areas for those items, as this grant and the related expenditures were not shown in the Budget.

As previously mentioned to Council, a cooperative effort between Public Works and Parks & Recreation Departments identified an expected savings in trash cleanup for several special events for 2009. To provide funding within the proper recreation account, a transfer from both the Public Service and SCMR areas (\$5,400 and \$4,440) is included within this transfer as well.

The final item involves a request by the Public Works Director to utilize \$10,000 of an existing prior-year surplus in the SCMR fund for appropriation into project engineering for streets for utilization with the 2009 paving program. That item is reflected as the second listing under the additional expenditure appropriations from prior year excess (fund balance).

The above items describe the only significant components of this transfer, primarily focused upon the distribution of the FEMA money, accommodations for major event clean-up, the 2009 paving program, and the placement of grant-financed recycling containers in downtown.

Please direct questions regarding this ordinance to the Treasurer.

9.a.4. Ordinance No. 2009-20 - Authorizing extension of HVAC maintenance contract with Peck Hannaford + Briggs

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Ordinance No. 2009-20 authorizes a one-year extension of the current HVAC maintenance and service contract with Peck, Hannaford & Briggs Service Corporation to cover the April 1, 2009 through March 31, 2010 period. The current contract was a result of formal bidding procedures followed in 2005 resulting in a three-year bid award to Peck, along with authorization for a one-year extension in spring 2008. This maintenance and services contract includes all City-owned facilities (except the Re/Max building), and would authorize an additional year's extension at terms similar to the current contractual period (allowing an amount not to exceed an additional 17% over the current contractual period which ended in late March).

The new contract includes not only the existing City-owned facilities, but would also include an expanded warranty coverage with the newly expanded Recreation Center project nearing completion. The Administration is recommending that this contract extension be allowed due to the difficulties of bidding while construction on the Rec Center project continues, and the intent is to have in-house Facilities Maintenance personnel take over a bulk of the items within this contract next spring.

Please direct questions regarding this ordinance to the Treasurer.

9.a.5. Motion appointing a voting representative to the First Suburbs Consortium of Southwest Ohio

The resignation of Councilman Stacey leaves vacant the Council representative appointment to the First Suburbs Consortium of Southwest Ohio. Council may recall that Blue Ash joined this regional organization in 2008 whose mission is to "initiate and promote public policies and practices that maintain the vitality of our communities, protects and redevelops mature communities, and fosters regional cooperation."

Vice Mayor Weber has expressed an interest in serving in this role, and a motion formally appointing Vice Mayor Weber to this position would be appropriate.

9.b.1. Ordinance No. 2009-21 - Authorizing purchase of furnishings associated with the Recreation Center renovation and expansion project

Ordinance No. 2009-21 authorizes purchase of various furnishings associated with the Recreation Center renovation project from Osterman Cron for an amount not to exceed \$34,000. These furnishings are in line with the approved furnishings budget for the project, and the items are included within the State of Ohio's Cooperative Purchasing Program with favorable prices as well as service and delivery terms. Several items were purchased from this vendor earlier in the year, and since aggregate purchases from this vendor will exceed the ordinance threshold of \$25,000, Council approval via ordinance would be in accordance with audit guidelines. Examples of the furnishings purchased, or planned for purchase, from this vendor include conference room furnishings (table, chairs, etc.), fitness office furniture, file systems, etc.

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

9.c.1. Ordinance No. 2009-22 - Amending Ordinance No. 2008-43 regarding the 2008 paving program

Ordinance No. 2009-22 amends Ordinance No. 2008-43 passed by Council in 2008 relating to the 2008 street program. The project was awarded, after following formal bidding procedures, to Barrett Paving Materials Inc. for unit prices as attached to that 2008 ordinance. The need exists to amend that contract for additional line items and prices which became necessary throughout the project and are summarized below:

- Two of the four items were necessary in order to comply with the federal Americans with Disabilities Act (ADA) requirement to install ADA ramps at Reed Hartman Highway and Lake Forest Drive. This work included the need to relocate the traffic signal electrical cables (\$4,053) and the addition of a retaining wall to accommodate the construction of the ADA ramp (\$1,155).
- An asphalt binder price adjustment is required by Sec. 401.20 of ODOT's Construction and Material Specifications for an amount not to exceed \$18,103.18. This adjustment allows contractors to recover a portion of the costs for dramatic increases in the liquid portion of asphalt after their bid has been awarded, such as occurred last year when crude oil prices were over \$100 per barrel. This adjustment is intended to help prevent contractors from padding their bid prices to compensate for possible escalating asphalt costs and is computed based upon an ODOT formula.

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- The final item represents a credit of \$1,991.28 to the contract for damage to a communications cable that was repaired by the City.

Including the above-described project adjustments, the final project cost was more than \$7,000 less than the estimated project cost based upon that 2008 unit price award.

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

9.c.2. Ordinance No. 2009-23 - Authorizing an agreement with ODOT associated with the Reed Hartman Highway rehabilitation project (funded with Federal stimulus dollars) and establishing a related accounting fund number 291

As Council is aware, the City of Blue Ash is expected to receive up to \$840,000 in Federal American Recovery and Reinvestment Act (ARRA) funds ("stimulus" funds) for the rehabilitation of Reed Hartman Highway between Cooper Road and Glendale-Milford Road. These funds are distributed by the Ohio-Kentucky-Indiana regional Council of Governments (OKI). OKI received funding requests for over 400 projects, with total requests exceeding \$1.8 billion. The Blue Ash project was one of 44 projects selected to be funded with only \$30 million available to OKI.

Although these federal stimulus funds are distributed by OKI, the Ohio Department of Transportation (ODOT) manages the projects that will receive the funds. However, ODOT can delegate to the local agency the responsibility of managing the projects to receive funds, including project design and construction. Typically, local agency management will expedite the project and delegation of that management will assure project completion in 2009.

The first portion of Ordinance No. 2009-23 authorizes that ODOT delegation via authorization of a Local Public Agency (LPA) Agreement with ODOT to allow the City to advertise and administer the construction contract. The project is currently near final design and will be submitted to ODOT for review in early May. After the design is approved by ODOT, the project may be advertised and the contract awarded by Council. Based on the current schedule established by ODOT, the award of the construction contract is expected to be presented to City Council for consideration in August, with construction anticipated to be completed by the end of October.

The second portion of Ordinance No. 2009-23 establishes a separate special revenue accounting fund (No. 291) to record the revenues and expenses associated with the anticipated stimulus funding.

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

9.d.1. Motion to remove Ordinance No. 2009-14 from the table

The City Solicitor's office is recommending that Ordinance No. 2009-14 be removed from the table and formally voted upon by City Council. This legislation relates to the court ruling associated with the City's efforts to provide for the removal of the free-standing "banjo" style sign (i.e., billboard) at 10996 Deerfield Road. The first reading of this legislation took place on February 12, 2009, and Council tabled the ordinance at the February 26 Council meeting.

In late October, the Hamilton County, Ohio First District Court of Appeals ruled that the Blue Ash ordinance originally authorizing construction of the sign (Ordinance No. 84-18) is still in effect because the ordinance did not state the special use permit expired in any specific period of time. The City's legal counsel at Dinsmore suggests consideration of Ordinance No. 2009-14 which formally establishes an expiration date of July 1, 2014 associated with the special use.

Please direct questions regarding this ordinance to the Solicitor.

9.d.2. Ordinance No. 2009-14 - Setting an expiration date for the special use permit granted by Ordinance No. 84-14 regarding construction of a sign at 10996 Deerfield Road & repealing Section I(B) of Ordinance No. 83-47 (second reading)

See item description above.

9.d.3. Motion setting 7:00PM, Thursday, June 11, 2009 as public hearing regarding an application for a zoning map amendment affecting property at 9110 Blue Ash Road

At the April 2nd Planning Commission meeting, members reviewed a request for rezoning of property on Blue Ash Road from the existing R-3 Residential to either M-4 Light Industrial or to C-2 Planned Commercial. The property is at 9110 Blue Ash Road and is located on the northeast corner of Alpine Avenue and Blue Ash Road, just south of the Ronald Reagan Highway access ramp. The applicant wishes to demolish the existing single-family home and develop a two-story office/warehouse building for McClain Heating & Cooling. (Planning Commission recommended approval of C-2 with conditions.)

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This motion would set a public hearing for the June 11 Council meeting, at which time more details and information will be provided.

9.d.4. Motion setting 7:00PM, Thursday, May 14, 2009, as public hearing regarding an amendment to a special use permit for a townhouse development on the north side of Cooper Road at Monroe Avenue (Park Manor)

At the April 2nd Planning Commission meeting, members reviewed a request for a special use application for the Park Manor townhouse development near downtown on Cooper at Monroe. The proposed modification would reduce the total number of buildings from 12 to 10; however, the number of potential units within each building would increase. This change would require a public hearing and amendment to the existing special use permit, with this motion setting that hearing for the May 14 meeting. More details will be provided at the time of the hearing and ordinance consideration.

9.e.1. Ordinance No. 2009-24 - Authorizing extension of lease for police impound lot

Ordinance No. 2009-24 authorizes the extension of the City's current leasehold agreement (previously approved by Council via Ordinance No. 2007-33), with PR Collins Investment for use of property by the Police Department for the impound lot for a two-year period beginning in August 2009. The lease amount is \$3,900 per month for the first year and \$4,100 per month for the second year, and includes specific sublease arrangements associated with DART and Brickman (which is using part of the lot for storage to mitigate noise at their Williamson site to improve neighbor relations and citizen satisfaction). The monthly rent being charged is below the market rate, and the Police and City Administration recommend Council approval of this extension.

Please direct questions regarding this ordinance to the Treasurer."

Finance & Administration Committee, Rick Bryan, Chairperson

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

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2009-2

PROVIDING FOR THE FILLING OF A VACANCY IN THE OFFICE OF COUNCIL MEMBER (AT LARGE) OF THE CITY OF BLUE ASH, OHIO, BY THE APPOINTMENT THERETO OF THOMAS C. ADAMEC OF BLUE ASH, OHIO

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Resolution No. 2009-2. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Czerwonka, Bryan, and Vice Mayor Weber voted yes. Five yeses. Resolution No. 2009-2 passed.

Councilman Bryan provided background on the process Council utilized to fill this Council vacancy. He noted that the vacancy arose because former Councilman Stacey accepted a job in Houston, Texas. Prior to beginning the process to fill this vacancy, Council determined that the objective was to fill the vacancy with the best applicant, and a summary of the criteria considered is below:

- A history of leadership or service to Blue Ash or the region. This includes factors such as participation on Blue Ash boards, commissions, committees, or advisory panels; school involvement (for example, with the PTA or other volunteer participation); participation on county or local committees or task forces; leadership in civic organizations or homeowner organizations; and other volunteer or community service efforts.
- Evidence of "roots" in Blue Ash. This includes factors such as a meaningful period of residency in Blue Ash; activities and efforts indicating a long-term commitment to Blue Ash; and attendance at or participation in various City meetings, including Council meetings and work sessions, and other committee meetings.
- Overall work and educational background.
- Diversity.

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- Other intangible leadership qualities, such as evidence of being able to work as part of a team and leadership in volunteer activities beyond others mentioned previously (such as being a coach on a children's soccer or baseball team, etc.).

Councilman Bryan further explained that 13 Blue Ash residents applied for the vacant Council position, and all 13 were interviewed on a Saturday morning (leading into the early afternoon hours). He mentioned that Tom Adamec was rated as superior on all criteria by the committee. He has extensive involvement with City service (such as on the Board of Tax Review, Civil Service Commission, and the Planning Commission); wide-ranging involvement with the Sycamore Schools; leadership involvement with the Rotary; and has many volunteer roles throughout the community, including with his homeowner's association and other non-profit organizations. He worked for Procter & Gamble for over 20 years, including experience in both the United States as well as abroad.

The Oath of Office was administered to Mr. Adamec by Vice Mayor Weber.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-17 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-17

AUTHORIZING ADJUSTMENT OF PROCEDURE
ASSOCIATED WITH PUBLICATION OF LEGISLATION
PASSED BY CITY COUNCIL

Councilman Bryan moved, Councilman Sumner seconded to adopt Ordinance No. 2009-17 (this represents the second reading of this ordinance – first read on March 12, 2009). There being no discussion, the Clerk called the roll. Councilpersons Sumner, Adamec, Czerwonka, Bryan, Stoller, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-19 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-19

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS
WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2009-3
FOR THE YEAR 2009 (AS SHOWN ON ATTACHMENT); 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 Adamec, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2009-19. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeses. Ordinance No. 2009-19 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-20 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-20

AUTHORIZING EXTENSION OF A PROFESSIONAL SERVICES
CONTRACT ORIGINALLY AUTHORIZED VIA ORDINANCE NO.
2005-23 FOR HVAC REPAIR AND MAINTENANCE SERVICES FOR
THE MUNICIPAL & SAFETY CENTER/FIREHOUSE COMPLEX AND
ALL OTHER CITY-OWNED FACILITIES; AND DECLARING AN
EMERGENCY

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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, Adamec, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2009-20. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Adamec, Czerwonka, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2009-20 passed.

Councilman Bryan moved, Councilman Sumner seconded to appoint Vice Mayor Mark Weber to serve as the City's Council representative to the First Suburbs Consortium of Southwest Ohio. A voice vote was taken. All members voted yes. Motion carried.

Parks & Recreation Committee, Lee Czerwonka, Chairperson

Councilman Czerwonka asked the Clerk to read Ordinance No. 2009-21 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-21

AUTHORIZING PURCHASE OF FURNISHINGS ASSOCIATED WITH THE RECREATION CENTER RENOVATION AND EXPANSION PROJECT UTILIZING THE STATE OF OHIO'S COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY

Councilman Czerwonka 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, Adamec, Czerwonka, Bryan, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Czerwonka moved, Councilman Bryan seconded to adopt Ordinance No. 2009-21. In addressing a question from Councilman Weber, Parks & Recreation Director Chuck Funk commented that this ordinance includes purchases of items from the State's bid list such as conference room furnishings for the "Blue" conference room (table, chairs, etc.) and furniture and files for the fitness office. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Adamec, Czerwonka, Bryan, Stoller, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2009-21 passed.

Public Works Committee, Thomas C. Adamec, Chairperson

Councilman Adamec asked the Clerk to read Ordinance No. 2009-22 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-22

AMENDING ORDINANCE NO. 2008-43 RELATED TO THE 2008 STREET PROGRAM FOR THE SUPPLEMENTAL ITEMS AS DESCRIBED BELOW; AND DECLARING AN EMERGENCY

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

Councilman Adamec moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-22. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2009-22 passed.

The Clerk was asked to read Ordinance No. 2009-23 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2009-23

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PUBLIC AGENCY (LPA) AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PROJECT KNOWN AS THE REED HARTMAN HWY REHABILITATION PROJECT, PID NO. 86240, AND ESTABLISHING A RELATED SPECIAL REVENUE ACCOUNTING FUND NUMBER 291; AND DECLARING AN EMERGENCY

Councilman Adamec 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, Adamec, and Vice Mayor Weber voted yes. Six yeases. Motion carried.

Councilman Adamec moved, Councilman Czerwonka seconded to adopt Ordinance No. 2009-23. Councilman Sumner asked Council colleagues if they had any concerns in accepting the federal stimulus dollars, and brief discussion followed. In addressing a question from Vice Mayor Weber, City Manager Waltz commented that there are no "strings" attached with the funding. Public Works Director Mike Duncan concurred with Mr. Waltz's comment and added that the approximately \$840,000 in funding, to be channeled through ODOT, will be directed to the project to rehabilitate Reed Hartman Highway between Cooper Road and Glendale-Milford Road. Councilman Bryan commented that although he understands the principle and concerns brought forth by Councilman Sumner, given the facts there are no "strings" attached, that the funding will improve the streets and infrastructure within Blue Ash, and will put people to work, he believes the City should accept the funding. He added that If Blue Ash did not accept the funding, he would be equally troubled that the funds would be directed towards another local-level jurisdiction. Councilwoman Stoller commented that she believes Blue Ash should not mix national politics with local politics and should accept the funds available.

There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Adamec, Czerwonka, and Vice Mayor Weber voted yes. Councilman Sumner voted no. Five yeases. One no. Ordinance No. 2009-23 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner moved, Councilwoman Stoller seconded to remove Ordinance No. 2009-14 from the table. After some discussion, a roll call vote was voice vote was taken. Councilpersons Stoller, Sumner and Adamec voted yes. Councilpersons Czerwonka, Bryan, and Weber voted no. Three yeases. Three no's. Motion failed.

Councilman Sumner moved, Councilwoman Stoller seconded to set 7:00PM, Thursday, June 11, 2009 as public hearing regarding an application for a zoning map amendment affecting property at 9110 Blue Ash Road. A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilman Bryan seconded to set 7:00PM, Thursday, May 14, 2009, as public hearing regarding an amendment to a special use permit for a townhouse development on the north side of Cooper Road at Monroe Avenue (Park Manor). A voice vote was taken. All members voted yes. Motion carried.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Ordinance No. 2009-24 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2009-24

AUTHORIZING THE CITY MANAGER TO AMEND AND EXTEND THE CITY'S EXISTING LEASEHOLD AGREEMENT WITH PR COLLINS INVESTMENT, LLC (AS APPROVED BY ORDINANCE NO. 2007-33) FOR LEASE OF PROPERTY UTILIZED FOR THE POLICE IMPOUND LOT FOR A TWO YEAR PERIOD (AUGUST 1, 2009 THROUGH JULY 31, 2011); AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Ordinance No. 2009-24. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeases. Ordinance No. 2009-24 passed.

MISCELLANEOUS BUSINESS

Public Works Director Mike Duncan commented that in May, work will resume on the Hunt Road portion of the Blue Ash/Hunt Road improvement project (as the Blue Ash Road portion was completed late last year). The road will be closed between 8AM and 4PM weekdays (except for school buses and emergency vehicles, while still allowing access to local homes). This process was similar to the Blue Ash Road portion of the project. Mr. Duncan estimated the project will take two months to complete.

Parks & Recreation Director Chuck Funk commented about a memo previously distributed to Council regarding a pool trellis associated with the Recreation Center renovation project (that memo is spread below for reference).

“In the initial bids for the Recreation Center Project we received alternate bids on several items. One of the alternates was for the inclusion of two decorative trellises. One large trellis was to be located on the northeast side of the building and the other was a “pool trellis” that was to be located outside the new family café area.

The price received for both trellises at the time of the bid was \$222,957 and we elected to forego the expense for the trellises at that time. Since that time the cost of both trellises have been value engineered and the cost were reduced to more reasonable levels. The project team is proposing that we construct the Pool Trellis at a cost of \$38,898 and we are seeking Council’s approval to proceed.

Although individual trades’ contracts for concrete, masonry and painting will require Council action to increase contract amounts, no additional project funding will be required for this change. Our current project budget has contingency funds available that will cover these expenses.

At this time we are requesting approval to proceed so that the Pool Trellis construction can begin. We intend to return to Council at the next meeting to amend the contracts. We will wait till later on any decision regarding the front trellis. Thanks for your consideration.”

Mr. Funk noted that the intent is not to move forward with the larger trellis – the current request relates to the smaller trellis as included as an alternate in the original bid specifications. Council expressed no objection to moving forward with the pool trellis as presented. An ordinance will be brought for Council’s consideration at the next meeting.

City Manager David Waltz noted distribution of information regarding an issue as to zoning and wind-driven electric turbines and asked Council to review in coming weeks. Potential further discussion will be scheduled.

City Manager Waltz commented on information distributed regarding capital projects, and

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that memo addressed to City Council is spread below for reference:

“Due to a distressed economy, Blue Ash has taken a defensive approach with the implementation of the 2009 budget. Two particular strategies were used to posture the City for this recession. One was to base the 2009 revenue budget on a 0% growth assumption, and the second was to segment the overall budget into funding components on a quarterly basis. With the budget segmented into components, the City could further reduce capital or operating expense items to match any further reduction in revenue, or could proceed with items should our revenue stream allow. This approach is in addition to the strategy of building operating and capital reserves the past few years to nearly \$9.9 million. Contained within these strategies are Council directives of ensuring that our priority continues to be providing outstanding quality services to Blue Ash residents.

As a result of the above approach, the City postponed most capital expenditures during the first quarter of 2009. A review of overall recurring revenue collections through March 31 reveals that the City has maintained collections essentially level with the first quarter of 2008, in line with our budget plan. In addition, we have been granted the FEMA reimbursement as well as the Reed Hartman Highway project Federal Stimulus funding of about \$840,000. While this situation dictates continuing caution, it is within a threshold to proceed with some projects. Supported by recent competitive pricing in the construction market and an injection of Federal Stimulus funds, staff is recommending that the following projects be pursued in light of their direct benefit to the community.

2009 Street Paving/Resurfacing Program:

Reed Hartman Hwy. from Cooper to Glendale Milford*	\$840,000*
Hunt Road west to Plainfield (after water main installation)	\$75,000
Home Acres (Birdville) (after water main installation)	\$100,000
Hazelwood (Microsurfacing)	\$100,000**
Cooper Rd. from Reed Hartman Hwy. to Blue Ash Road	\$50,000
Sycamore Trace (Microsurfacing)	\$45,000
Repair SR126 Connector	\$20,000
Reed Hartman Hwy. Storm Channel Maintenance (CIC)	\$100,000
Miscellaneous Storm Drainage Maintenance	\$30,000
Seal/Repair Rec Center Lot	\$10,000

Traffic Signal Upgrades to LED, UPS:

Reed Hartman Hwy./Cooper UPS (back up battery) only	\$6,000
SR 126/Hunt	\$10,000
SR 126/Connector; Blue Ash/Connector	\$20,000

2009 Sidewalk Program:

South Side Creek Road-Tech Woods to Kenwood	\$122,000
Plainfield at Hunt	\$26,000
Plainfield at Cooper	\$18,500
Mohler Road from Carpenters Green to Golf Maint. Bldg. (SW and shoulder)	\$288,000

*Funded through Federal Stimulus funds

**Primarily Funded with Block Grant (90%)

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In addition, some minor capital improvements and equipment expenditures are being recommended at this time in the amount of \$375,000. These include, but are not limited to: equipping new police cruisers, replacement of outdated SCBA units for the Fire Department, miscellaneous building and facilities improvements, downtown streetscaping design and engineering, Hazelwood playground equipment, greenhouse repairs, Golf Course pesticide facility and replacement truck, and other ancillary items. These items were chosen based on their enhancement to service delivery to residents as well as preferred timing versus later in the year.

Of course, the Recreation Center Restoration and Expansion team will be moving forward with the completion and furnishing of the center, and we plan on maintaining our annual "airport" payment as well as the promised \$500,000 advance to Cincinnati to assist them in funding lead removal efforts this summer. Obviously, further design efforts on the new clubhouse are on hold, as is defined planning on our future airport park.

The remaining capital items have been delayed until further analysis of revenue and could be pursued in the fall. These items include: replacement police cruisers and equipment, miscellaneous fire equipment, miscellaneous public works equipment, additional sidewalk on Plainfield from Glendale Milford to Fox Hollow, miscellaneous building and facilities maintenance items, miscellaneous parks & grounds equipment, Phase 1 of golf course irrigation and paths replacement project, and golf carts and other replacement equipment.

While the first quarter revenues allowed us to proceed with many visible capital projects, staff will continue to diligently monitor and control expenses. To be certain, having first quarter revenue match our budgetary expectations in this economy is quite positive. However, staff is still concerned with potential lagging of net profit returns, and general flat revenues of withholding for a sustained period. For reference, it took nearly 2 years after 9/11 for City revenues to return to pre-9/11 levels. A similar trend is anticipated in this downturn and thus, caution and close monitoring will continue to be our approach."

City Manager Waltz added that the City remains on track with its revenue budgeting plan (approximately even as budgeted). Councilman Bryan commented that it is his opinion that the City's ability to maintain its revenues, while not experiencing a decrease as most other companies as well as municipalities have experienced is superb and shows that the City is in the process of weathering very well the economic downturn. Councilman Sumner added that he also believes the City's ability to maintain its revenues is fantastic. Mr. Waltz added, in reference to prior request heard under "Hearings from Citizens," that the Administration does suggest moving forward with the additional playground equipment for the Hazelwood neighborhood.

City Manager Waltz asked Council to review the information regarding overall park planning as well for future discussion. He commented that the notion of reviewing the City's entirety of its park amenities in planning for the future 130 acre park would be his suggestion.

In addressing a question from Councilwoman Stoller as to the purpose of the cones across from her home's driveway, Public Works Director Mike Duncan commented that he would look into it and get back with her, as they were probably related to Cincinnati Water Works repair efforts.

In addressing a question from Councilwoman Stoller, Parks & Recreation Director Chuck Funk commented that the Recreation Center will be closed from May 4 – 20, with about 80% of the facility to be reopened on May 21st. The pool will open on Memorial Day weekend (May 23), and the remaining portions of the facility should be complete by late June/early July. The grand opening is set for Saturday, July 25, and additional information will be sent to residents closer to the date.

Councilman Sumner asked for additional dialogue at a future meeting regarding who would participate in the proposed planning process for the future park, as discussed in the memo.

Councilman Bryan commented briefly on information distributed showing that Blue Ash's real estate market ranks favorably to those in the area. It showed that the amount of time homes

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remain on the market in this down economy for Blue Ash was the lowest in the area (40 days). He added that this makes a strong statement that the desirability to live in Blue Ash remains high.

Vice Mayor Weber commented that he has presided over Mayor's Court for the past two or three sessions and commented that many persons are required to come back for "contempt" since they are unable to pay their fines. He mentioned that it is not advantageous for the court or the City for this to continue, and he suggested that the City look into the initiation of a program which would allow these offenders to work off their fines doing some sort of public service. He added that he would not want such a program to add to the City's liability, but would like to be able to take care of some offenders who are not able to pay their fines while at the same time benefiting the community. Councilman Sumner commented that he believes this too is a good idea and recalled that in the past it had not been seriously considered because of liability concerns.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilman Sumner moved, Councilman Bryan seconded to convene an Executive Session to discuss matters pertaining to personnel (Planning Commission vacancy and collective bargaining update). The Clerk called the roll. Councilpersons Adamec, Czerwonka, Bryan, Stoller, Sumner, and Vice Mayor Weber voted yes. Six yeses. Motion carried.

After matters pertaining to personnel were discussed, Councilman Czerwonka moved, Councilman Sumner 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 Bryan moved, Vice Mayor Weber seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:24 PM.

Mark F. Weber, Vice Mayor

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council