

BLUE ASH CITY COUNCIL

July 9, 2009

Page 1

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on July 9, 2009 in the Recreation Center lobby area. Mayor Robert J. Buckman, Jr. called the meeting to order 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 Bryan 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, Solicitor Mark Vander Laan, 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, Police Captain Jim Schaffer, Assistant Community Development Director Dan Johnson, Recreation Superintendent Kathy Swensen, Economic Development Director Judy Clark, Facilities Superintendent Tom Murphy, IT Officer Dan Klapp, Assistant to the City Manager Kelly Osler, and interested citizens

7:00PM – PUBLIC HEARING – Consideration of the 2010 Tax Budget

Treasurer Jim Pfeffer explained that this hearing, and the resolution/tax budget scheduled later for formal vote in the meeting, are required each year by the State of Ohio and Hamilton County Auditor's Office. The tax budget provides an early look at expected revenues and expenses, and is prepared very conservatively, focusing on direct services to citizens. It provides an approximate starting balance of \$10 million in the General Fund, including reserves. The City is required to deliver the budget to the County by July 20.

No members of Council or the public had questions, and the hearing was closed at approximately 7:07PM.

7:05PM – PUBLIC HEARING - Ordinance No. 2009-29 – Consideration of a request to change Section 1187.05 of the Blue Ash Code of Ordinances regarding nonconforming uses and buildings (first reading)

The Clerk was asked to read Ordinance No. 2009-29 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2009-29

AMENDING SECTION 1187.05 OF CHAPTER 1187 OF THE BLUE ASH CODE OF ORDINANCES (REGARDING NONCONFORMING USES AND BUILDINGS)

Ken Schneider, an attorney with Wood & Lamping representing McKeown's Bloomin' Garden Centre, explained that the requested change in the Code's text leaves control of future development in the hands of Council. The text change opens the door, however, for his client (an owner of a nonconforming use) to make a request for a special use permit. It is his client's desire to redevelop the currently residentially-zoned property adjacent and to the north of their existing business (McKeown's Bloomin' Garden Centre). The adjacent property currently houses a dilapidated residential structure, which his client would like to remove and build a new house resembling the City's historic Hunt House. Their intent is to use this new house for the Bloomin' Garden Centre's office needs. A change in the Code's text would be required, however, for this to happen. He commented that his client's plans will increase property values in the area.

BLUE ASH CITY COUNCIL

July 9, 2009

Page 2

Mr. Jeff Forbes, also an attorney with Wood & Lamping, commented that the Code already has a process to allow expansion of a non-conforming use; however, only on one lot. Current Code provisions do not allow expansion of the non-conforming use to an adjacent property, which is the case in the McKeown situation.

Mr. Schneider showed photos of the current dilapidated structure at 8821 Kenwood Road, along with drawings showing a proposed new dwelling resembling the City's historic Hunt Home. He stressed that there is no retail use planned for this new residential building – only office use for the adjacent existing McKeown's retail business, with approximate 9AM to 5PM office hours. Chris McKeown added that they would plan to eliminate an existing curb cut which will also assist with truck deliveries to the current garden center, allowing for Kenwood Road traffic not to be disrupted when deliveries arrive.

Mr. Forbes clarified that the McKeown's are not asking for approval at this time of the plan for the new home – tonight's hearing relates to the text amendment which will then open the door for a future application from the McKeown's for this future project. They understand that many channels will have to be gone through at that next step, assuming the text amendment is approved. He confirmed that they understand tonight's meeting is simply a first reading and hearing of the proposed Code text amendment.

In addressing a question from Councilman Bryan, Assistant Community Development Director Dan Johnson commented that he was unsure of the reasoning for the sole vote of dissention at the Planning Commission meeting. Mr. Johnson commented that Council would eventually decide any future request for a special permit, after review by the Board of Site Arrangement and Planning Commission.

In addressing a comment from Councilman Bryan, Mr. Johnson confirmed that if this text change is approved, it would apply equally to every property throughout Blue Ash. He confirmed that a non-conforming use next to this property could occur. However, it would be at the discretion of Council as to whether that, or any future request, would be approved. City Manager David Waltz also clarified that if the McKeown's ceased operations of their landscaping business, the Code specifies a time frame that another similar use could utilize the property in the same manner. However, a different use would not be permitted to locate there without going through the special permit process, including review by Council.

In addressing questions by Council, Mr. Johnson explained that he found only one nearby community (Sharonville) that had potential for expanded non-conforming properties. He estimated that Blue Ash has ten to 15 existing legal non-conforming uses.

After brief discussion and no further comments from Council or the public, the hearing was declared closed at approximately 7:37PM.

Continuation of the public hearing from the June 11 meeting regarding Ordinance No. 2009-25 concerning a rezoning request related to 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (continuation of hearing & second reading)

The Clerk was asked to read Ordinance No. 2009-25 by title only (it having been read in full at its first reading on June 11, 2009):

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

July 9, 2009

Page 3

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. Whittenburg, representing the applicant/McClain Heating & Cooling, explained that the parcel is an isolated one located on the east side of Blue Ash Road between the Ronald Reagan Highway access ramp and Alpine Avenue. It currently houses one residential structure.

In addressing a question from Councilwoman Stoller, Mr. Johnson explained that the houses to the south on Blue Ash Road are currently zoned R-3 and that mid block between Alpine and Belleview Avenues, the zoning changes to C-1.

In addressing a question from Councilman Bryan, Mr. Johnson commented that the Planning Commission vote was three yes, two no.

In addressing questions from Councilman Adamec, Mr. Johnson explained that the Comprehensive Plan shows all of the properties abutting this portion of Blue Ash Road to be eventually commercial. Mr. Johnson explained that in February 2008, five property owners in this area (including the subject property) submitted a request to rezone all of their properties to commercial; however, that request was denied. In addressing a question regarding buffering requirements, Mr. Johnson explained that the Code allows three options in buffering between residential and commercial districts, with these options offering different benefits.

Councilman Bryan commented that the previous request for rezoning by multiple property owners was not approved because there was no plan submitted along with the request to rezone. Council did not want to grant "carte blanche" approval to an unknown improvement. He predicted that had a plan been submitted along with the rezoning request, then it might have been more favorably considered.

There being no further comments or questions, the hearing was declared closed at approximately 7:47PM.

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

ACCEPTANCE OF AGENDA

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

"1. MEETING CALLED TO ORDER

2. OPENING CEREMONIES

3. ROLL CALL - Clerk of Council Jamie K. Eifert

4. 7:00PM – PUBLIC HEARING – Consideration of the 2010 Tax Budget

5. 7:05PM – PUBLIC HEARING - Ordinance No. 2009-29 – Consideration of a request to change Section 1187.05 of the Blue Ash Code of Ordinances regarding nonconforming uses and buildings (*first reading*)

6. Continuation of the public hearing from the June 11 meeting regarding Ordinance No. 2009-25 concerning a rezoning request related to 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (*continuation of hearing & second reading*)

BLUE ASH CITY COUNCIL

July 9, 2009

Page 4

7. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF AREA
8. ACCEPTANCE OF AGENDA
9. APPROVAL OF MINUTES
 - a. Regular Meeting of June 11, 2009
10. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor's Report – May & June, 2009 – Honorable Robert J. Buckman, Jr.
 - d. Financial Report – Motion to accept the report for June 2009
11. HEARINGS FROM CITIZENS
12. COMMITTEE REPORTS
 - a. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Ordinance No. 2009-25, rezoning property located at 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (*second reading*)
 2. Motion setting 7:00PM, Thursday, September 10, 2009 as public hearing regarding a modification to an approved planned development for the Shoppes of Hazelwood development on Cornell Road
 - b. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Resolution No. 2009-8, approving the 2010 Tax Budget
 2. Ordinance No. 2009-35, authorizing the City Manager to request the Hamilton County Court of Common Pleas to convey real property on Lebanon Avenue to Blue Ash and authorizing subsequent disposition of said property
 3. Ordinance No. 2009-36, authorizing the City Manager to grant signage rights over City property to Ursuline Academy
 4. Ordinance No. 2009-37, authorizing general updates to the Blue Ash Code of Ordinances
 5. Ordinance No. 2009-38, authorizing continuing participation in the International City Management Association Retirement Corporation (ICMA-RC) deferred compensation plan
 - c. Parks & Recreation Committee, Lee Czerwonka, Chairperson
 1. Ordinance No. 2009-33, amending Ordinance No. 2008-16 regarding the Blue Ash Recreation Center renovation and expansion project
 - d. Public Works Committee, Thomas C. Adamec, Chairperson
 1. Ordinance No. 2009-39, authorizing bid award for the Reed Hartman Highway road improvements (utilizing stimulus funds)
 - e. Public Safety Committee, Stephanie Stoller, Chairperson
 1. Ordinance No. 2009-41, authorizing a bid award for the purchase of Self-Contained Breathing Apparatus for the Fire Department
 2. Ordinance No. 2009-42, authorizing a contract with the Hamilton County General Health District for public health services in 2010
13. MISCELLANEOUS BUSINESS
14. EXECUTIVE SESSION – Property Acquisition
15. ADJOURNMENT”

APPROVAL OF MINUTES

Councilwoman Stoller moved, Councilman Bryan seconded to approve the minutes of the regular meeting of April 23, 2009. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were two liquor permits described as follows:

BLUE ASH CITY COUNCIL

July 9, 2009

Page 5

TO: Convenience Management Services Inc., DBA BP AMPM 3732, 6151 Pfeiffer Road
 FROM: BP Products North America Inc., 6151 Pfeiffer Road
 PERMIT NUMBER: 17090950420
 TYPE: Transfer
 PERMIT CLASSES: C1, C2

TO: WINSTONS GRILL, DBA InCahoots Restaurant & Bar, 4110 Hunt Road, 45236
 FROM: NA
 PERMIT NUMBER: 9699500
 TYPE: New
 PERMIT CLASSES: D5I

The police have reviewed both permits and had no objection to either. No member of Council expressed an objection to either.

Reports From Outside Agencies

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

Mayor's Report – May and June 2009

ITEM	MAY 2009	JUNE 2009
RECEIPTS:		
Fines	\$16,025	\$13,615
Vendor Permit Payment	\$45	\$340
Expungement (not in cash book – 91 case)	\$50	-
Bonds carried over	\$91	0
Bonds collected	0	\$635
TOTAL RECEIPTS	\$16,211	\$14,590
DISBURSEMENTS		
To Blue Ash (fines, costs, interest, etc.)	\$10,061	\$9,167
To the State of Ohio	\$5,534	\$4,233
Ohio Dept. of Pub Safety (Drug Law Enf. Fund)	\$381.50	\$388.50
Indigent Driver's Alcohol Treatment Fund	\$163.50	\$166.50
Refund of overpaid fines	0	0
Bond money applied	\$50	\$340
Bond money returned	\$21.00	0
BMV	0	0
TOTAL DISBURSEMENTS	\$16,211	\$14,295
Balance in Bonds	0	\$295
Mayor's Court Traffic citations	141	136
Mayor's Court criminal citations	3	8
Total Mayor's Court cases	144	144
Revenues from Mayor's Court Cases	\$10,061	\$9,167

Financial Report – June 2009

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

BLUE ASH CITY COUNCIL

July 9, 2009

Page 6

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING JUNE 30, 2009

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 6-1-09	\$28,099,929.92	\$22,076,829.05
Revenues:		
Earnings Tax Collections:	2,217,746.74	2,179,754.75
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,787,674.23	855,588.56
= Total Monthly Receipts	4,005,420.97	3,035,343.31
Expenditures:		
Bond Retirement	1,000,000.00	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	4,397,744.80	3,083,584.41
= Total Monthly Expenditures:	-5,397,744.80	-4,083,584.41
END OF MONTH FUND BALANCE: 6-30-09	26,707,606.09	21,028,587.95
YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 6-1-09	24,395,221.48	21,919,948.20
Revenues:		
Earnings Tax Collections:	15,901,071.38	15,498,529.01
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	6,849,996.70	6,005,248.76
= Total YTD Receipts	22,751,068.08	21,503,777.77
Expenditures:		
Bond Retirement	1,000,000.00	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	19,438,683.47	21,395,138.02
= Total YTD Expenditures:	-20,438,683.47	-22,395,138.02
YEAR-TO-DATE FUND BALANCE:	26,707,606.09	21,028,587.95

100% of the fund balance was invested as of 6/30/09. Interest paid to date on matured investments: \$65,974.22. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING JUNE 30, 2009

MONTH-TO-DATE STATUS	2008	2009
Business Net Profit	282,743.15	381,938.56
Resident Net Profit	68,725.08	72,684.68
Non-Resident Net Profit	17,183.07	22,166.23
Subcontractor Net Profit	2,452.77	3,222.12
Net Profit Total	371,104.07	480,011.59
Withholding	1,826,726.49	1,688,452.42
Subcontractor Withholding	19,916.18	11,290.74
Withholding Total	1,846,642.67	1,699,743.16
Monthly Collection Totals	2,217,746.74	2,179,754.75 (-1.71%)
YEAR TO DATE STATUS	2008	2009
Business Net Profit	2,751,365.44	2,642,822.62
Resident Net Profit	630,366.33	639,931.80
Non-Resident Net Profit	164,116.45	167,123.83
Subcontractor Net Profit	42,292.46	31,078.97
Net Profit Total	3,588,140.68	3,480,957.22
Withholding	12,068,256.78	11,806,48.43
Subcontractor Withholding	244,673.92	211,123.36
Withholding Total	12,312,930.70	12,017,571.79
YTD Collection Totals	15,901,071.38	15,498,529.01 (-2.53%)
YTD Refund Totals	679,402.09	934,696.60 (37.58%)

HEARINGS FROM CITIZENS

Clayton Werden, 4400 Chesswick Drive, commented that he, Tom Murphy, and Tom Stone are planning a cruise-in tomorrow evening and distributed information to Council. The event is planned for 6PM at the Blue Ash Road Car Star business location.

Hearings from Citizens was declared closed at approximately 7:51PM.

BLUE ASH CITY COUNCIL

July 9, 2009

Page 7

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 July 9 Council agenda:

Item 4 and 12.b.1. Consideration of the 2010 Tax Budget (Resolution No. 2009-8)

In keeping with the requirements of the State of Ohio and the Hamilton County Auditor's Office, it is necessary for the City of Blue Ash to prepare a Tax Budget for 2010.

A number of years ago, the outcome of this process would have been utilized by Hamilton County to apportion how much of the State-funded Local Government Fund each of the entities would have received. That allocation process is now governed by an alternative formula directing the distribution of these funds without reliance on Tax Budget info. Hamilton County still requires the annual preparation of a Tax Budget, as the financial information contained within each budget is utilized by the Hamilton County Auditor's Office (Budget & Settlement Division) to assure that cities, villages, and townships are planning appropriately for the upcoming year, and that the revenue and expenditure projections are within reasonable limits based upon the information available at the time the budget is prepared.

As required, a legal notice appeared on June 10 advertising the availability of the Tax Budget for public inspection at the Municipal & Safety Center starting July 1, and a public hearing regarding the Tax Budget will occur towards the beginning of the July 9 Council meeting. Following acceptance of the Budget by City Council, certified copies must be delivered to the County no later than July 20. Although this process is of some benefit to the City in defining the broad parameters anticipated for the upcoming year, the Tax Budget process does not serve as a substitute for the more detailed Proposed Budget effort in the fall.

A copy of the 2010 Tax Budget is included in Council packets (and is attached to the resolution). The format is determined by the County Auditor's Office, and includes actual "cash basis" performance or historical data for the accounting years 2007 and 2008. The estimates used for 2009 generally match the City's adopted 2009 Final Budget, with some adjustments necessary as to earnings tax collections and the shifting of some capital items and projects in response to the economic climate.

The Tax Budget reflects that the City should have an estimated December 31, 2009 General Fund balance of \$10,903,811 (a carryover from the end of 2009 into 2010), thus serving as a source of revenue in the upcoming year. This amount includes all reserves in the General Fund.

The 2010 Tax Budget reflects an estimated 1.1% increase for combined net-profit and withholding earnings tax collections over expected (**not** budgeted) 2009 levels. Most other revenue categories were determined utilizing information from the County and/or historical collection performance. All General Fund revenue information is presented on the third page of the Tax Budget (Exhibit 1).

It is important to note that the Final Budget showed combined 2009 earnings tax collections at \$30,120,000, essentially level with 2008 actual levels. Our tracking of both net profit and withholding collections during the first half of 2009 indicates that actual 2009 collections will likely be short of the budgeted amount. At this time, we expect combined collections to reach \$29,300,000, a probable shortfall of \$820,000, or 2.6%, when compared to 2008. The timing of our economic recovery will define the accuracy of that estimate and our year-end position.

Rather than utilize the "Final Budget" earnings tax values in this Tax Budget, we employed the revised (lower) estimates so as to avoid overstating the ending General Fund balance.

As previously explained by the City Manager, the current economic climate required the shifting or delay of a number of planned 2009 capital purchases and projects to reduce our expenditures to align with our reduced level of income. This approach permitted key capital projects to proceed, allowed prudent funding of ongoing operations and service delivery, and avoided any erosion or reduction in our operating or capital reserves.

Revenues other than earnings tax were carefully examined for 2010, and reductions were shown where we might expect lower funding (i.e., State of Ohio, etc.).

On the expenditure side, personnel costs were calculated using a 2.5% increase, and most contractual and supply accounts showed no planned increase for 2010.

BLUE ASH CITY COUNCIL

July 9, 2009

Page 8

Our 2009 situation was greatly assisted by securing a "stimulus grant" for up to \$840,000, thus covering an expense we would have paid from our fund balance. In 2010, our situation will be improved by a reduction in debt retirement costs by approximately \$1,460,000, as we will make our last bond payment on the Kenwood Road project during 2009.

We expect to present a transfer ordinance in August which would formalize the 2009 changes in revenues and expenses so the "budget" will more closely align with current expectations.

The capital component of the Tax Budget, as presented, does include funding for basic capital, including cruiser and vehicle replacements, etc., as well as approximately \$400,000 for sidewalks and bikepaths, \$500,000 funds for paving, inclusion of the next airport land payment, and downtown Blue Ash improvements of \$1,050,000. It does not address the broad range of objectives that the Administration tracks and plans to include in the fall budget.

The 2010 Tax Budget reflects an estimated starting General Fund balance of \$10,903,811, revenues based upon a likely projection of earnings tax collections in 2010, as well as reasonable estimates for other revenues and expenditures during the year. The Tax Budget shows an estimated General Fund balance of \$11,790,000 at the end of 2010, including \$3,000,000 in the general reserve and \$8,500,000 in our capital reserve.

We understand that consideration is being given at the State level to eliminate the requirement of the annual Tax Budget, given the reduction in value of that process related to the distribution of local government funds at the State and County level.

Please direct questions regarding the Tax Budget to the Treasurer.

Item 5 – Public Hearing - Ordinance No. 2009-29 – Consideration of a request to change Section 1187.05 of the Blue Ash Code of Ordinances regarding nonconforming uses and buildings (first reading)

As Council is aware, the City is in receipt of a request from Bloomin' Garden Centre at 8793 Kenwood Road asking for a change to Section 1187.05 of the Zoning Code. The proposed changes are summarized below (bold and underline indicating the change to the section):

1187.05 SPECIAL PERMIT IMPROVEMENTS

Upon review and report by the Planning Commission and Board of Site Arrangement, Council may, after a formal public hearing, approve by Special Permit as set forth in Chapter 1183 improvements to a nonconforming use, **or an extension of a nonconforming use onto an adjacent lot under the same ownership**, if such improvements or extension would benefit adjoining properties and the neighborhood in which such use is situated. Benefits to the adjoining and neighborhood properties to be considered include: preservation of property values, improved compatibility with properties, improved aesthetics (including building condition, landscaping, buffering and general environmental conditions), and any other factors deemed by Council to be for the benefit of the public health, safety and welfare.

If approved, the regulation is not district specific as it would apply equally to every property throughout Blue Ash. The change would provide the opportunity for an owner of a nonconforming use to make an application for a Special Use Permit to approve a particular development or land use.

Thursday's review of this item consists only of the first reading and public hearing. The second reading and vote would be scheduled for the August Council meeting.

Please direct questions regarding this item to the Assistant Community Development Director Dan Johnson at djohnson@blueash.com or by calling Dan at 745-8528.

Item 6 and 12.a.1. - Continuation of the public hearing from the June 11 meeting and consideration of Ordinance No. 2009-25 concerning a rezoning request related to 9110 Blue Ash Road from R-3 Residential to C-2 Planned Commercial (second reading)

As was discussed at the June 11 meeting, 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. Thursday's consideration of this item includes continuation of the public hearing (to allow adequate time for notices to be received, as recommended by the Solicitor's office), as well as the second reading and formal Council vote.

The area proposed for rezoning involves a single residential property at the northeast corner of Alpine

BLUE ASH CITY COUNCIL

July 9, 2009

Page 9

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.

Representatives from the applicant are expected to be at Thursday's meeting once again 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.

12.a.2. Motion setting 7:00PM, Thursday, September 10, 2009 as public hearing regarding a modification to an approved planned development for the Shoppes of Hazelwood development on Cornell Road

The former Shoppes of Hazelwood project (now called "Cornell Office Park") on Cornell Road between Centennial and Kemper Avenues was not successful. Stock Building Supply acquired the existing building and the undeveloped land in the middle of the project at Sherriff's auction and plans to finish the development. The seven units in the existing building will be sold as landminiums, but the currently-vacant middle section of the development on Cornell Road will be sold to a separate entity that has plans to develop the site with a building to house its own operations and, potentially, to provide some leasable space. The Planning Commission will consider the application for a revised C-2 Planned Development approval at its August 6 meeting.

Additional information will be available in coming weeks and, of course, at the public hearing which this motion establishes for the September 10 meeting. Please direct questions regarding this item to the Assistant Community Development Director Dan Johnson at 745-8528, or E-mail Dan at djohnson@blueash.com.

12.b.2. Ordinance No. 2009-35 - Authorizing the City Manager to request the Hamilton County Court of Common Pleas to convey real property on Lebanon Avenue to Blue Ash and authorizing subsequent disposition of said property

On June 17, the City received a letter from the Hamilton County Prosecutor's Office advising that the City of Blue Ash (or the Sycamore School District) had the right to request that certain property foreclosed upon for unpaid real estate taxes could be acquired at a minimal cost because it did not sell at a Sheriff's sale. Apparently, House Bill 138 changed the statutory procedures enabling local governments or school districts to petition the court for a transfer of title to that agency upon payment of any outstanding/delinquent real estate taxes, court costs, penalties, etc.

Attached to that original letter was information relating to a tax delinquency on a 25' x 125' lot on the west side of Lebanon Avenue (Parcel 801 of Book 612, Page 190), at 11073 Lebanon Avenue. Upon examination of the parcel utilizing the Hamilton County Auditor's website and a site visit, it was determined that the parcel in question was actually one-half of a 50-foot building lot upon which a new home had been constructed in 2000 or 2001. Several attempts to contact the homeowner were unsuccessful, and given the ten-day "window" for seeking title to the property, the City Administration requested Dinsmore & Shohl to move forward with a formal request that the property be conveyed to the City of Blue Ash.

While a case could be made that this remains a private matter, the difficulties that would be encountered by the current homeowner in resolving this issue and in attempting to "correct" the closing with the builder that is no longer in business would be almost insurmountable and quite expensive. By acquiring the property through this new process, and by "advancing" the funds that are currently due (believed to be less than \$1,500), the City would be in a position to discuss the matter with the current homeowner and work out a transfer of the parcel in question to the current owner for the City's costs through the execution of a simple Quit Claim Deed.

After the deadline had passed and Dinsmore had already taken formal action, the Treasurer was able to contact the current owner of the property, who was most surprised and very confused as to the nature of the problem and how it could have occurred. However, after some explanation, she understood that the intent of the City's actions were only to minimize the suffering and expense that she might endure if the City were not to take the intended path to resolve this title issue for her. Once the City's acquisition process is complete and all costs are known, then an arrangement can be worked out whereby the current owner acquires the property from the City for that amount in a simplistic fashion without the need for revisiting the original purchase. A mortgage is in place on the "half" of the property she owns, but the City will not be getting involved in those discussions.

We anticipate that Dinsmore & Shohl will hear that title will be granted to the City in the very near

BLUE ASH CITY COUNCIL

July 9, 2009

Page 10

future, and we will begin discussions with the owner of the house as to the timetable and mechanism for assisting her throughout this process. Without question, this situation and the City's approach to assisting one of our residents is most unusual. However, it is the right thing to do to protect and assist one of our citizens through a very difficult and potentially expensive resolution.

Please address questions regarding this ordinance to the Treasurer.

12.b.3. Ordinance No. 2009-36 - Authorizing the City Manager to grant signage rights over City property to Ursuline Academy

In the late 1980s, Blue Ash completed a major road improvement associated with Glendale-Milford/Pfeiffer Roads – a major east-west corridor for the community. That road improvement project included the relocation of the former two-lane Pfeiffer Road (now Old Pfeiffer Lane) south to the current multi-lane roadway leading to and from I-71 just east of Blue Ash's corporate boundary. The construction of an entirely new roadway south of the old Pfeiffer Road required the purchase of a number of homes and lots on the south side. Most of those lots were "absorbed" for the new roadway and medians, leaving unused only small "strips" of land along the rear (south) property lines. The City of Blue Ash retained ownership of those strips of land, and did not dedicate them as part of the roadway or as public right-of-way. The intent was to return title should the road ever need further widening.

One of the important components of the road project was to provide Ursuline Academy a completely new access drive that aligned with a traffic light at Hickory Point Drive. That drive and traffic light were installed, improving traffic safety for students and also proved beneficial for the construction of the Pfeiffer Woods office building (currently housing United Medical Resources) at Pfeiffer and Kenwood.

Recently, Ursuline Academy applied for a permit to change their main signage along the south side of Pfeiffer Road. During that process, it was discovered that their current sign, as well as the location for a proposed new sign, is located on the City-owned property described above. After review of this issue by the Community Development Office as well as the city Administration, it is recommended (via approval of this ordinance) that the City Manager be authorized to negotiate and thereafter enter into a sign easement agreement that would grant Ursuline Academy (but not their successors and assigns) the right to construct, insure, and maintain a City-approved sign on a portion of Parcel 11 of Book 612, Page 131 of the Hamilton County Auditor's Office records. Before being finalized, all documents will be reviewed and approved as to form by the City Solicitor's Office.

Please direct questions regarding this ordinance to the Treasurer.

12.b.4. Ordinance No. 2009-37 - Authorizing general updates to the Blue Ash Code of Ordinances

Ordinance No. 2009-37 incorporates the State law changes required for the Traffic Code and for the General Offenses Code as part of the annual Code of Ordinances update. The vast majority of changes are related to changes and requirements by the State of Ohio. The current changes have been reviewed by Dinsmore & Shohl, as well as by the Police Administration. Attached to your ordinance is a highlighted version of the sections amended or enacted, with changes highlighted in yellow.

Please direct questions regarding this ordinance to Police Captain Bob Lilley at 745-8562 or via e-mail to blilley@blueash.com.

12.b.5. Ordinance No. 2009-38 - Authorizing continuing participation in the International City Management Association Retirement Corporation (ICMA-RC) deferred compensation plan

Ordinance No. 2009-38 provides for the continuation of a long-time association with the International City Management Association Retirement Corporation (ICMA-RC) – one of the City's two 457 deferred compensation plans available to employees. (The other deferred comp plan available to employees is through the State of Ohio.) Involvement with ICMA-RC or the offering of a deferred compensation plan for employees does not "cost" the City; however, since payroll deduction involves the transfer of funds to this organization on behalf of employees, audit guidelines would require formal Council approval of the arrangement.

Please direct questions regarding this ordinance or the City's deferred compensation plans to the Treasurer.

12.c.1. Ordinance No. 2009-33 - Amending Ordinance No. 2008-16 regarding the Blue Ash Recreation Center renovation and expansion project

BLUE ASH CITY COUNCIL

July 9, 2009

Page 11

Ordinance No. 2009-33 authorizes a number of change orders associated with the Recreation Center project to cover needed changes to work throughout the project. The changes included in this ordinance are summarized below, with the amounts indicating the additional amount being authorized:

- Champion Bridge Company: \$2,634, for structural steel changes required due to field conditions discovered in the family area and modification required for the roof ladder supports.
- Volpenhein Brothers Electric (electrical): \$12,394, for additional life safety (exit lights and fire detection) components and climbing wall lighting modifications.
- PJ Plas Plumbing, Inc. (site utilities & plumbing): \$34,900, to accommodate field conditions throughout the project.
- Langdon, Inc. (HVAC/mechanicals): \$26,400, to accommodate field conditions, to conduct system-wide analysis, and to add control points to building automation system for improved control.
- Weisbrod Masonry (masonry): \$12,200, for additional masonry work associated with correcting roof storm runoff problem over the Family Area.
- Flannery Painting Inc. (painting & wall covering): \$4,500, for additional paint due to site conditions.
- Dalmation Fire, Inc. (fire protection): \$10,916, to alter sprinklers in Family Area to satisfy code requirements and changes due to site conditions.

The costs for these contract changes will be covered within current budgeted funds by way of Value Engineered savings from other contracts. No additional project funding is requested at this time.

Please address questions regarding this ordinance or the project to the Parks & Recreation Director.

12.d.1. Ordinance No. 2009-39 - Authorizing bid award for the Reed Hartman Highway road improvements (utilizing stimulus funds)

As Council is aware, the City was allocated \$840,000 through the American Recovery and Reinvestment Act (ARRA), also known as stimulus funds, for the rehabilitation of Reed Hartman Highway from Cooper Road to Glendale-Milford Road. The allocation was awarded by the Ohio-Kentucky-Indiana Council of Governments (OKI) from \$31 million in stimulus transportation funds allocated to them for sub-allocation to agencies within the OKI region. Although OKI allocated the funds, the Ohio Department of Transportation (ODOT) and the Federal Highway Administration (FHWA) have oversight responsibilities for the project. This project will be one of the first ARRA-funded projects to go to construction in our region.

The Reed Hartman Rehabilitation project (designated by ODOT as HAM-CR470-0.08 Reed Hartman Highway; PID 86240) rehabilitates the roadway by removing the existing deteriorated asphalt surface and replacing it with a stress membrane and a new surface course of asphalt. Additionally, ADA (Americans with Disabilities Act) ramps will be constructed at all intersections within the project area to comply with the federal requirements of ADA. Video vehicle detection cameras will also be installed at intersections instead of wire "loops" in the pavement to improve intersection performance. The project is scheduled to be completed by October 31, 2009.

The bid opening for the project occurred on Monday, July 6, 2009, and the City received two bids. The Administration recommends Council accept the low bid – submitted by the John R. Jurgensen Company.

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

12.e.1. Ordinance No. 2009-41 - Authorizing a bid award for the purchase of Self-Contained Breathing Apparatus for the Fire Department

Bids were recently solicited for the purchase of self-contained breathing apparatus equipment for the Fire Department, with advertisement of the bid occurring on June 3, and the public opening of the bids on June 18. Although two vendors requested the bidding packet, only one bid was received. The Fire Chief is recommending approval of that bid received from Vogelpohl Fire Equipment. Not only was the bid responsive, but the City has a good working relationship with this company. Ordinance No. 2009-41 authorizes that purchase/bid award for an amount not to exceed \$173,334, less than the \$175,000 budgeted.

Please direct questions regarding this ordinance to the Fire Chief.

BLUE ASH CITY COUNCIL

July 9, 2009

Page 12

12.e.2. Ordinance No. 2009-42 - Authorizing a contract with the Hamilton County General Health District for public health services in 2010

Ordinance No. 2009-42 authorizes the City Manager to renew a contractual agreement with the Health District Advisory Council of the Hamilton County, Ohio, in order to provide for public health services through the Hamilton County Board of Health for calendar year 2010 for an amount not to exceed \$43,813.96. This figure represents an approximate \$888 increase from the previous year's expense.

The City of Blue Ash is one of twelve contracting cities that work through the Board of Health in addition to all villages and townships. The City of Blue Ash is annually assessed based upon a formula that takes into consideration the overall budget of the district and property valuation of each jurisdiction. Over the last 21 years, the City has experienced 10 annual decreases in the assessment and 11 increases.

The City of Blue Ash has been satisfied with the services offered by the Hamilton County Board of Health and the City Administration recommends renewal of the contract. The City is required by law to provide public health services, and this contract enables the most cost-effective means as of this date for providing these services and satisfying the State of Ohio requirements. Included within Council's packets is the annual report to Blue Ash from the Commissioner detailing service examples specifically provided to Blue Ash based upon their previous year's activity.

Please direct any questions regarding the contract and administration of services to the City Manager."

Planning & Zoning Committee, James W. Sumner, Chairperson

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

Councilman Czerwonka asked the Clerk to read Ordinance No. 2009-25 by title only:

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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

Councilman Czerwonka moved, Councilman Bryan seconded to adopt Ordinance No. 2009-25 (it having been read in full on June 11 and read by title only during tonight's public hearing). There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Adamec, Bryan, and Mayor Buckman voted yes. Councilman Czerwonka voted no. Five yeses. One no. Ordinance No. 2009-25 passed.

Councilman Czerwonka moved, Councilwoman Stoller seconded to set 7:00PM, Thursday, September 10, 2009 as public hearing regarding a modification to an approved planned development for the Shoppes of Hazelwood development on Cornell Road. A voice vote was taken. All members voted yes. Motion carried.

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Resolution No. 2009-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2009-8

A RESOLUTION ADOPTING A 2010 TAX BUDGET

BLUE ASH CITY COUNCIL

July 9, 2009

Page 13

Councilman Bryan moved, Councilman Adamec seconded to adopt Resolution No. 2009-8. There being no discussion, the Clerk called the roll. Councilpersons Weber, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Six yeses. Resolution No. 2009-8 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-35 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-35

AUTHORIZING THE CITY MANAGER TO REQUEST THE HAMILTON COUNTY COURT OF COMMON PLEAS TO CONVEY REAL PROPERTY ON LEBANON AVENUE TO THE CITY OF BLUE ASH AND AUTHORIZING SUBSEQUENT DISPOSITION OF SAID PROPERTY; 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 yeses. Motion carried.

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2009-35. In addressing a question from Vice Mayor Weber, Treasurer Jim Pfeffer explained that a recent House Bill (#138) changed the statutory procedures enabling local governments (or school districts) to petition the court for a transfer of title of property not sold at Sheriff's sale to them upon payment of outstanding tax bills, etc. This property involved with this ordinance is a 25' x 125' lot on Lebanon Avenue. After looking closer at the property both in the County's records as well as in person, it was determined that it constituted one-half of a building lot upon which a new house had been constructed about nine years ago. The City finally was finally able to talk with the homeowner, after several failed attempts, and the situation was explained to her. The City decided to move forward with this process to assist this homeowner in avoiding extreme (and potentially very expensive) difficulties had the City not taken action. These recording errors caused by the builder (which is no longer in business) would be almost insurmountable to address by a homeowner, and very expensive to resolve. The City's acquisition of this property through this new process, and "advancement" of the funds currently due (believed to be less than \$1,500), provided much assistance to this homeowner, saving many difficulties in the future. Payment of these obligations back to the City, and eventual transfer of this property's title back to the homeowner, will be worked out with the homeowner. (The audience at the Council meeting applauded, recognizing the potential problem to a homeowner that Mr. Pfeffer and the City helped to alleviate.) There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Weber, Adamec, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2009-35 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-36 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-36

AUTHORIZING THE CITY MANAGER TO EXECUTE A SIGNAGE GRANT OF EASEMENT OVER PARCEL 11 OF BOOK 612, PAGE 131 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (5371 PFEIFFER ROAD) FOR THE BENEFIT OF THE CURRENT OWNER OF PARCEL 13, BOOK 612, PAGE 131 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (5535 PFEIFFER ROAD); 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 Bryan,

BLUE ASH CITY COUNCIL

July 9, 2009

Page 14

Stoller, Weber, Adamec, Czerwonka, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2009-36. Councilman Bryan commented that this allows a new sign upon City property on the south side of Pfeiffer Road. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Adamec, Czerwonka, Bryan, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-36 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-37 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-37

AMENDING AND ENACTING CERTAIN SECTIONS OF PART 3 TRAFFIC CODE AND PART 5 GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, OHIO, INCORPORATING CHANGES IN STATE LAW AND OTHER RELATED PROVISIONS; 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, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Bryan moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-37. Councilman Bryan explained that this ordinance brings the Blue Ash Code up to date with State law. Police Captain Jim Schaffer concurred and further explained that Blue Ash Code can be more restrictive than State law; however, it cannot be less restrictive. 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. 2009-37 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-38 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-38

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC) DEFERRED COMPENSATION PLAN; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-38. Councilman Bryan explained that there is no expense to the City in providing a deferred compensation plan for employees; however, because the City has to write the check to ICMA-RC (utilizing funds that would have been part of the employee's pay), an ordinance and authorization to participate in such a program is recommended. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Weber, Adamec, Czerwonka, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-38 passed.

Parks & Recreation Committee, Lee Czerwonka, Chairperson

Councilman Czerwonka asked the Clerk to read Ordinance No. 2009-33 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

July 9, 2009

Page 15

ORDINANCE NO. 2009-33

AMENDING PORTIONS OF ORDINANCE NO. 2008-16
REGARDING PHASE II OF THE RECREATION CENTER
EXPANSION AND RENOVATION PROJECT; 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, Weber, Adamec, Czerwonka, Bryan, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-33. There being no discussion, the Clerk called the roll. Councilpersons Weber, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-33 passed.

Public Works Committee, Thomas C. Adamec, Chairperson

Councilman Adamec asked the Clerk to read Ordinance No. 2009-39 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-39

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE REED HARTMAN HIGHWAY
REHABILITATION PROJECT FOR THE UNIT PRICES AS
SHOWN ON THE ATTACHED BID SUMMARY; 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 Adamec, Czerwonka, Bryan, Stoller, Weber, and Mayor Buckman Six yeases. Motion carried.

Councilman Adamec moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-39. In addressing a question from Councilman Adamec, Public Works Director Mike Duncan explained that this is the project for which stimulus funds will be used. The project was allocated up to \$840,000 (out of \$31 million allocated to OKI for distribution to agencies within the region). It involves the rehabilitation of Reed Hartman Highway between Cooper and Glendale-Milford Roads. The two bids received came in at approximately \$742,000 and \$727,000, with the recommended bid being the low bid submitted by John R. Jurgensen. These stimulus funds are different from some State funding awards, which usually involve a 20% contribution by the local community. This is 100% paid for by the federal funds. Federal prevailing wage rates are also involved as compared to the usual State of Ohio rates. This will be one of the first projects in the area to be done utilizing the federal American Recovery & Reinvestment Act (aka stimulus) funding from the federal government. 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. 2009-39 passed.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Ordinance No. 2009-41 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-41

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE PURCHASE OF REPLACEMENT
EQUIPMENT FOR THE FIRE DEPARTMENT (SELF-
CONTAINED BREATHING APPARATUS [SCBA]) FOR AN
AMOUNT NOT TO EXCEED \$173,334; AND DECLARING AN
EMERGENCY

BLUE ASH CITY COUNCIL

July 9, 2009

Page 16

Councilwoman Stoller moved, Councilman Bryan 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.

Councilwoman Stoller moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-41. In addressing a question from Councilwoman Stoller, Mr. Pfeffer commented that he believes there are 22 SCBA units involved with this bid. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Adamec, Czerwonka, Bryan, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2009-41 passed.

Councilwoman Stoller asked the Clerk to read Ordinance No. 2009-42 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-42

AUTHORIZING THE CITY MANAGER TO RENEW A
CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF
THE HAMILTON COUNTY, OHIO, GENERAL HEALTH
DISTRICT FOR PUBLIC HEALTH SERVICES FOR CALENDAR
YEAR 2010 FOR AN AMOUNT NOT TO EXCEED \$43,813.96;
AND DECLARING AN EMERGENCY

Councilwoman Stoller moved, Councilman Adamec 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.

Councilwoman Stoller moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-42. Councilwoman Stoller commented that the City has been satisfied with the public health services provided by the County for many years, and this ordinance authorizes continuation in 2010. 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. 2009-42 passed.

MISCELLANEOUS BUSINESS

Public Information Officer Sue Bennett commented that the City received official word from the Governor's office that no one would be able to attend the dedication event on July 25th. At this point, based upon last conversation with Council, there is no keynote speaker planned for that event. In addressing a question from Councilman Bryan, Ms. Bennett confirmed that the 1993/94 dedication event of the Recreation Center (the most recent expansion) was more celebratory than ceremonial and had a circus type theme. Council expressed no objections to the direction explained for this dedication event.

Ms. Bennett commented that the newest web enhancement, Open City Hall, was formally launched earlier this week. This new web forum offers additional opportunity for citizens/the public to express their opinions on specific topics, and is easily accessible from the City's home page at www.BlueAsh.com.

Public Works Director Mike Duncan commented that construction on Hunt continues, with the road currently being closed between West Avenue and the railroad tracks. The project will be completed by the end of the month. Mayor Buckman, who resides in this area of the City, commented that the contractor and City are doing a great job with the project. Mr. Duncan added that citizens have been very supportive and tolerant of the inconveniences.

Parks & Recreation Director Chuck Funk commented that they are close to getting the market and feasibility study for the golf course clubhouse improvements completed and anticipates having that available for Council at the August meeting. Mr. Funk also reminded everyone of the entire dedication event planned for Saturday morning, July 25.

BLUE ASH CITY COUNCIL

July 9, 2009

Page 17

City Manager David Waltz commented that he is excited to have the meeting held in the new Recreation Center and commended Council on making such a good investment for the benefit of the community. He mentioned that this week happens to represent the 30th anniversary of both the Recreation Center and Golf Course, as both were formally open on July 7, 1979. He asked members of the Recreation Department, including Recreation Superintendent Kathy Swensen (who has worked for the City 22 years) and Golf Pro Bill Mayer (who has worked for the City over 30 years) to give a brief presentation of the recreation efforts and improvements over the years.

Highlights of Ms. Swensen's and Mr. Mayer's PowerPoint presentation are summarized below:

Recreation Department/Reek Center highlights:

- Highlights of the Recreation Department's last 30 years, including photos, were provided.
- Ms. Swenson noted that there have been about 39,490 visitors to the Recreation Center in June 2009, up about 15,000 from June 2008
- Amphitheatre dedicated in 1978, first concert in 1980, & location for July 4th event in early years.
- Recreation Center opened July 7, 1979
- Hazelwood center opened in 1980
- Nature Park dedicated in 1989
- New concession/restroom building in 2002
- Recreation Center renovated in 1993/94, and dedicated in 1994 (including award-winning whale-shaped interactive children's pool)
- Programs have grown extensively through the years, including classes, swim lessons, camps, leagues, special events, etc.
- Towne Square first opened in 1986, with family sculpture dedicated in 1987
- First Taste of Blue Ash in 1986
- Sports Center dedicated in 1987; Croxley Field at the Sports Center dedicated in 1988. Center is 37 acres, 11 baseball fields, 6 soccer fields (new turf field added in fall 2008), and nationally-acclaimed Croxley Field replica
- Veterans Memorial dedicated in 1991 (community's bicentennial celebration)
- White Oak Park completed in 1998
- Hunt Road Park completed in late 1990s
- Clock Bell Tower dedicated in May 2000
- Hunt House opened in 2006

Golf Course Highlights:

- Dedicated July 7, 1979 – course built for \$500,000
- Clubhouse touted as “contemporary and spacious” and received much acclaim
- Blue Ash's course set the idea in motion that a public golf course could be well maintained.
- Since 1984, it has been named one of the top 75 courses from around the country by *Golf Digest* magazine.
- Received a 4 (out of 5) rating in *Golf Digest's* “Best Places to Play” based on ratings by 20,000 *Golf Digest* readers – rating based on course condition, value for the money, service, and overall experience. No other local course has received this rating.

Councilman Bryan commented that when the decision was made to keep Tuesday night concerts at Towne Square in 2009, a part of that decision related to construction continuing at the Recreation Center. He has received several comments from senior citizens (the

BLUE ASH CITY COUNCIL

July 9, 2009

Page 18

predominate audience of the Tuesday concert series) that it is too warm at the Square and they would prefer the concerts be moved back to the Amphitheatre park. Councilman Bryan commented that he concurred that in 2010, the concerts should be moved back to the Amphitheatre park. Vice Mayor Weber commented that another reason why the concerts were kept at the Square was to assist downtown business owners during difficult economic times. He suggested that a study of this impact on downtown first be done before finalizing shift of the concerts back to the Amphitheatre. After some discussion, Councilman Bryan moved, Councilman Czerwonka seconded that the Tuesday evening summer concert series be moved back to the Amphitheatre Park in 2010 and to authorize public notification of this decision. A voice vote was taken. All members present voted yes. Motion carried.

Vice Mayor Weber commented that the newly expanded and renovated Recreation Center is an extraordinary facility and will be an asset for the City for many years to come. He complimented the design, including the use of brick, stone, and siding. He also mentioned that placement of the family sculpture placed near the Center's main entrance (formerly located at Towne Square) was a good decision as it looks right at "home."

Mayor Buckman extended thanks to Facilities Superintendent Tom Murphy for his hard work in setting up for this meeting in the Recreation Center. He also thanked the entire Recreation staff for their work at the July 4th event, which turned out to be a wonderful event despite the rain.

Mayor Buckman commented that he had the honor of hitting a ceremonial golf shot on Tuesday (July 7), the 30th anniversary of the golf course. Exactly 30 years prior, then Mayor Raymond MacNab also hit a ceremonial ball commemorating the opening of the course.

EXECUTIVE SESSION

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

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

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Czerwonka moved, Councilman Bryan seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:57 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council