

BLUE ASH CITY COUNCIL

June 11, 2009

Page 1

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on June 11, 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 Tom Adamec, Councilman Rick Bryan, Mayor Robert Buckman, Councilman Lee Czerwonka, Councilwoman Stephanie Stoller, and Vice Mayor Mark Weber

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

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, Assistant Community Development Director Dan Johnson, Assistant to the City Manager Kelly Osler, and interested citizens

7:00PM – PUBLIC HEARING – Ordinance No. 2009-25 – consideration of a rezoning request related to 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (first reading)

The Clerk was asked to read Ordinance No. 2009-25 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2009-25

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE, CURRENTLY ZONED R-3 RESIDENTIAL AND LOCATED NEAR THE NORTHEAST AND SOUTHEAST CORNERS OF BLUE ASH ROAD AND ALPINE AVENUE, IN THE C-2 PLANNED COMMERCIAL DISTRICT, INCLUDING PARCEL 241 OF BOOK 612, PAGE 60 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS AND PORTIONS OF THE RIGHT-OF-WAY ADJACENT TO THIS PARCEL

Mr. Doug Whittenberg of McClain Heating & Cooling was present to discuss the project. He explained that McClain is an eight-year-old retailer of heating, cooling, and air purification products. He stressed that McClain is not a construction company and that no products or equipment are stored outside. The company's work is done primarily at their customer's homes. Deliveries are minor, consisting of an occasional small package. Their desire is to construct an office-type building meant to blend in with the area residential neighborhood, including gables. Though the exact building to be constructed has yet to be determined, they are not planning a metal pole-type structure. They also hope that Hamilton County will allow them to make landscaping improvements to the north (abutting the Ronald Reagan Highway access ramp). A 50-foot buffer is planned, and there is approximately 93 feet between any house on Alpine and the building. Driveway access is planned from Blue Ash Road. If Council allows the project to proceed, the plan is to most likely rent the existing home until they are ready to move forward with construction. He commented that though this may not be an ideal place for a home due to the view, noise, etc., it works well for their business, containing enough land and remaining buffer areas as they do not need a lot of building space. The business will not generate a lot of traffic, as the majority of staff generally leaves directly from their home to proceed customer's homes/their work site. They also have no large trucks – they use Ford Vans as work vehicles.

In addressing questions from Council, Mr. Whittenberg commented they have about ten full-time employees, with about four of them expected to be in this building at any one time, with the remaining in the field. Their company is now located in Norwood.

BLUE ASH CITY COUNCIL

June 11, 2009

Page 2

In addressing a question from Councilwoman Stoller, Deputy Solicitor Bryan Pacheco commented that he does not believe this to be a case of spot zoning since the proposed use is consistent with the City's most recent (2003) Comprehensive Plan. Councilwoman Stoller commented favorably on the generous amount of buffering planned.

In addressing a question from Councilman Adamec, Assistant Community Development Director Dan Johnson noted that this public hearing will be continued to the July meeting to allow adequate time for nearby property owners to respond (proper notices have been mailed), though Mr. Johnson noted he has spoken with several already. Though some had concerns, it is Mr. Johnson's opinion that no one he spoke with seemed strongly opposed to the proposed project.

Councilman Bryan commented that about six or seven months ago, residents submitted a request for rezoning in this area. City Manager David Waltz commented that the previous request included multiple residential properties.

There being no further comment or questions, Mayor Buckman clarified that this hearing would be continued at the next (July) meeting. The hearing was closed at approximately 7:17PM.

7:05PM – PUBLIC HEARING – Ordinance No. 2009-30 – adopting the rules and regulations for the Hamilton County Storm Water District

The Clerk was asked to read Ordinance No. 2009-30 by title only:

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-30

AN ORDINANCE ADOPTING THE RULES AND REGULATIONS FOR
THE HAMILTON COUNTY STORM WATER DISTRICT; AND
DECLARING AN EMERGENCY

Public Works Director Mike Duncan gave a brief PowerPoint presentation regarding the rules and regulations of the Storm Water District. A summary of that information is below:

The Hamilton County Storm Water District (HCSWD) was established in 2003 to administer and comply with requirements of the Phase II Permit Program of the National Pollution Discharge Elimination System, representing federal permit requirements to comply with the Federal Water Pollution Control Act. Blue Ash joined the District in 2003.

There are five articles contained within the proposed rules and regulations, as summarized below:

- Article I includes definitions.
- Article II discusses illicit discharge regulations. This article regulates discharges to the storm drainage system that are not storm water, establishes inspection and monitoring, defines enforcement actions and penalties, and stipulates that CSWD will be the enforcing official.
- Article III discussed earthwork regulations, regulating earthwork on construction sites of 1+ acre, requiring erosion and sediment controls, establishing inspection and monitoring, and defining enforcement actions and penalties. The City of Blue Ash will be the enforcing official, working mostly through Community Development and the Service Department.
- Article IV discusses stream corridor regulations, regulating activities and facilities near streams with 100+ acres of drainage area, establishing a corridor 10 to 65 feet wide, establishing inspection and monitoring, and defining enforcement actions and penalties. The City of Blue Ash will be the enforcing official of this article.
- Article V discusses post-construction storm water quality regulations for new development and redevelopment, establishing performance standards and submittal requirements for permanent "green" storm water controls, establishing inspection and monitoring, and defining enforcement actions and penalties. The City of Blue Ash will be the enforcing official of this article.

BLUE ASH CITY COUNCIL

June 11, 2009

Page 3

In addressing a question from Councilwoman Stoller, Mr. Duncan commented that the regulations do support rain gardens as one of the techniques.

There being no further questions or comments, the public hearing was declared closed at approximately 7:25PM.

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

ACCEPTANCE OF AGENDA

Councilman Czerwonka moved, Councilman Bryan 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. 7:00PM – PUBLIC HEARING – Ordinance No. 2009-25 – consideration of a rezoning request related to 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (first reading)

5. 7:05PM – PUBLIC HEARING – Ordinance No. 2009-30 – adopting the rules and regulations for the Hamilton County Storm Water District

6. Appointment of person(s) to read ordinances in full in rear of Council Chambers

7. ACCEPTANCE OF AGENDA

8. APPROVAL OF MINUTES

a. Regular Meeting of May 28, 2009

9. COMMUNICATIONS

a. Communications to Council - Clerk of Council Jamie K. Eifert

b. Reports From Outside Agencies

c. Financial Report – Motion to accept the report for May 2009

10. HEARINGS FROM CITIZENS

11. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Ordinance No. 2009-31, authorizing continuing participation in the Ohio Municipal League Workers' Compensation Group Rating program

2. Ordinance No. 2009-32, authorizing grant of easement to Blue Ash Revitalization, Inc. over property near the southwest corner of Centennial Avenue and Cornell Road

b. Public Works Committee, Thomas C. Adamec, Chairperson

1. Ordinance No. 2009-30, adopting the rules and regulations of the Hamilton County Storm Water District

2. Ordinance No. 2009-34, authorizing an agreement with the Ohio Department of Transportation associated with the Plainfield Road Bike Path project

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

1. Resolution No. 2009-6, appointing Terry Peck to the Board of Site Arrangement/Zoning Appeals

d. Public Safety Committee, Stephanie Stoller, Chairperson

1. Resolution No. 2009-7, authorizing the filing of a grant request related to the Drug Abuse Resistance Education (DARE) program

12. MISCELLANEOUS BUSINESS

13. EXECUTIVE SESSION – Property Acquisition

14. ADJOURNMENT"

APPROVAL OF MINUTES

Councilwoman Stoller moved, Councilman Bryan seconded to approve the minutes of the regular meeting of May 28, 2009. A voice vote was taken. All members present voted yes. Motion carried.

BLUE ASH CITY COUNCIL

June 11, 2009

Page 4

COMMUNICATIONS

Communications to Council

There were no communications to Council reported at the meeting.

Reports From Outside Agencies

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

Financial Report – May 2009

Councilman Bryan moved, Vice Mayor Weber seconded to accept the Financial Report for May 2009 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

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

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 5-1-09	\$26,809,473.44	\$21,692,323.59
<u>Revenues:</u>		
Earnings Tax Collections:	1,967,180.54	1,989,096.85
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	2,278,660.80	2,284,190.71
= Total Monthly Receipts	4,245,841.34	4,273,287.56
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	2,955,384.86	3,888,782.10
= Total Monthly Expenditures:	-2,955,384.86	-3,888,782.10
END OF MONTH FUND BALANCE: 5-31-09	28,099,929.92	22,076,829.05
YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 5-1-09	24,395,221.48	21,919,948.20
<u>Revenues:</u>		
Earnings Tax Collections:	13,683,324.64	13,318,774.26
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	5,062,322.47	5,149,660.20
= Total YTD Receipts	18,745,647.11	18,468,434.46
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	15,040,938.67	18,311,553.61
= Total YTD Expenditures:	-15,040,938.67	-18,311,553.61
YEAR-TO-DATE FUND BALANCE:	28,099,929.92	22,076,829.05

100% of the fund balance was invested as of 5/31/09. Interest paid to date on matured investments: \$60,546.29. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING MAY 31, 2009

MONTH-TO-DATE STATUS	2008	2009
Business Net Profit	53,905.83	38,886.07
Resident Net Profit	25,794.80	32,908.08
Non-Resident Net Profit	5,813.96	12,571.67
Subcontractor Net Profit	782.60	99.00
Net Profit Total	86,297.19	84,464.82
Withholding	1,846,810.12	1,874,664.14
Subcontractor Withholding	34,073.23	29,967.89
Withholding Total	1,880,883.35	1,904,632.03
Monthly Collection Totals	1,967,180.54	1,989,096.85 (1.11%)
YEAR TO DATE STATUS		
Business Net Profit	2,468,622.29	2,260,884.06
Resident Net Profit	561,641.25	567,247.12
Non-Resident Net Profit	146,933.38	144,957.60
Subcontractor Net Profit	39,839.69	27,856.85
Net Profit Total	3,217,036.61	3,000,945.63
Withholding	10,241,530.29	10,117,996.01
Subcontractor Withholding	224,757.74	199,832.62

BLUE ASH CITY COUNCIL

June 11, 2009

Page 5

Withholding Total	10,466,288.03	10,317,828.63
YTD Collection Totals	13,683,324.64	13,318,774.26 (-2.66%)
YTD Refund Totals	<u>566,045.87</u>	<u>879,925.86 (55.45%)</u>

HEARINGS FROM CITIZENS

No citizens wished to be heard.

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 June 11 Council agenda:

Item 3. Public Hearing - Ordinance No. 2009-25 – consideration of a rezoning request related to 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (first reading)

The City is in receipt of a request for a rezoning at 9110 Blue Ash Road from its existing R-3 Residential zone designation to C-2 Planned Commercial. The area involves a single residential property at the northeast corner of Alpine Avenue and Blue Ash Road (between Alpine and the Ronald Reagan Highway access ramp). The applicant wishes to demolish the existing residential structure and develop a two-story office/warehouse building for McClain Heating & Cooling. This project was reviewed by the Planning Commission at its April meeting, with the Commission recommending approval to Council.

Thursday’s meeting represents the first reading and public hearing associated with this request. However, to assure adequate time for required notices to be received by appropriate property owners, the Solicitor’s office is recommending continuation of this hearing at the July meeting.

Representatives from the applicant are expected to be at Thursday’s meeting to answer questions Council or the public may have regarding this ordinance/project. Please direct questions regarding the project to the Assistant Community Development Director Dan Johnson at 745-8528 or djohnson@blueash.com.

11.a.1. Ordinance No. 2009-31 - Authorizing continuing participation in the Ohio Municipal League Workers’ Compensation Group Rating program

Ordinance No. 2009-31 authorizes the continuation of the City’s long-standing relationship for access to a group-pooled Workers’ Compensation rating (through the Ohio Municipal League’s program). The current agreement with OML expires at the end of June, and the Administration does recommend continued participation in this program. The ordinance authorizes the one year contract plus the option for the next four years to renew given approval by the City Manager.

The City participates in a group rating plan with other governmental entities that generally offers lower Bureau of Workers’ Compensation (BWC) premiums that are assessed to the City each year. A group-rating plan allows employers who operate similar businesses to group together, and to potentially achieve lower premium rates than they could individually. The BWC adjusts rates for group members taken as a whole, as if the group were one large organization. Our group is sponsored by the Ohio Municipal League (OML) and includes a number of other cities in the State of Ohio. We achieve significant reductions in premiums each year by participating in this program. This year we are projected to see a 38% premium savings over what we would otherwise be assessed by the BWC. BWC rates are measured and paid as a percent of actual payroll. Those rates were 2.8% in 2006, 2.5% in 2007, and 3.73% in 2008.

While participation in a group-rating plan offers benefits, many changes are underway with OBWC. We have seen rate increases, even with decent “loss experience,” and we suspect rates will continue to escalate as OBWC changes their rules and programs.

Please direct questions regarding this ordinance to Human Resources Officer Margaret Main at 745-8530 or E-mail Margaret at mmain@blueash.com.

11.a.2. Ordinance No. 2009-32 - Authorizing grant of easement to Blue Ash Revitalization, Inc. over property near the southwest corner of Centennial Avenue and Cornell Road

In the late 1990s, the City was cooperatively working with Blue Ash Revitalization Inc. (BARI) on revitalization issues in a number of areas within the City. Utilizing funds from a community development block grant, and other funding from the City and BARI, this group worked toward the

BLUE ASH CITY COUNCIL

June 11, 2009

Page 6

purchase and renovation of a residential dwelling and surrounding property at 11187 Centennial Avenue. The renovated facility was owned by BARI, and was subsequently leased to the Rotary Club of Blue Ash/Montgomery.

The property has been used since that time as a periodic meeting location for the Rotary Club, has been used by a number of community groups for charitable purposes, and has been occupied by the Northeast Community Challenge (NECC) group as a "sub-tenant" under the review of the Rotary Club. At the present time, both Rotary and NECC utilize this facility under the ownership of BARI.

Over the years, the focus and intent of BARI has shifted, and it is the belief of the governing board that non-liquid assets belonging to BARI (real estate) be liquidated so that the return on the financial investments could be utilized for charitable work and other good within the community. The "Rotary House" located at 11187 Centennial Avenue has been listed for sale by BARI through a broker for some time, and a qualified buyer is interested in moving forward with the acquisition of this property for a business use. The property is completely located within the commercial zone, and thus would not infringe upon the residential nature of the adjacent vacant lots on Florence Avenue.

BARI President Hal Silverman recently contacted the Treasurer's Office, advising of the pending sale, but pointing out a problem relating to an encroachment by the driveway for the existing Rotary House over City-owned property. Information has been included in the packet which illustrates the area owned by the City (the corner of Cornell and Centennial), and the small encroachment area upon which a portion of the Rotary House driveway currently exists. Legal access to the Rotary House requires an easement over this small area (700 square feet).

Hal Silverman, on behalf of BARI, has requested that the City Council consider granting a permanent and exclusive access and egress easement over the 700 square-foot area involved, so that the sale may move forward for this property.

Although the sale of the property would require the staff of NECC to find alternate quarters (they are currently staying rent free), it would seem that BARI's request is reasonable, and that the Treasurer would recommend that Council favorably consider this ordinance allowing the City Manager to enter into a grant of easement for the benefit of 11187 Centennial Avenue (portion of Parcel 1177 of Book 612, Page 190).

It is recommended that language be included in the easement document which would provide for the elimination of the easement should the existing structure of the Rotary House be demolished or significantly renovated, or if surrounding properties were developed in an alternative fashion which would eliminate the need for that access. Such language would be protective of the City's rights to that property, and the adjoining property, which actually forms the existing southwest corner of Centennial and Cornell. It is reasonable to assume that at some point in the future, redevelopment may occur impacting the Rotary House and the surrounding vacant lots also owned by BARI.

The City Solicitor's office has recommended specific language within the ordinance addressing a potential conflict of interest issue that could be brought forth as the City Manager is currently on the Board for BARI. Clearly, no conflict of interest exists in this situation, but it was believed best to present that matter to avoid any potential questions at a later date. The ordinance included in Council's packet should be considered draft format as the Solicitor's Office is currently reviewing its language and will not be able to finalize before distribution of packets late Tuesday.

Questions regarding this ordinance or the grant of easement which will be reviewed and "approved as to form" by the City Solicitor's Office should be directed to the Treasurer.

5. and 11.b.1. Ordinance No. 2009-30 - Adopting the rules and regulations of the Hamilton County Storm Water District

The City of Blue Ash joined the Hamilton County Storm Water District (HCSWD) in 2003 and has participated in the activities of the District since that time. The HCSWD recently completed the appropriate Rules and Regulations to comply with the requirements of the Ohio Environmental Protection Agency's (OEPA) Phase II storm water permit for municipal separate storm sewer systems. As a member of the District, the City of Blue Ash must adopt and enforce these regulations to be in compliance with OEPA storm water permit requirements. The Regulations define the terms (Article I) used in the regulations and establish standards and enforcement actions for four areas: Article II - Illicit Discharge Regulations; Article III - Earthwork Regulations; Article IV - Stream Corridor Regulations; and Article V - Post-Construction Storm Water Regulations. A public hearing is also required, and has been scheduled for this meeting.

The Hamilton County Board of County Commissioners adopted the Rules and Regulations on May 13,

BLUE ASH CITY COUNCIL

June 11, 2009

Page 7

2009. We purposely did not include a copy of the very lengthy rules and regulations within your packets; however, please let us know if you would like for these to be provided to you. The Public Works Director will have a complete set available during the public hearing and for the meeting.

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

11.b.2. Ordinance No. 2009-34 - Authorizing an agreement with the Ohio Department of Transportation associated with the Plainfield Road Bike Path project

The City of Blue Ash will receive \$525,000 in Federal Congestion Mitigation and Air Quality (CMAQ) funding to partially fund a bike path on Plainfield Road between Cooper Road and Glendale-Milford Road. The funding was awarded to the City by the Ohio-Kentucky-Indiana Council of Governments (OKI) in 2008 for the construction of the bike path in 2012-2013. The federal funds are managed by the Ohio Department of Transportation (ODOT) after the initial award.

The bike path will be a ten-foot concrete path separated from the roadway on the east side of Plainfield Road. It will provide convenient access for both bicyclists and pedestrians to the future Airport Park and will connect to the existing shared path to Raymond Walters College. The total cost of construction is approximately \$900,000.

The Local Public Agency (LPA) Agreement between the City of Blue Ash and ODOT authorizes the City to design and construct the path with general ODOT oversight.

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

11.c.1. Resolution No. 2009-6 - Appointing Terry Peck to the Board of Site Arrangement/Zoning Appeals

As directed by Council, Resolution No. 2009-6 appoints Ms. Terry Peck to the Board of Sites/Zoning Appeals, filling the vacancy on the Board left by the appointment of former member John Berry to the Planning Commission. Ms. Peck will fill the position which will expire on July 1, 2014. Ms. Peck will not be able to attend this Thursday's meeting.

11.d.1. Resolution No. 2009-7 - Authorizing the filing of a grant request related to the Drug Abuse Resistance Education (DARE) program

This resolution expresses City Council's continued support for the DARE program and authorizes the Police Department to submit a grant application to the Office of the Ohio Attorney General. The Department plans on Officer Ken Johnson instructing a 12-week program at the Greene School. The grant request is for matching funds, and is anticipated to be in the **\$4,500** range. Funds would be used to support the equipment and supplies necessary to operate the DARE program.

Please direct questions regarding this grant request to Police Chief Chris Wallace."

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2009-31 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-31

AUTHORIZING CONTINUED PARTICIPATION IN THE OHIO MUNICIPAL LEAGUE (OML) WORKERS' COMPENSATION GROUP RATING PROGRAM; 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 Stoller, Weber, Adamec, Czerwonka, Bryan, and Mayor Buckman voted yes. Six yeses. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-31. Councilman Bryan commented that this authorizes the City to participate in a group purchasing pool, offering a substantial discount and savings for the City. There being no further discussion, the Clerk called the roll. Councilpersons Weber, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2009-31 passed.

BLUE ASH CITY COUNCIL

June 11, 2009

Page 8

Councilman Bryan asked the Clerk to read Ordinance No. 2009-32 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-32

AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT OVER A .0161 ACRE PORTION OF PARCEL 1177 OF PAGE 190 OF BOOK 612 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (NEAR THE SOUTHWEST CORNER OF CORNELL ROAD AND CENTENNIAL AVENUE); 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, Weber, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-32. Councilman Bryan commented that this ordinance authorizes the granting of a 700 square foot easement to make the Rotary House property marketable. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Weber, Adamec, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-32 passed.

Public Works Committee, Thomas C. Adamec, Chairperson

Councilman Adamec asked the Clerk to read Ordinance No. 2009-30 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-30

AN ORDINANCE ADOPTING THE RULES AND REGULATIONS FOR THE HAMILTON COUNTY STORM WATER DISTRICT; AND DECLARING AN EMERGENCY

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

Councilman Adamec moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-30. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Adamec, Czerwonka, Bryan, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-30 passed.

The Clerk was asked to read Ordinance No. 2009-34 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-34

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 HAM-PLAINFIELD ROAD BIKE PATH PROJECT, PID NO. 86633, 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 Weber, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Adamec moved, Councilman Bryan seconded to adopt Ordinance No. 2009-34.

BLUE ASH CITY COUNCIL

June 11, 2009

Page 9

In addressing a question from Vice Mayor Weber, Public Works Director Mike Duncan commented that this project involves the construction of a separate concrete bikepath that will be ten-feet wide on Plainfield Road between Cooper and Glendale-Milford Roads. The major benefit for the path is that it will provide pedestrian/bike access to the future airport park. About 60% of the funds to construct will come from federal grant monies. This ordinance authorizes an LPA agreement with ODOT, which allows Blue Ash to construct the bikepath and oversee the project. The bikepath will be a Class I, state-of-the-art bikepath. Some discussion was had regarding the possibility of continuing the bikepath north of Glendale-Milford on Plainfield Road to the Fox Hollow neighborhood. Mr. Duncan commented that the bikepath on Plainfield is slated for construction in 2012/2013; however, the City is already planning to construct a bikepath/sidewalk between Glendale-Milford and Fox Hollow Drive along Plainfield before that federally funded project would begin. Mr. Waltz added that the new bikepath along Plainfield being constructed in 2012/13 will replace the space designated as a bikepath currently in place (though not currently separated by a curb). There being no further discussion, the Clerk called the roll. Councilpersons Adamec, Czerwonka, Bryan, Stoller, Weber, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-34 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

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

Councilman Czerwonka asked the Clerk of Council to read Resolution No. 2009-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2009-6

PROVIDING FOR THE APPOINTMENT OF TERRY PECK OF 5180 CATALPA CREEK DRIVE TO THE BOARD OF SITE ARRANGEMENT/ZONING APPEALS FOR THE TERM EXPIRING JULY 1, 2014

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Resolution No. 2009-6. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Weber, Adamec, and Mayor Buckman voted yes. Six yeases. Resolution No. 2009-6 passed.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Resolution No. 2009-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2009-7

SUPPORTING THE DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM AND AUTHORIZING THE FILING OF A GRANT REQUEST WITH THE OHIO ATTORNEY GENERAL'S OFFICE FOR THE CONTINUING EFFORTS OF THE D.A.R.E. PROGRAM

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Resolution No. 2009-7. Councilwoman Stoller explained that the City is requesting grant funding to assist with the purchase of equipment and supplies relating to the DARE program. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Weber, Adamec, Czerwonka, and Mayor Buckman voted yes. Six yeases. Resolution No. 2009-7 passed.

MISCELLANEOUS BUSINESS

City Manager David Waltz commented that the next Council meeting is July 9. He suggested that, if it's possible given the state of the construction at the Recreation Center at that time, the Council meeting be held at the Recreation Center in the new family/café meeting area (the remaining portion of the building which is now under construction). No concerns were

BLUE ASH CITY COUNCIL

June 11, 2009

Page 10

expressed by Council.

BLUE ASH CITY COUNCIL

June 11, 2009

Page 11

Deputy Solicitor Bryan Pacheco commented on the recent ruling by the Ohio Supreme Court relating to residency requirements. It was determined that the General Assembly could prohibit residency requirements. He asked that any Council member wishing to see that complete decision to E-mail him.

Councilman Czerwonka commented that he recently participated in a fire run and saw first hand how the mutual aid agreements benefit communities. The run involved Sycamore Township as well as Montgomery, and it appeared to work extremely well.

Councilman Bryan commented on a recent event he attended along with Vice Mayor Weber regarding dedication of the E.H. Greene School's new rain garden. Mr. Cogen of the Ohio River Foundation (also a Blue Ash citizen and member of the Charter Revision Committee) assisted the school with that rain garden, and he encouraged all to visit the rain garden which is located in the back of the school.

EXECUTIVE SESSION

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

After matters pertaining to property acquisition were discussed, Councilman Bryan moved, Councilman Stoller 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 Czerwonka moved, Councilman Adamec seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:24 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council