

BLUE ASH CITY COUNCIL

January 14, 2010

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on January 14, 2010. Mayor Mark F. Weber called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Weber led those assembled in the Pledge of Allegiance.

**ROLL CALL**

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

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

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

**ACCEPTANCE OF AGENDA**

Councilman Bryan moved, Councilman Adamec seconded to amend the agenda to add an executive session (re: property). A voice vote was taken. All members voted yes. Motion carried.

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

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
  - a. Budget Study Session of December 8, 2009
  - b. Regular Meeting of December 10, 2009
7. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor’s Report – December 2009 – Honorable Mark F. Weber
  - d. Financial Report – Motion to accept the report for December 2009
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2010-3, final appropriations ordinance
    2. Ordinance No. 2010-1, authorizing payment in 2010 for various public utility services

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- 3. Motion establishing the January 28, 2010 Council meeting as a work session (topic: budget prioritization discussion with ICMA representatives)
- b. Public Safety Committee, Stephanie Stoller, Chairperson
  - 1. Ordinance No. 2010-2, amending Section 303.08 of the Blue Ash Code of Ordinances regarding impounding of vehicles
- c. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
  - 1. Ordinance No. 2010-4, authorizing 2010 contract for professional class instruction services
- d. Public Works Committee, Thomas C. Adamec, Chairperson
  - 1. Ordinance No. 2010-5, authorizing 2010 professional services related to the proper disposal of hazardous household waste
- e. Planning & Zoning Committee, James W. Sumner, Chairperson
  - 1. Ordinance No. 2010-6, authorizing multi-year contract for professional plan review and inspection services

- 10. MISCELLANEOUS BUSINESS
- 11. EXECUTIVE SESSION – Property Acquisition
- 12. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Bryan moved, Councilman Adamec seconded to approve the minutes of the budget study session of December 8, 2009. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Buckman moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of December 10, 2009. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications presented to Council.

**Reports From Outside Agencies**

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

**Mayor's Report – December 2009**

RECEIPTS:

Fines .....	\$ 14,328.02
Vendor Permits .....	\$0
Bonds & BMV fees carried over .....	\$0
Bonds collected .....	\$ 180.00
TOTAL RECEIPTS: .....	\$14,508.02

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures).....	\$9,779.02
To the State of OH:	
Victims of Crime .....	\$1,055.00
General Rev Fund.....	\$2,269.00
Indigent Defense Support fund.....	\$495.00
Drug Law Enforcement Fund .....	\$336.11
Justice Program Service Fund .....	\$10.39
Indigent Driver's Alcohol Treat't Fund.....	\$148.50
Seat Belts .....	\$385.00
Refund of overpaid fines .....	\$0
Bond Money applied.....	\$0
Bond Money returned .....	\$0
BMV .....	\$0
TOTAL DISBURSEMENTS .....	\$14,478.02

BALANCE IN BONDS:.....	\$ 30
Mayor's Court traffic citations .....	127
Mayor's Court criminal citations.....	627
Total Mayor's Court cases .....	133
December revenues from Mayor's Ct. Cases: .....	\$ 9,779.02

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**Financial Report – December 2009**

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

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

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 12-1-09	\$23,497,958.30	\$19,676,130.29
<b>Revenues:</b>		
Earnings Tax Collections:	2,279,178.73	1,925,188.94
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	591,878.31	888,280.76
= Total Monthly Receipts	2,871,057.04	2,813,469.70
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	4,449,067.14	3,150,517.80
= Total Monthly Expenditures:	-4,449,067.14	-3,150,517.80
END OF MONTH FUND BALANCE: 12-31-09	21,919,948.20	19,339,082.19
YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 12-1-09	24,395,221.48	21,919,948.20
<b>Revenues:</b>		
Earnings Tax Collections:	30,119,007.40	28,314,410.76
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	13,323,147.32	12,954,280.84
= Total YTD Receipts	43,442,154.72	41,268,691.60
<b>Expenditures:</b>		
Bond Retirement	3,930,000.00	4,645,000.00
Short term debt refinancing	0	0
Other Expenditures:	41,987,428.00	39,204,557.61
= Total YTD Expenditures:	-45,917,428.00	-43,849,557.61
YEAR-TO-DATE FUND BALANCE:	21,919,948.20	19,339,082.19

100% of the fund balance was invested as of 12/31/09. Interest paid to date on matured investments: \$86,156.15. Receipt and expenditure figures do not include interfund transfers.

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

MONTH-TO-DATE STATUS	2008	2009
Business Net Profit	609,847.06	268,034.15
Resident Net Profit	77,220.42	90,370.26
Non-Resident Net Profit	18,961.33	10,754.19
Subcontractor Net Profit	3,488.00	1,925.00
Net Profit Total	709,516.81	371,083.60
Withholding	1,551,745.23	1,538,751.01
Subcontractor Withholding	17,916.69	15,354.33
Withholding Total	1,569,661.92	1,554,105.34
Monthly Collection Totals	2,279,178.73	1,925,188.94 (-15.53%)
YEAR TO DATE STATUS	2008	2009
Business Net Profit	5,263,933.13	4,426,539.87
Resident Net Profit	1,068,422.21	1,054,247.74
Non-Resident Net Profit	283,007.40	244,924.32
Subcontractor Net Profit	70,879.25	45,404.11
Net Profit Total	6,686,241.99	5,771,116.04
Withholding	22,935,036.64	22,141,825.19
Subcontractor Withholding	497,728.77	401,469.53
Withholding Total	23,432,765.41	22,543,294.72
YTD Collection Totals	30,119,007.40	28,314,410.76 (-5.99%)
YTD Refund Totals	1,029,814.39	1,442,230.05 (40.05%)

**HEARINGS FROM CITIZENS**

No citizens present wished to address Council.

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**COMMITTEE REPORTS**

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

“The following offers a brief description of the topics included on the January 14 Council agenda:

**12.a.1. Ordinance No. 2010-3 - Final appropriations ordinance**

On December 8, the City Manager discussed with Council potential changes to the 2010 “temporary” budget which was later adopted under Interim Appropriations Ordinance No. 2009-72. That Budget was based upon estimates of fourth quarter 2009 revenue and expenditure activity, as well as projections for all of 2010. With the recent closing of the books at year-end, the opportunity arose for the use of actual year-end closing balances (instead of estimates) and for the application of the direction provided by Council on December 8.

Contained within the 2010 interim budget presented to City Council, and approved, in December 2009 was a letter from the City Manager as well as a summary report which provided historical financial information, a presentation of the current recession’s impact upon the City of Blue Ash, an estimate of the expected year-end 2009 General Fund balance, as well as what the City’s General Fund balance would likely be at the end of 2010. That budget was based upon an expected 6.4% reduction in gross earnings tax collections for 2009 from 2008 levels, a predicted 4% reduction in 2010 compared to 2009, some adjustments on the operational expense side, and the inclusion of nearly all capital requests presented by the various departments for 2010.

Given that the interim or “temporary” budget reflected all of the capital requests, and because a detailed review of 2010 operational expenses was not yet complete, the predicted result through the end of 2010 showed the “absorption” or use of nearly \$2.9 million of the City’s General Fund non-Issue 15 resources and reserves. Work remained to refine the “interim” budget, to reduce the reliance on our reserves.

During the December budget presentation, the City Manager outlined for Council several pathways to address this issue, and given the likelihood that the current recession will not be a “one-year” or short-term issue, the decision was reached to further review and evaluate the entirety of the 2010 “temporary” budget, expecting some reliance upon available General Fund resources, but preserving the City’s resources through operational cost reductions and a careful review of capital expenditures in 2010.

Efforts had been underway since mid 2005 to stabilize operational costs, to enhance revenue, and to provide for increased General Fund reserves, even before the Issue 15 initiative was presented and approved by the citizens. Given this attention to efficiency and cost containment throughout the latter half of this decade, the City of Blue Ash has accumulated adequate reserves to permit the City to respond in a measured fashion to the recent precipitous drop in earnings tax revenue related to the current economic crisis. The decision to rely upon an interim budget provided time to see how things actually would turn out at the end of 2009, to structure the final budget relying upon a balanced approach using some General Fund resources, and further reductions in operational costs, the careful selection of capital projects, and the intention to rely upon the counsel of the International City/County Management Association (ICMA) financial group. The ICMA guided process can provide a mechanism by which the City of Blue Ash may progress through 2010 and the remaining portion of this recession, without reliance upon some of the very dramatic cuts in services that other entities have been forced to adopt.

The interim budget predicted a total General Fund balance at the end of 2009, including Issue 15/capital reserves of \$6,720,500, of \$12,398,772. We are pleased to report that the City’s actual unencumbered fund balance at the end of the year exceeded that amount by \$1,190,558 with a balance of \$13,589,330. A portion of the differential relates to capital projects in the Public Works area that would have to be carried over into 2011, but clearly a significant component of those balances were related to efforts to minimize operational expenses during the last quarter of 2009, as well as the deferral of some other capital expenses.

The actual 2009 ending General Fund balance expressed above represents the following components:

DESCRIPTION	AMOUNT
Capital/Issue 15 reserves	\$6,722,000
General reserve	\$3,050,000*
Unallocated General Fund reserve	<u>\$3,817,330*</u>

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TOTAL \$13,589,330

\*Combined, non-Issue 15 balances total \$6,867,330.

2009 earnings tax collections totaled \$28,314,410.76, which represented an approximate 6% reduction from 2008 actual collection levels. The final 2010 budget was adjusted to utilize this number as a base for the anticipated 4% reduction in 2010 earnings tax revenues, to an expected level of \$27,178,000.

As previously discussed, utilizing an interim budget process provided time for the City Manager and staff to carefully review the operational and capital items contained within the budget presented in December; to arrive at a balance between the absorption of portions of the unallocated and general reserve within the General Fund, and to identify a corresponding reduction in operational expense and the selection of capital projects. Further detail is presented within the final budget document related to the specifics of the conversion of the temporary budget into the final budget, but it is significant to report that the City's overall General Fund balance at the end of 2010 is predicted to be \$13,489,873, essentially only \$100,000 less than that which existed at the start of the year. That balance is expected to be composed of:

DESCRIPTION	FUNDS
Capital/Issue 15 reserves	\$8,195,567
General reserve	\$2,800,000
Unallocated General Fund reserve	<u>\$2,494,306</u>
TOTAL	\$13,489,873

A portion of the general reserve was utilized (\$250,000) as was \$1,323,024 of the unallocated funds in accomplishing the 2010 budgetary objectives. The City's Issue 15 reserve increased by \$1,473,567, as would be expected given the "reservation" of 20% of the City's net earnings tax collections toward the specific objectives related to our Issue 15 commitment.

Subject to approval by Council, the City is anticipating moving forward with the ICMA budget advisory team involving a review of the City's strategic objectives, our overall delivery of services, and the identification of what cost saving opportunities exist for further reduction in the City's overhead expense. The City will also be carefully monitoring the economic situation and watching earnings tax collections to assure a match between the anticipated 4% reduction and 2010 actual collections. Because the City had accumulated the reserves to allow this focused and balanced approach during these very difficult times, the City has been, and will be able to, move forward with the continued delivery of great services to the citizens, to progress on significant infrastructure and capital improvements, yet preserve resources for moving forward through the next several years.

As mentioned in the budget document, some changes are necessary, including the shift to only two major events in the upcoming year (SummerBration will not be presented), and a prioritized review of our capital projects and services. Council's favorable consideration of the final 2010 budget permits the City to move forward, yet also offers time for a further evaluation of the City's operational costs relative to its recurring operational revenues, its priorities, and how best to manage the operations of the City in this new economic environment.

Further information relating to the specifics of the 2010 final budget is presented in that document, and any questions can be directed to the City Treasurer or the City Manager.

**12.a.2. Ordinance No. 2010-1 - Authorizing payment in 2010 for various public utility services**

Ordinance No. 2010-1 addresses payment to various companies for services expected in 2010 for utility-type expenses required for normal operations of City owned facilities, properties, and operations for the provision of municipal services to citizens. Included is authorization to purchase electricity, natural gas, external phone services, internal phone services, domestic water, and public sewer. Although this ordinance represents the expenditure of routine and budgeted items, the Administration has not presented a similar ordinance until 2008 because of the monopolistic nature of most of these markets. An ordinance is being presented at this time due to the changing marketplace and expanded options available to utility consumers. With aggregate 2010 expenditures to each of these vendors exceeding the ordinance threshold of \$25,000, the Administration is seeking formal Council approval to assure compliance with potential audit requirements.

Sections I through III respectively of the ordinance authorize aggregate 2010 payments to Duke Energy (or to an alternate provider if such an option is selected) for electricity and natural gas not to exceed \$833,000; to Greater Cincinnati Water Works for water and sanitary sewer services for an amount not to exceed \$202,500 in 2010; and to Cincinnati Bell Telephone for external telephone,

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network connectivity lines and fiber, optic cables, and data connection services for an amount not to exceed \$87,000 in 2010.

Please direct questions regarding this ordinance to the Treasurer.

**12.a.3. Motion establishing the January 28, 2010 Council meeting as a work session (topic: budget prioritization discussion with ICMA representatives)**

As discussed with Council at the December 8 budget study session, the Administration recommends that the January 28 Council meeting be a work session featuring discussion with local government advisors associates with the International City/County Management Association (ICMA) regarding Blue Ash's budget prioritization efforts in coming months. Though additional information will be forwarded before the meeting, at that work session, the ICMA representatives are expected to review the prioritization process with Council and address initial questions. This motion would appropriately formally establish the format of that meeting to be a work session.

Please direct questions regarding this motion to the City Manager.

**12.b.1. Ordinance No. 2010-2 - Amending Section 303.08 of the Blue Ash Code of Ordinances regarding impounding of vehicles**

The Police Administration is recommending a change to Section 303.08 of the Blue Ash Code of Ordinances regarding impounding of vehicles, and they worked with the Solicitor's Office on finalization of those proposed changes. The department has experienced issues associated with the current wording of the ordinance because the rotation wrecker services have been unable to raise their fees since 2002. This has created an issue because given the low fees they would be able to collect for their services, they were essentially uninterested in being on the rotation list that the Police Department goes to when such services are needed – creating a shortage of towers at times.

The proposed changes to the Code would separate the fee schedule from the actual Code of Ordinances; however, maintain Council's approval of any changes to those fees. That separate fee schedule is also attached to the ordinance.

Please direct questions regarding this ordinance to Police Chief Wallace at 745-6227 or via e-mail to cwallace@blueash.com.

**12.c.1. Ordinance No. 2010-4 - Authorizing 2010 contract for professional class instruction services**

Ordinance No. 2010-4 authorizes a contract with Sharon Struewing for professional aerobic dance instruction services associated with the popular Jazzercise classes offered regularly at the Recreation Center. Ms. Struewing continues to lead several classes each week. The ordinance authorizes a not-to-exceed amount of \$75,000 in 2010, with a portion of these costs recaptured through the programming fees collected from class participants or through the membership fees collected.

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

**12.d.1. Ordinance No. 2010-5 - Authorizing 2010 professional services related to the proper disposal of hazardous household waste**

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

About eight years ago, the City changed contractors to acquire better and more responsive services. Ordinance No. 2010-5 authorizes the City Manager to enter into a contract with Midwest Environmental for services for 2010 for an amount not to exceed \$42,000 (the same vendor utilized for the past several years). Service Department personnel are pleased with the services rendered and Midwest Environmental is properly certified for such disposal activities. While monthly or bi-monthly pickup and disposal costs are far below the \$25,000 annual threshold, it is likely that the total yearly cost will exceed the threshold.

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

**12.e.1. Ordinance No. 2010-6 - Authorizing multi-year contract for professional plan review and inspection services**

Ordinance No. 2010-6 authorizes a contract for professional services with National Inspection Corporation (NIC) to continue to perform plan review and inspection services described below (overseen by the Community Development Division). The arrangement with NIC first began in early 2004, and the following represents a continuation of proposed fees for two years beginning February 13, 2010 (as is outlined in Section I of the ordinance):

**For building permit plan review and inspection services:**

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- 90% of the fees collected by the City of Blue Ash relating to building permit issuances; and
- Emergency inspections: not to exceed \$75 per hour; and
- \$100 per hour for the second and subsequent appearance on any judicial proceeding involving issues from the performance of these permit-related services.

Previous contracts with NIC also included Code Enforcement services. However, NIC is no longer involved with this aspect of the Community Development Division. Council may recall that beginning early in 2007, Rich Dole was reassigned to the Community Development Division from the Service Department and now performs Code Enforcement in-house for the City.

Please direct questions regarding this ordinance to the Assistant Community Development Director Dan Johnson at 745-8528 (or [djohnson@blueash.com](mailto:djohnson@blueash.com)) or to the City Manager."

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

Councilman Bryan asked the Clerk to read Ordinance No. 2010-3 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-3

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES  
OF THE CITY OF BLUE ASH, OHIO, FOR THE FISCAL YEAR OF  
2010; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-3. In addressing a question from Councilman Adamec, City Manager Waltz commented that given the decreasing revenues available to the City in this economic downturn, the Administration has watched closely throughout the year the revenue and expenditure levels. Operational reductions were made and some capital expenditures were delayed. Despite gross tax revenues being down 6% over the year, the City was able to finish with a General Fund balance similar to what the City started with at the beginning of the year. The City will continue to look at operational costs for both the short- and long-term, and the Administration looks forward to working with Council and the ICMA financial advising consultants in this reprioritization process that will begin soon. He stressed that although revenues are down, the City is still fiscally very healthy. He noted that many communities have had to make major, immediate, cuts (including layoffs); however, Blue Ash has not. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-3 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2010-1 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-1

AUTHORIZING PAYMENT FOR EXPENSES ASSOCIATED WITH  
VARIOUS PUBLIC UTILITY SERVICES DURING 2010; AND  
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2010-1. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec,

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Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-1 passed.

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Councilman Bryan moved, Councilman Adamec seconded to establish the January 28, 2010 Council meeting, starting at 6:30PM, as a work session (topic: budget prioritization discussion with ICMA representatives). A voice vote was taken. All members voted yes. Motion carried.

**Public Safety Committee, Stephanie Stoller, Chairperson**

Councilwoman Stoller asked the Clerk to read Ordinance No. 2010-2 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-2

AMENDING SECTION 303.08 OF THE BLUE ASH CODE OF ORDINANCES REGARDING IMPOUNDING OF VEHICLES; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Ordinance No. 2010-2. Police Captain Jim Schaffer commented that the department maintains a list of wrecker services that it refers to when such services are needed (rotating among those on the list). Because the fees as outlined in the ordinance were set in 2002, they are low as compared to others in the market, and the department has at times been unable to obtain wrecker services because they are required to charge only that amount stipulated in the ordinance, which today represents a loss for those wrecker services. The proposed changes in the Code updates and separates out the charges (which Council will still approve). Other area departments arrange for these services similar to how Blue Ash does. In addressing a question from Councilman Sumner, Captain Schaffer explain that the fees stipulated in the ordinance are those that would be paid for the service – sometimes that is the amount reimbursed to Blue Ash and sometimes that is paid directly (by the car owner) to the wrecker service. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-2 passed.

**Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson**

Councilman Buckman asked the Clerk to read Ordinance No. 2010-4 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-4

AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2010 CONTRACT FOR PROFESSIONAL CLASS INSTRUCTION SERVICES FOR PARKS & RECREATION DEPARTMENT SPONSORED AEROBIC DANCE (JAZZERCISE) CLASSES; AND DECLARING AN EMERGENCY

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

Councilman Buckman moved, Councilman Adamec seconded to adopt Ordinance No. 2010-4. Councilman Bryan explained the structure of instructor payment at the Recreation Center. The Center generally collects the fees associated with the class, and the instructor gets 70% of those fees collected as payment for their instruction services, with the City keeping 30%. The Jazzercise classes are numerous and popular, and because the City collects the fees and then disperses payment to the instructor (in an amount greater than the ordinance threshold of \$25,000), this ordinance is required. There being no further discussion, the Clerk

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called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-4 passed.

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

Councilman Adamec asked the Clerk to read Ordinance No. 2010-5 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-5

AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
CONTRACT FOR HAZARDOUS HOUSEHOLD WASTE  
MATERIALS DISPOSAL SERVICES IN 2010; AND  
DECLARING AN EMERGENCY

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

Councilman Adamec moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-5. Councilman Adamec commented that this ordinance addresses payment associated with a free service to residents which disposes of household hazardous waste items residents can bring to the Service Department. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-5 passed.

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

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2010-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-6

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-  
YEAR CONTRACT FOR PROFESSIONAL PLAN REVIEW AND  
INSPECTION SERVICES WITH NATIONAL INSPECTION  
CORPORATION (NIC); AND DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-6. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-6 passed.

**MISCELLANEOUS BUSINESS**

**Discussion of proposed 2010 July 4 event site relocation to Lake Forest Drive area**

Parks & Recreation Director Chuck Funk commented that the need exists to consider moving the site of the City's Red, White & Blue Ash special event on July 4<sup>th</sup> from its existing venue of the Sports Center. He introduced Barb Griffin, Special Events Coordinator, who gave a brief PowerPoint presentation explaining the situation and proposed site relocation on Lake Forest Drive. Highlights of that presentation are summarized below:

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- In 2009, the site space decreased at the Sports Center for this special event due to the installation of the new artificial turf soccer field (which was blocked from access at the event). Due to the rainy weather during that event in 2009, the staff was not able to fully gauge the impact of this space decrease. Crowds were estimated to be about 30% of what they normally would have been given better weather conditions.
- In 2010, there will be 500 fewer parking spots available at the Procter & Gamble lots on the west side of Grooms Road – a major parking area for participants. Also in 2010, the site where fireworks have been staged will not be available due to change in operations at the nearby Kroger building.
- Overall, issues associated with the Sports Center site for this event include the items noted above (decrease in event space, decrease in parking, and problems with a secure fireworks area) as well as ingress/egress issues associated with the Grooms Road site and wear and tear on the sports fields (which creates a problem because a major Knothole Baseball tournament is held at the Center not too long after the event). It was noted that it often takes 60 to 90 minutes for participants to leave the event due to the ingress/egress issues associated with Grooms.
- The Recreation Administration is recommending that the event site be relocated to Duke Realty owned property near the northwest corner of Glendale-Milford/Reed Hartman Highway.
- An overview of the proposed event area was shown, and it was noted that a portion of Lake Forest Drive (the leg west of Reed Hartman Highway) would have to be closed. The Administration has had preliminary discussions with Duke Realty executives, and they have indicated their approval and support.
- Advantages of the Lake Forest site include improved access for event patrons, more nearby parking spaces, improved ability to control traffic, centralized location in the City, easier transition for future relocation of the event to the Airport Park, and a larger fireworks setup/safety zone area. Mrs. Griffin noted that this site may be more easily accessible to residents as compared to the Sports Center location since many would be able to walk to the event. It is likely that a trailer would be used to assist with the fireworks display.
- The Recreation Administration has included police and fire officials on these discussions, and both have indicated their approval of a site location change.
- Mr. Funk estimated that about 3,000 parking spaces would be available in the immediate area of the Lake Forest Drive site, and permission would have to be sought from those nearby businesses affected (other than Duke, with whom discussions have already taken place).

Mr. Funk noted that discussions have been had with Duke Realty; however, the Recreation staff did not want to move too far forward without Council's approval of this event location change. It was noted that FAA approval to utilize a portion of the airport property would need to be obtained (for shooting of the fireworks) as well, though preliminary indications through discussion with airport-knowledgeable citizens seem likely that this might not be difficult.

In addressing a question from Councilman Bryan, Mrs. Griffin explained that setup details have not yet been finalized (such as location for food booths, the family entertainment area, staging, etc.). Before moving forward with finalizing these details, they wanted to seek Council's approval of the concept of changing the event location first.

In addressing a question from Councilman Czerwonka, it was clarified that only a portion of Lake Forest Drive west of Reed Hartman would have to be closed. It is believed that most, if not all, of those businesses on that portion of Lake Forest Drive have alternate access from McKinley Road.

It was noted that July 4 this year falls on a Sunday, which should make setup and breakdown

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of the event a bit easier and a good time to test a change in site location. If the event stays at Lake Forest Drive in future years when the event does not fall on a weekend, it may present more challenges for event coordinators.

In addressing a question from Councilman Weber, Mr. Funk noted that much discussion has been had regarding special event issues in 2009 (especially with the Taste of Blue Ash) relating to problems nearby residential areas experienced with the 2009 downtown event. The event organizers will continue work with the police to minimize any similar issues a Lake Forest Drive event venue might have.

In addressing a question from Councilman Sumner, Mr. Funk commented that Duke Realty has indicated no request for compensation. He added that they have indicated they might be able to allow use of a portion of one of their office buildings for use in staging the event – for example, for a changing room/back stage area for the entertainment. He commented that Duke officials have been very accommodating of the City's request and discussions.

Mrs. Griffin noted that although they have not yet determined where the main stage would be located, they will consider sound issues and the direction in making that decision, especially as it relates to residential areas of the City.

Councilman Bryan concurred that the current location on Grooms Road is difficult to get into and out of, and given the fact that most businesses will be closed for the holiday, any regular area business traffic would be minimal at the proposed new location.

In addressing a question from Councilman Czerwonka, Mr. Funk noted that fencing around this proposed event area would be difficult and would likely not be necessary.

Mr. Waltz commented that the purpose for discussion this evening was to gauge Council's overall interest in relocation of this event from the Sports Center to the Lake Forest area in 2010. After brief discussion, it was the unanimous consensus of Council that they would approve of this location change this year. Councilman Sumner encouraged that outreach to other nearby business areas be done as well.

Mr. Waltz noted that an alternative event location for the Taste of Blue Ash may also soon need to be considered, though the Administration is not recommending any change from the current downtown venue in 2010. It is the Administration's thought that the change in venue for the July 4 event would be a good experiment, with discussion about the Taste to take place at a later date. He noted that that the Taste, celebrating 25 years in 2010, may have grown beyond what the current downtown site can hold and reminded Council of issues nearby residents had with event patrons parking along their streets, with some blocking driveways. He stressed again that no change in location is recommended for the Taste in 2010, and future discussions with Council (including overall goals of the event itself) would take place with Council before any change would be implemented.

### **Other Miscellaneous Business**

City Manager Waltz commented that prior to the holiday season, he met with officials from the City of Cincinnati regarding the Airport. Cincinnati has tentatively scheduled for lead remediation to take place this spring. He is currently working to organize a joint meeting to include both cities and the FAA to discuss status of funding issues. In addressing a question from Mayor Weber, Mr. Waltz commented that Blue Ash agreed to assist with payment associated with the lead remediation efforts only if a specific amount is exceeded. Though Blue Ash advanced Cincinnati payment for this effort, those funds will be recovered from Cincinnati in the form of deductions in future payments from Blue Ash for the 130-acre property purchase. Cincinnati's moving forward with lead removal from the property was a contractual requirement of the agreement.

The City Manager noted later in the meeting that he would be absent from an April 8 Council meeting.

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Treasurer Jim Pfeffer commented on a memo sent to Council regarding potential purchase of property located adjacent to the City's Recreation Center property. He has been contacted by legal advisors representing the current owners of the property at Brown and Highland as to the City's interest in purchasing it. The City already owns property to the northwest and south. The proposed property (Parcel 24 of Book 612, Page 50) is about 7,425 square feet representing a 50-foot frontage along Highland Avenue and 148.5 feet on Brown Avenue. The attorney has commented that the owners would request only that the price for the property be equivalent to the value given it by the Hamilton County Auditor's office (currently around \$20,000).

Some discussion was had regarding the potential of acquiring this property. Councilman Sumner noted that unless the City has a specific objective associated with the property, he would not be in favor of the City's purchasing it. Councilman Bryan commented that he believes the City should move forward with purchase of the property since it is currently adjacent to City-owned property and would provide some flexibility in the future. After brief discussion, it was the consensus of Council that the Administration should move forward with acquisition of this property at a fair current market value. Mr. Pfeffer noted that this would require approval by Council via ordinance, which will be presented to Council at a future date.

Councilman Sumner noted that he was recently appointed to serve on the Hamilton County Emergency Management Agency. He will present updates to Council regarding this once he learns more.

Councilman Buckman complimented the City on its holiday light displays in downtown and near the Veterans Memorial. However, he suggested that the wreathes may need additional lighting as they do not show as well as they could during evening hours.

Councilman Adamec complimented the Administration on the upcoming process involving ICMA financial advisors and the overall budget reprioritization process. He believes this process will be beneficial to the City Administration, Council, and its citizens.

**EXECUTIVE SESSION**

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

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

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:32PM.

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Mark F. Weber, Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council