

BLUE ASH CITY COUNCIL

August 12, 2010

Page 1

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on August 12, 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, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Public Works Director Mike Duncan, Assistant to the City Manager Kelly Osler, Property Maintenance Enforcement Officer Rich Dole, Patrol Officer Mark Ziegler, and interested citizens

**PRESENTATION TO LONG-TIME RECREATION BOARD MEMBER JERRY HOFMANN**

Mayor Weber asked Jerry Hofmann to come forward for presentation of a plaque to be presented by Councilman Buckman. Mayor Weber noted that Mr. Hofmann has served on the Board for over 32 years. Councilman Buckman presented Mr. Hofmann with an engraved plaque from the City expressing thanks for Mr. Hofmann's years of service. Mr. Hofmann graciously accepted the plaque, noting that the parks and recreational offerings of the City have grown extensively over the past three decades. He recalled that the first Parks & Recreation Director was appointed 38 years ago. He was very pleased to have been a part of that effort. Mr. Hofmann received a standing ovation from the audience and Council.

**BEAUTIFICATION WEEK PRESENTATIONS**

Councilman Czerwonka explained that the Beautification Week judging this year took place in June, and the City received over 110 nominations. Nominated properties were all judged in June. Those selected to receive an award this year include the following, with many in attendance at this evening's meeting:

- Mayor's Choice: Larry & Jean Kinsella, 9451 Oakhurst
- Committee Choice: The Yasbeck Family, 10116 Kenwood Rd.
- People's Choice: The Warshaw Family, 10350 Ryan's Way
- Small Business: Strawser's Funeral Home, Kenwood Rd.

Residential Finalists:

- 10171 Zig Zag Rd. - The Crusham Family
- 10243 Kenwood Rd. -The Bork Family
- 5621 Samstone Ct. - The Hodovanic Family
- 9499 Railroad Ave. -The Hankinson Family
- 4418 Edenton Ln. – The Hughes Family
- 9465 Tramwood Ct. - The Chua Family
- 3557 Tiffany Ridge - The Fink Family

Mayor Weber appointed Treasurer Jim Pfeffer and Assistant to the City Manager Kelly Osler to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

Councilwoman Stoller moved, Councilman Buckman 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. PRESENTATION TO LONG-TIME RECREATION BOARD MEMBER JERRY HOFMANN
5. BEAUTIFICATION WEEK PRESENTATIONS

BLUE ASH CITY COUNCIL

August 12, 2010

Page 2

6. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
7. ACCEPTANCE OF AGENDA
8. APPROVAL OF MINUTES
  - a. Regular Meeting of July 8, 2010
9. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor's Report – July 2010 – Honorable Mark F. Weber
  - d. Financial Report – Motion to accept the report for July 2010
10. HEARINGS FROM CITIZENS
11. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Motion setting a Work Session for 6:00PM, Monday, August 30, 2010 (Topic: Preliminary 2011 Budget work session)
    2. Motion adjusting the Council Meeting start time to 7:30PM for the regular meeting of Thursday, September 23, 2010
    3. Ordinance No. 2010-41, transferring funds
    4. Ordinance No. 2010-42, authorizing contract with the Hamilton County Public Health Department for public health services in 2011
  - b. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
    1. Ordinance No. 2010-33, authorizing the issuance of bonds for purpose of paying the costs associated with golf course improvements
  - c. Public Works Committee, Thomas C. Adamec, Chairperson
    1. Ordinance No. 2010-43, authorizing application for financial assistance from the State's Local Transportation Improvement Program (LTIP) for the Plainfield Road Right Turn Lane Extension Project
    2. Ordinance No. 2010-44, authorizing application for financial assistance from the State Capital Improvement Program (SCIP) for the Carver Road Rehabilitation Project
  - d. Planning & Zoning Committee, James W. Sumner, Chairperson
    1. Motion accepting the Findings of Fact and Conclusions of Law regarding the appeal from Bernard E. Clarke
    2. Motion setting a public hearing for 7:30PM, Thursday, September 23, 2010, regarding consideration of a proposed text amendment to add "Greenhouses and nurseries" as a Special Use in the R-3 Residential District
    3. Motion setting a public hearing for 7:35PM, Thursday, September 23, 2010, regarding consideration of rezoning the property located at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown
  - e. Public Safety Committee, Stephanie Stoller, Chairperson
    1. Ordinance No. 2010-45, authorizing a contract with Youth Services
    2. Resolution No. 2010-9, establishing trick-or-treat hours in Blue Ash (Sunday, Oct. 31, 2010, 6-8PM)
12. MISCELLANEOUS BUSINESS
13. EXECUTIVE SESSION – Personnel Matter (to consider the compensation of a public employee)
14. ADJOURNMENT"

**APPROVAL OF MINUTES**

Councilman Buckman moved, Councilman Bryan seconded to approve the minutes of the regular meeting of July 8, 2010. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications presented to Council.

BLUE ASH CITY COUNCIL

August 12, 2010

Page 3

**Reports From Outside Agencies**

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

**Mayor's Report – July 2010**

RECEIPTS:

Fines.....	\$ 16,022.00
Vendor Permits .....	\$0
Bonds carried over.....	\$0
Restitution Payment collected.....	\$0
Bonds collected.....	\$ 315.00
<b>TOTAL RECEIPTS:</b> .....	<b>\$16,337.00</b>

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures) .....	\$10,009.00
To the State of OH:	
Victims of Crime .....	\$1,373.00
General Rev Fund.....	\$2,890.00
Indigent Defense Support fund.....	\$675.00
Drug Law Enforcement Fund .....	\$458.32
Justice Program Service Fund .....	\$14.18
Indigent Driver's Alcohol Treat't Fund .....	\$202.50
Seat Belts .....	\$410.00
Refund of overpaid fines.....	\$10.00
Bond Money applied .....	\$0
Bond Money returned .....	\$400.00
Restitution payment.....	\$340.00
<b>TOTAL DISBURSEMENTS</b> .....	<b>\$16,042.00</b>

BALANCE IN BONDS: .....	\$ 295.00
Mayor's Court traffic citations .....	172
Mayor's Court criminal citations .....	20
Total Mayor's Court cases .....	192
July rev. from Mayor's Ct. Cases: .....	\$10,009.00

**Financial Report – July 2010**

Vice Mayor Czerwonka moved, Councilman Buckman seconded to accept the Financial Report for July 2010 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

***CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING JULY 31, 2010***

MONTH TO DATE	2009	2010
START OF MONTH FUND BALANCE: 7-1-10	\$21,028,587.95	\$22,025,891.41
<u>Revenues:</u>		
Earnings Tax Collections:	2,552,919.19	2,428,733.17
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,007,848.60	797,471.01
= Total Monthly Receipts	3,560,767.79	3,226,204.18
<u>Expenditures:</u>		
Lon Term Debt Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	3,788,952.32	2,711,546.94
= Total Monthly Expenditures:	-3,788,952.32	-2,711,546.94
END OF MONTH FUND BALANCE: 7-31-10	20,800,403.42	22,540,548.65

BLUE ASH CITY COUNCIL

August 12, 2010

Page 4

YEAR TO DATE	2009	2010
START OF MONTH FUND BALANCE: 7-1-10	21,919,948.20	19,339,082.19
<b>Revenues:</b>		
Earnings Tax Collections:	18,051,448.20	17,409,111.58
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	7,013,097.36	5,983,574.54
= Total YTD Receipts	25,064,545.56	23,392,686.12
<b>Expenditures:</b>		
Long term Debt Retirement	1,000,000.00	1,198,570.48
Short term debt refinancing	0	0
Other Expenditures:	25,184,090.34	18,992,649.18
	-26,184,090.34	-20,191,219.66
YEAR-TO-DATE FUND BALANCE:	20,800,403.42	22,540,548.65

100% of the fund balance was invested as of 7/31/10. Interest paid to date on matured investments: \$12,490.12. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING JULY 31, 2010		
MONTH-TO-DATE STATUS	2009	2010
Business Net Profit	760,483.94	534,233.52
Resident Net Profit	91,002.79	93,193.29
Non-Resident Net Profit	17,542.24	15,283.51
Subcontractor Net Profit	3,545.85	1,113.53
Net Profit Total	872,574.82	643,823.85
Withholding	1,634,655.60	1,735,810.31
Subcontractor Withholding	45,688.77	49,099.01
Withholding Total	1,680,344.37	1,784,909.32
Monthly Collection Totals	2,552,919.19	2,428,733.17 (-4.86%)

YEAR TO DATE STATUS	2009	2010
Business Net Profit	3,403,306.56	3,045,141.80
Resident Net Profit	730,934.59	678,559.13
Non-Resident Net Profit	184,666.07	130,620.69
Subcontractor Net Profit	34,624.82	19,598.93
Net Profit Total	4,353,532.04	3,873,920.55
Withholding	13,441,104.03	13,250,683.22
Subcontractor Withholding	256,812.13	284,507.81
Withholding Total	13,697,916.16	13,535,191.03
YTD Collection Totals	18,051,448.20	17,409,111.58 (-3.56%)
YTD Refund Totals	972,191.44	838,469.78 (-13.75%)

**HEARINGS FROM CITIZENS**

Betty Brooks, 9470 Blue Ash Road, expressed concern with the recent changes to the City's property maintenance requirements, and asked which Council representative(s) suggested the ideas associated with garbage cans – especially requiring cans not be visible from the street. Councilman Sumner noted that the provision related to garbage cans were part of the aggregate "package" intended by Council to improve the community and overall property values for everyone. He added that Council understands, based upon citizen feedback, that the provision requiring garbage cans be behind the home front line as well as not be visible from the street was a concern and will be reconsidered by Council. Mrs. Brooks commented that in her opinion, the requirements especially present a hardship on handicapped and senior citizens and others with health problems, particularly when the cans have to be pulled through the snow. Councilwoman Stoller added her support to Councilman Sumner's comments for Council's reconsideration of the provision.

Jamie Pike, 4907 Myrtle Avenue, presented prepared comments which she requested (after the meeting) be placed verbatim within the minutes. Her comments are as follows:

"On May 4, 2010, I gave Mayor Weber a signed petition from 89% of the homeowners on Myrtle Avenue who were requesting the installation of speed humps. This petition was initiated per the request of Mayor Weber and because the results from an April traffic study showed that in a 3-day time

BLUE ASH CITY COUNCIL

August 12, 2010

Page 5

period, 2,166 cars traveled on Myrtle Avenue, 904 of those cars were going over the speed limit and 31 of those cars were traveling over 50 MPH.

Speed humps are a low cost safety device, that has been proven to enforce motorists to drive the speed limit and to deter cut thru traffic on residential streets. They provide an effective measure of safety to all pedestrians, 24 hours a day, 365 days a year, for they are a permanent device. Streets with speed humps can still be snow plowed, per the Institute of Transportation Engineers and a potential delay of 3-10 seconds per hump for Emergency Responders is insignificant compared to the 86,400 seconds per day of safety that speed humps can give to pedestrians. Hundreds of cities throughout our nation install speed humps on their residential streets and the city council of Ft. Thomas, Ky just approved speed humps for their residential streets, last week.

Myrtle Avenue.....

Myrtle Avenue is a residential street that is located in downtown Blue Ash. It runs parallel to an arterial road which motorists like to avoid, therefore using Myrtle Avenue as a short cut.

Myrtle Avenue is in walking distance to 3 schools, a library, a post office, a park, pharmacies, banks, a recreation center, retail, & restaurants.

Myrtle Avenue is a wide, straight, and mostly level street that naturally results in motorists driving at higher speeds. Myrtle Avenue does not have sidewalks and because of its location, has a high volume of pedestrian activity. Per the Pedestrian Safety Guide of the U. S. Dept of Transportation, the majority of all pedestrian crashes occur in urban areas where pedestrian activity and traffic volumes are greatest.

Because of the aforementioned, I respectfully request that you remember the following when making the decision whether to install speed humps on Myrtle Avenue.

--Per the Safe Routes to School website, the following are the percentages to pedestrian injuries at impact speeds.

If a vehicle is traveling at 20 MPH and hits a pedestrian, the results will be,

-- 5% death, 65% injured, 30% uninjured.

If a vehicle is traveling at 30 MPH and hits a pedestrian, the results will be,

-- 45% death, 50% injured, 5% uninjured.

If a vehicle is traveling at 40 MPH and hits a pedestrian, the results will be,

-- 85% death, 15% injured, and 0% survival."

James Maki, 4849 Myrtle Avenue, commented that he has no issues with and favors the garbage can ordinance changes as proposed by Council. He noted that last year, after the Taste of Blue Ash, neighborhood resident Carolyn Hunter expressed concerns with the traffic and parking issues related to the City's Taste of Blue Ash, and she was told that the City is looking towards alleviating those concerns via different methods. He asked what is being done differently this year, since the event is approaching and it has been 11 months. City Manager David Waltz indicated that the event planning committee, including Parks & Recreation Director Chuck Funk (on vacation this evening) and representatives from all departments in the City, have been working on that event and has been meeting regularly. Though Mr. Waltz is not familiar with the specifics, he does know that this issue is being discussed and that action is planned with the intent to alleviate these neighborhood concerns associated with the event. He noted that even if citizens haven't heard discussion about this at Council, it does not mean that their concerns are not being heard and the problems are not being discussed since such approval of such means is not required by Council.

## BLUE ASH CITY COUNCIL

August 12, 2010

Page 6

In addressing the neighborhood concerns brought up earlier by Mrs. Pike, Mr. Maki asked what sources/organizations the City utilized to come up with its decision as to when speed bumps would be considered a good alternative, referencing discussion at a prior meeting. Mr. Waltz commented that the Administration's recommendations were based upon an aggregate of advice received from the City's Public Works Director, the Police Department, as well as experience of other peer reviews of safety standards throughout the country. There was no one source that drove those suggestions as it was based upon a body of knowledge. The traffic survey results did not warrant taking action at his time. The Administration suggestion was to increase enforcement efforts, as well as to take another survey when the nearby construction has been completed and after school starts. If the results of that future survey justify further action, then he also suggested consideration of various alternative means of control, such as traffic cameras. In addressing questions from Mr. Maki, Mr. Waltz indicated that the traffic counts (within the survey) did not record license plate information. After some discussion and in addressing the question from Mr. Maki, Mr. Waltz clarified that the idea that many of the offenders are likely neighborhood residents is based upon the experience of past similar surveys the City has completed in other Blue Ash neighborhoods.

Ms. Duncan, 4900 Myrtle Avenue, noted that she has been attending Council meetings for the past year and questions the actions of this Council. She criticized Council harshly for their actions, including denial of restrooms for the Hazelwood neighborhood, listening to no ideas that don't result in the "glorification" of Blue Ash, taking pride in what she viewed an unsuccessful July 4<sup>th</sup> event as well as other events such as the Taste (which left garbage in their neighborhood afterwards last year). She criticized the installation of "sidewalks to nowhere," the July 4<sup>th</sup> event, and the Taste of Blue Ash event which results in the need to pick up garbage for days afterwards. She also criticized Councilwoman Stoller for falling asleep at a Council meeting.

Lynn Maki of Myrtle Avenue thanked Council for the new property maintenance ordinance, including the more stringent garbage can provision. She complimented property maintenance enforcement efforts of Rich Dole and noted that he is following through well with the new ordinance. She noted that at the June Council meeting, the idea of a crosswalk with flashing lights at Cooper and Monroe was discussed (such as is in downtown Montgomery), and asked if anything has been done since school starts in two weeks. Public Works Director Mike Duncan noted that he has spoken with Montgomery's public works official who indicated that the in-ground lighted cross walks are as effective, however, are not significantly more effective than the traditional striped style of crosswalks. He clarified that once a person steps off a curb into a striped crosswalk, that pedestrian does have the right-of-way.

City Manager David Waltz indicated that later in this meeting, he intends to ask a representative from the Police Department to provide an update regarding the recent enforcement efforts within the Arcadia and other neighborhoods in the City. He added that when the Administration makes recommendations on an important safety issue such as speeding, their intent is to truly look at both the pros and the cons and to try to give what they believe is the best solution. At this time, the installation of speed bumps is not considered as the best alternative for the Arcadia subdivision in the Administration's opinion.

### **Addendum to June 10, 2010 Council minutes within "Hearings from Citizens":**

Jeremy Klotz, 4834 Myrtle Avenue, noted that he lives on the portion of Myrtle Avenue closer to Kenwood Road. He agrees that speed bumps may be a solution to the street's problem with traffic and speeders. He added that Myrtle Avenue also has a slight hill that makes it more difficult for drivers to see on the other side of.

### **COMMITTEE REPORTS**

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

"The following offers a brief description of the items included on the August 12 Council agenda:

BLUE ASH CITY COUNCIL

August 12, 2010

Page 7

**Item 5. Beautification Week Presentations**

The Beautification Week judging process took place in June, with the City receiving nominations for over 110 residential properties. All properties nominated for an award were judged by the Committee. Examples of the judging criteria included overall appearance, type of plantings used (garden variety/color), and overall lawn and tree maintenance.

This year's Beautification Week winners, who were invited to Thursday's meeting to receive their awards, include:

- Mayor's Choice: Larry & Jean Kinsella, 9451 Oakhurst
- Committee Choice: The Yasbeck Family, 10116 Kenwood Rd.
- People's Choice: The Warshaw Family, 10350 Ryan's Way
- Small Business: Strawser's Funeral Home, Kenwood Rd.

Residential Finalists:

- 10171 Zig Zag Rd. - The Crusham Family
- 10243 Kenwood Rd. -The Bork Family
- 5621 Samstone Ct. - The Hodovanic Family
- 9499 Railroad Ave. -The Hankinson Family
- 4418 Edenton Ln. – The Hughes Family
- 9465 Tramwood Ct. - The Chua Family
- 3557 Tiffany Ridge - The Fink Family

Please direct questions regarding the Beautification Week process to Councilman Czerwonka.

**11.a.1. Motion setting a Work Session for 6:00PM, Monday, August 30, 2010 (Topic: Preliminary 2011 Budget work session)**

This motion formally establishes a work session for 6PM, Monday, August 30. The City Manager recommended that this session be established, with the topic being a preliminary discussion related to the 2011 Budget. This work session is anticipated to be held in the Blue Ash Conference Room.

Please direct questions regarding this motion to the City Manager.

**11.a.2. Motion adjusting the Council Meeting start time to 7:30PM for the regular meeting of Thursday, September 23, 2010**

The next delegation from Blue Ash's Sister City, Ilmenau, Germany, will be in town during the regular Council meeting scheduled for September 23. Given activities planned for the delegation (and Council) earlier that evening, it is the Administration's recommendation that the start time for this meeting be pushed back a bit to allow for completion of those activities. (The delegation will also be present at the Council meeting that evening.) Further information regarding that visit will be forwarded to Council in coming weeks.

Please direct questions regarding this motion to the Public Information Officer.

**11.a.3. Ordinance No. 2010-41 - Transferring funds**

The attachment to this transfer ordinance reflects a number of significant amounts, focused around three separate areas. Two of those involve the Community/Economic Development area, and the other relates to an adjustment within the Street Construction Maintenance & Repair (SCMR) fund about a delay in moving ahead with cooperative paving arrangements with the Cincinnati Water Works during 2010.

The Deputy Treasurer, working with Dan Johnson in the Community Development office, has determined that a need exists for the appropriation of supplemental 2010 revenue in the commercial building permit account (\$50,000), and a corresponding increase on the expenditure side related to the contractual cost for inspection and review services. As Council is aware, the City contracts with National Inspection Corporation (NIC) for permitting and inspection services, and this transfer is necessary to allow continued processing of commercial building permits for the remainder of 2010. This description refers to the two \$50,000 items on the attachment.

The second Community/Economic Development issue involves a request for an expenditure increase in the economic development area of \$150,000. This item is reflected as an Additional Expenditure Appropriation for economic development, and provides funding from our existing General Fund balance to accommodate recent commitments to economic development incentives. This amount does include a small increment (approximately \$20,000) to cover anticipated smaller incentives or professional services related to potential TIF projects.

The final adjustments, impacting the SCMR area, are shown on the attachment reflecting account numbers beginning with "221." Although the dollar amounts shown on the attachment may seem quite

BLUE ASH CITY COUNCIL

August 12, 2010

Page 8

substantial, the explanation is relatively simple.

As a part of the 2010 Budget, the Public Works Director included a cooperative arrangement with the Greater Cincinnati Water Works (GCWW) in which roadways in certain neighborhoods would be fully repaved following GCWW repairs or water main installations, and the City would handle the full repaving project. The GCWW intended to pay the City just over \$500,000 upon the completion of their water main replacement/upgrade projects during 2010, and the City would use those funds to offset over half of the related cost to fully repave the neighborhood roads described in the Final Budget. Although the Public Works Director can speak more clearly as to the reasons behind the delay, it is not expected that those GCWW projects will move forward during 2010, thus these adjustments via transfer need to be made at this time. These projects will be carried over and included in the 2011 Budget. (Given the economic times, the Hamilton County Budget & Settlement Division is carefully monitoring the budgetary activities of all government agencies under their review, and it is essential to make revenue and expenditure adjustments to the approved budget once it is known that they're not likely to take place in the current year.)

Please direct questions regarding the transfer ordinance to the Treasurer or to Public Works Director with specific questions as to neighborhoods involved and the timing issue.

**11.a.4. Ordinance No. 2010-42 - Authorizing contract with the Hamilton County Public Health Department for public health services in 2011**

Ordinance No. 2010-42 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 2011 for an amount not to exceed \$42,909.01. This figure represents an approximate \$900 decrease 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 22 years, the City has experienced 11 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.

**11.b.1. Ordinance No. 2010-33 - Authorizing the issuance of bonds for purpose of paying the costs associated with golf course improvements**

The legislation providing the authority for the actual issuance of the Golf Course Improvement bonds by the City of Blue Ash was prepared by bond counsel (Margaret Comey of Squire, Sanders & Dempsey), reviewed by Dinsmore & Shohl, and contains the necessary components to comply with the various constitutional, federal, state, and local requirements regarding the issuance of general obligation debt.

Given the timing related to the bidding and issuance of the bonds (we anticipate taking bids on September 8, and expect them to be "effective" or dated on September 22, 2010) and the absence of a second Council meeting in July, bond counsel and the Treasurer's office are recommending a process matching that utilized for the issuance of the Recreation Center bonds. Essentially, the bond legislation contains an upper limit or maximum amount relating to the bonds that may be issued relating to this project (\$9,775,000), defines the parameters relating to the bond issuance, and allows the bonds to be issued on a competitive basis, whenever the market appears to provide the best borrowing rates to the City of Blue Ash. Council, through consideration of this ordinance, is being requested to authorize the actual acceptance of the best bid for the City through a Certificate of Determination that must be signed by the City Manager, Treasurer, and Deputy Treasurer; receipted by the Clerk of Council; and thereafter delivered to the Hamilton County Auditor. This process permits some flexibility in the timing of the issuance of the bonds, so as to achieve the lowest borrowing rate possible given economic or market conditions.

Although the City has relied upon a compensated bond underwriter on a number of more recent bond offerings, the Treasurer believes that a purely competitive bid process will provide the greatest benefit to the City at this time. Although there are the customary costs associated with legal and professional services through bond counsel, and those costs related to securing a Moody's Investors Service rating on the issue, OMAC, and the limited services of a financial advisor in evaluating the bids, there will not be any costs associated with underwriting.

BLUE ASH CITY COUNCIL

August 12, 2010

Page 9

Listed below are some of the more specific items that relate to the expected issuance of bonds for all three components of the Golf Course improvement project (irrigation, golf paths, new clubhouse/banquet facility):

- Although the maximum limit in the ordinance is higher, we anticipate borrowing between \$9,570,000 and \$9,735,000 to cover the entire cost of the project.
- The latest maturity of the bonds will be 11 years (2021), hopefully with 11 nearly equal principal payments of approximately \$875,000 per year.
- The first principal payment will occur with the payment due on December 1, 2011, with the final principal payment due December 1, 2021.
- We will be requesting a specific rating on this bond issue through Moody's Investors Services. Our current rating, given Moody's recent restructuring of their rating framework is Aa1, and the Treasurer expects no change in the rating for this particular issue.
- We do not anticipate purchasing "rating insurance" on this bond issue, given Blue Ash's financial strength and excellent reputation in the market.
- The bonds will be issued in a non-callable format, with repayment dates of June 1 for interest and December 1 for principal and interest of each year.
- All repayment of this debt will be accomplished through the use of Issue 15 reserves or Issue 15 fund balances.
- Working with bond counsel, the City will be utilizing a preliminary official statement (POS), the latter component of which will be the recently completed 2009 Comprehensive Annual Financial Report (CAFR) for the City.
- All proceeds from the closing of the bonds, except for any premium or accrued interest that will be paid, will be deposited into Fund #447 for this project. The costs associated with Moody's, bond counsel, the financial advisor, etc. will be paid out of the proceeds of the bonds and will not be an expense of the General Fund.
- We anticipate that the Trustee for this bond issue will be the Bank of New York Mellon, the same agency through which many of our recent issues have been managed as to reporting, payment, etc.

At this time, it is not possible to provide Council a specific "debt retirement schedule" for this issue as bidders often modify the principal amounts and the interest rates to suit the ultimate investors who will be purchasing the bonds. However, the financial advisor will utilize a program which calculates which proposal represents the lowest net interest cost to the City, and that which should be accepted through the Certificate of Determination process. Council will be informed once the "bids are in" and the net interest cost is known.

Please direct questions relating to the bonds, their intended usage, or the issuance process to the Treasurer.

**11.c.1. Ordinance No. 2010-43 - Authorizing application for financial assistance from the State's Local Transportation Improvement Program (LTIP) for the Plainfield Road Expansion Project**

The Ohio Public Works Commission administers the Local Transportation Improvement Program (LTIP) to assist local jurisdictions with roadway and bridge projects. These funds are specifically for rehabilitation, repair, construction, reconstruction, and expansion projects. The program is locally administered by the Hamilton County Engineer's office. Grants are available for up to 90% of the construction costs of the local project and are very competitive. Expansion projects that add capacity to existing roadways are normally the most competitive because they help relieve existing traffic congestion.

Ordinance No. 2010-43 authorizes the City Manager to submit an application for a LTIP grant for the Plainfield Road Right Turn Lane Extension Project. This project will extend the Plainfield Road southbound right turn lane at Hunt Road to approximately the Plainfield/Peppermill/Reed Hartman Highway intersection and will provide significant congestion relief in this area. The estimated construction cost of the expansion is approximately \$450,000 and the City will request a grant of \$405,000. If the LTIP grant is awarded, the project would be constructed in 2012. The City's 10% local share will be included in the 2012 Proposed Budget.

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

**11.c.2. Ordinance No. 2010-44 - Authorizing application for financial assistance from the State Capital Improvement Program (SCIP) for the Carver Road Rehabilitation Project**

The State Capital Improvement Program (SCIP) is managed by the Ohio Public Works Commission to provide state funding for local infrastructure construction and rehabilitation projects. The program is

BLUE ASH CITY COUNCIL

August 12, 2010

Page 10

administered locally by the Hamilton County Engineer's Office and is very competitive. Grants and loans are available, depending on the competitiveness of a project. A recent example where funds were awarded to Blue Ash was the Blue Ash/Hunt Roads Reconstruction project that was partially funded with a 10-year, no interest SCIP loan.

Due to our solid Economic Health rating, the City of Blue Ash is less competitive than many other communities for grants; however, we are potentially competitive for attractive SCIP loans that carry a very low or zero percentage interest rate.

The attached ordinance authorizes the City Manager to submit an application for SCIP loan funds for the Rehabilitation of Carver Road. The estimated construction costs of the rehabilitation are approximately \$964,000 and the City will request loan funds for \$915,800 repayable over 10 years at zero percent interest. If the SCIP loan is awarded, the project will be completed in 2011. The City's "local share" will be included in the 2011 Proposed Budget.

**11.d.1. Motion accepting the Findings of Fact and Conclusions of Law regarding the appeal from Bernard E. Clarke**

Included in Council packets is the Findings of Fact/Conclusions of Law document prepared by Dinsmore & Shohl to conclude the issue of the appeal from Mr. Clarke which was the subject of a hearing held at the July 8 Council meeting. A formal motion accepting this document is appropriate.

Please direct questions regarding this motion to Solicitor Mark Vander Laan.

**11.d.2. Motion setting a public hearing for 7:30PM, Thursday, September 23, 2010, regarding consideration of a proposed text amendment to add "Greenhouses and nurseries" as a Special Use in the R-3 Residential District**

The City is in receipt of a request from McKeown's Bloomin' Garden Centre on Kenwood Road for consideration of a text amendment to the Blue Ash Code that would allow "Greenhouses and nurseries" as a special use within the R-3 Residential District. A text amendment to the code requires public hearing before Council, and this motion would formally establish that hearing. More details will be provided to Council in preparation for that hearing.

Please direct questions regarding this motion to the City Manager.

**11.d.3. Motion setting a public hearing for 7:35PM, Thursday, September 23, 2010, regarding consideration of rezoning the property located at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown**

The City is in receipt of a rezoning request to rezone property at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown. This motion would formally set a required public hearing for September 23. Although more details will be provided in preparation for the hearing, this property is located adjacent to current D-1 zoned property facing Kenwood Road.

Please direct questions regarding this motion to the City Manager.

**11.e.1. Ordinance No. 2010-45 - Authorizing a contract with Youth Services**

Ordinance No. 2010-45 authorizes a renewal contract with Youth Services to provide for the availability of youth and family counseling services. This organization also works with the Sycamore Schools in providing educational, advocacy, referral, counseling, and crisis intervention services for families. The ordinance authorizes a total amount for 2010 not to exceed \$37,000. The Administration will be working closely with the Police Administration as well as the Sycamore Schools in determining the level of Blue Ash's participation in future years with this program.

Please direct questions regarding this ordinance to the City Manager.

**11.e.2. Resolution No. 2010-9 - Establishing trick-or-treat hours in Blue Ash (Sunday, Oct. 31, 2010, 6-8PM)**

Every year, City Council authorizes a resolution establishing the date and time to observe Halloween activities within the City. Traditionally, the City has recognized Halloween activities on the date of Halloween, October 31st. This resolution establishes Sunday, October 31, from 6 to 8PM as the time to observe the occasion of Halloween. Blue Ash Police and Fire personnel will be patrolling the streets and handing out candy to children while insuring that the safety of all is protected."

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

Councilman Bryan moved, Vice Mayor Czerwonka seconded to set a Work Session for 6:00PM, Monday, August 30, 2010. The topic of this work session is Preliminary 2011 Budget discussion. A voice vote was taken. All members voted yes. Motion carried.

Councilman Bryan moved, Councilman Buckman seconded to adjust the Council Meeting start time to 7:30PM for the regular meeting of Thursday, September 23, 2010. A voice vote was taken. All members voted yes. Motion carried.

BLUE ASH CITY COUNCIL

August 12, 2010

Page 11

Councilman Bryan asked the Clerk to read Ordinance No. 2010-41 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-41

PROVIDING FOR THE TRANSFER OF FUNDS AND  
AMENDMENTS WITHIN THE ANNUAL APPROPRIATION  
ORDINANCE NO. 2010-3 FOR THE YEAR 2010 (AS SHOWN  
ON ATTACHMENT); AND DECLARING AN EMERGENCY

Councilman Bryan moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons 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. 2010-41. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-41 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2010-42 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-42

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 2011 FOR AN AMOUNT NOT TO  
EXCEED \$42,909.01; 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 Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilman Sumner seconded to adopt Ordinance No. 2010-42. In addressing a question from Mayor Weber, Mr. Waltz noted that the City opts to contract with the County for public health services, and has done so for decades. These services include efforts such as public education, restaurant inspection, and other public health issues. Councilman Sumner added that if the City did not contract with the County for these services, it would be required to perform this work, and in his opinion, the County does an excellent job and this arrangement represents an excellent value for the City. Councilman Bryan concurred and added that this relationship represents an excellent example of governments efficiently consolidating services. He noted the work the County has done in recent years on public health related issues such as West Nile Virus and the H1N1 virus. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-42 passed.

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

Councilman Buckman asked the Clerk to read Ordinance No. 2010-33 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

August 12, 2010

Page 12

ORDINANCE NO. 2010-33

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$9,775,000 FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF MUNICIPAL GOLF COURSE IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Councilman Buckman moved, Councilman Bryan 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 Buckman moved, Councilman Bryan seconded to adopt Ordinance No. 2010-33. Councilman Buckman noted that this ordinance relates to the issuance of bonds for the upcoming golf course improvements. Councilman Sumner commented that he still has reservations about moving forward with this project as he is not in favor of the City incurring additional debt and constructing a facility that, in his opinion, is too large. He noted that he believes in the commitment made to citizens during the Issue 15 campaign; however, in his opinion, this expenditure is too much, and his intent is to continue to vote "no" on legislation and matters related to this project. In his opinion, the promise was to upgrade golf facilities; however, not to this extent as he believes this facility will not be self supporting and will not be competitive in the market. Mayor Weber commented that in his opinion, the proposed facility is clearly consistent with what was promised to voters in the Issue 15 campaign. Those efforts did discuss a multi-functional facility, including a golf clubhouse as well as a banquet facility. Councilwoman Stoller expressed support for the project, noting that it will benefit not only golfers, but the general public as well since the banquet facility can be used for weddings and other family and business special events of varying sizes. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Councilman Sumner voted no. Six yeses; one no. Ordinance No. 2010-33 passed.

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

Councilman Adamec asked the Clerk to read Ordinance No. 2010-43 by title only:

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-43

AUTHORIZING THE CITY MANAGER TO APPLY FOR FINANCIAL ASSISTANCE FROM THE STATE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FOR FUNDING A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT (PLAINFIELD ROAD RIGHT TURN LANE EXTENSION PROJECT) AND RELATED FINANCING COSTS; 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 Stoller, Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeses. Motion carried.

Councilman Adamec moved, Councilman Sumner seconded to adopt Ordinance No. 2010-43. In addressing a question from Councilman Adamec, Public Works Director Mike Duncan commented that the State of Ohio sets funds aside, for use by individual jurisdictions, for various capital projects. These funds are administered locally through the Hamilton County Engineer's office, and this particular fund is targeted for repair, construction, reconstruction, rehabilitation and expansion projects. If the City is granted the funds, the intent is to use them to extend the southbound right lane on Plainfield between Peppermill and Hunt. The grants are available for up to 90% of the estimated construction costs, and expansion projects which add capacity to existing roadways are normally those granted the funds since they relieve existing congestion. If the City is awarded the grant, it can move forward with

BLUE ASH CITY COUNCIL

August 12, 2010

Page 13

improvements to an area which was one of those targeted in the most recent traffic study completed by the City's engineers. 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. 2010-43 passed.

The Clerk was asked to read Ordinance No. 2010-44 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-44

AUTHORIZING THE CITY MANAGER TO APPLY FOR FINANCIAL ASSISTANCE FROM THE STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) FOR FUNDING A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT (CARVER ROAD REHABILITATION PROJECT) AND RELATED FINANCING COSTS; AND DECLARING AN EMERGENCY

Councilman Adamec moved, Councilman Bryan 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 Adamec moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-44. In addressing a question from Councilman Adamec, Mr. Duncan explained that this ordinance relates to the State's competitive SCIP loan program which grants low- or no-interest loans. In the past, the City has often not been selected to receive these funds due to its solid economic health and financial stability. If the City would receive this assistance, the intent would be to use the funds for the rehabilitation of Carver Road, including construction of an eight-foot sidewalk on the west side of that roadway. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-44 passed.

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

Councilman Sumner moved, Councilwoman Stoller seconded to accept the Findings of Fact and Conclusions of Law regarding the appeal from Bernard E. Clarke (prepared by Dinsmore & Shohl). A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to set a public hearing for 7:30PM, Thursday, September 23, 2010, regarding consideration of a proposed text amendment to add "Greenhouses and nurseries" as a Special Use in the R-3 Residential District. A voice vote was taken. All members voted yes. Motion carried. Councilman Sumner noted that this issue was discussed at the recent Planning Commission meeting, noting that the applicant also received concept approval for a proposed project. More information will be provided to Council and the public for that September public hearing.

Councilman Sumner moved, Councilman Bryan seconded to set a public hearing for 7:35PM, Thursday, September 23, 2010, regarding consideration of rezoning the property located at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown. 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. 2010-45 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

August 12, 2010

Page 14

ORDINANCE NO. 2010-45

AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2010 CONTRACT WITH YOUTH SERVICES OF READING, OHIO, FOR AN AMOUNT NOT TO EXCEED \$37,000 (INCLUDES BASE CONTRACT WITH OPTIONAL ADD-ON SERVICE); AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Buckman seconded to adopt Ordinance No. 2010-45. Councilwoman Stoller noted that this is the same agency the City has contracted with for years for these services, and the intent is to monitor use and benefit to Blue Ash citizens closely to determine whether future contracts will be continued. 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. 2010-45 passed.

Councilwoman Stoller asked the Clerk to read Resolution No. 2010-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2010-9

AUTHORIZING HALLOWEEN ACTIVITIES AND ESTABLISHING TIME LIMITATIONS IN THE CITY OF BLUE ASH, OHIO, FOR SUNDAY, OCTOBER 31, 2010

Councilwoman Stoller moved, Councilman Adamec seconded to adopt Resolution No. 2010-9. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Councilman Sumner voted his traditional "boo." Six yeases. One "boo." Resolution No. 2010-9 passed.

**MISCELLANEOUS BUSINESS**

Public Works Director Mike Duncan noted that construction has begun recently on sidewalk on the west side of Reed Hartman Highway between Glendale-Milford and Creek Roads. The sidewalk will wind through the existing trees near Embassy Suites and will connect to the existing sidewalk on Creek. Within the next few weeks, construction will begin on the sidewalk planned for the south side of Cooper Road between Reed Hartman Highway and Plainfield Road, replacing the on-street path. It will also include curb and gutter. He also noted that the paving program will begin in coming weeks.

Mr. Duncan noted that the Greater Cincinnati Water Works (GCWW) water main project that includes work in downtown Blue Ash and Montgomery continues; however, they have finished their work in Blue Ash. Traffic on Cooper near the Junior High (within Montgomery) will continue to be disrupted likely until project completion, scheduled before school starts later this month. In addressing a question from Councilman Czerwonka, Mr. Duncan explained that final paving of Cooper Road is planned; however, it will not occur until enough time has passed to allow probable settling of the pavement where new water line has been installed. Final resurfacing is expected to take place in 2011, after settling occurs over the winter months. Paving will be completed also in other areas in 2011 where water line work has occurred.

City Manager David Waltz asked Patrol Officer Mark Ziegler to provide an update regarding the department's recent activities towards speed enforcement in various neighborhoods. Officer Ziegler explained that the Department was asked to start increased direct patrols within the Carpenter's Run, Arcadia, and Peppermill neighborhoods because traffic concerns expressed by citizens. These increased efforts beginning in mid July and continued to mid August. He noted that 49.9 staff hours resulted in 33 traffic stops, resulting in average stops per hour of 1.3 in Carpenter's Run, .3 in Arcadia, and 1 in Peppermill. Officers were directed that those traveling 10MPH or more over the speed limit were targeted, and in Arcadia, there

BLUE ASH CITY COUNCIL

August 12, 2010

Page 15

were nine citations issued (mostly related to excess speed). The highest speed limit written was 38MPH. In the Peppermill neighborhood, five citations and five warnings were issued, mostly because motorists did not adhere to posted traffic stop signs. In Carpenter's Run, seven tickets and seven warnings were issued, mostly for speeding, with the highest speed noted also at 38MPH. The Police Department was requested by Public Works to conduct another survey beginning September 21 and continuing to October 19.

In addressing questions from Council, Officer Ziegler explained that the issuance of a warning vs. a citation is generally made at the discretion of the officer, and the decision by the officer would take into account many factors, including was the speed exhibited unreasonable given the conditions. Although he is not prepared at this meeting to answer the "where do the speeders live" question, that information can be gathered and reported to Council. The question of "are the violators friends of neighborhood residents" could not be easily attained from the data collected.

In addressing a question from City Manager Waltz as to Council's desire (or not) for the Police to continue these increased efforts in these targeted areas (given the staff time expended and the resultant relatively low amount of citations), it seemed the consensus of Council that targeted enforcement be continued. During this discussion and in answering questions from Council, Officer Ziegler noted that the department did its best to target the time frames during which previous surveys indicated the greatest number of speeders. The warnings issued were in written form and were not just verbal. In addressing a comment from Councilman Sumner, Officer Ziegler would not suggest a "zero tolerance" enforcement effort since individual car speedometers are not exact and can vary by a couple MPH. In addition, more vehicles traveling at greater speeds may be missed because of there being more pull-overs at lower speeds. The highest speed noted in Arcadia was 38MPH. Officer Ziegler suggested that perhaps the extra patrols will have an effect by the time that the survey is repeated when the nearby construction is complete and when school is back in session.

City Manager Waltz noted that property maintenance enforcement officer Rich Dole is present at this meeting to address questions Council may have regarding the recent changes made to the City's property maintenance regulations.

Councilman Sumner noted that he has received many comments from his neighbors and suggests that the City suspend enforcement of the "garbage can" provision until Council has time to review. He suggested that discussion continue and that the Administration return to Council in about a month with suggested adjustments. He noted that perhaps instead of requiring garbage cans to be screened, the provision allow screening or that the can be behind the front line of the home. Councilman Czerwonka concurred that it is his opinion that the screening of the cans is the issue, not necessarily the requirement to pull the cans behind the front line of the home. Councilman Buckman noted that he has sometimes seen situations where garbage cans are placed adjacent to a home's front door, with the owner simply opening the door and disposing of garbage – a situation that should not be allowed in any area.

In addressing a question from Councilman Czerwonka, Rich Dole explained that process of enforcement. He noted that most of the time, it starts with a call to his office from a citizen complaining about a certain property. He then inspects the reported property personally, and if a violation is seen, a courtesy note to the homeowner is issued. This note "softly" informs the homeowner of the violation, and gives them a number of days in order to rectify the situation. If the violation is not corrected, then a violation notice is issued, and the homeowner is required to correct the violation within so many days, or they will be required to go to Mayor's Court. Mr. Dole indicated that the "soft" letter results in correction of the violation in most cases. Mr. Waltz noted that the City's procedure includes issuance of a courtesy notice before it turns into a legal notice and stressed that the goal is compliance, not to upset our citizens. Mr. Waltz cautioned Council that citizens have strong opinions on both sides of this matter. He noted that in addition to comments from citizens criticizing the more stringent regulations, the City and Council (even at tonight's meeting) have received support for these new more stringent requirements.

BLUE ASH CITY COUNCIL

August 12, 2010

Page 16

In addressing a question from Councilwoman Stoller, Mr. Waltz explained that if the Administration suggests a change to the property maintenance legislation in September, with this Code change up for consideration (via legislation) at the October 14 meeting, assuming it is passed in October in one reading, then the adjustments could be in effect by late November. Solicitor Vander Laan confirmed that Council does have the option of waiving a second reading.

It was the consensus of Council that deferment/suspension of enforcement of the more stringent garbage can provisions was acceptable for coming weeks, and the Administration would continue to review and make recommendations as to potential adjustment to the Code language.

In addressing a comment from a citizen made earlier in this meeting, Councilwoman Stoller noted that she has never fallen asleep at a Council meeting.

Councilman Bryan noted that the City's CAFR is now on the internet and noted the favorable results of the 2009 audit activity.

Councilman Bryan noted that on October 16, a regional Bengali celebration of an Indian festival is planned at the Sycamore Junior High School. He extended invitations to this event to all Council colleagues and encouraged their attendance at this event. He noted that a Blue Ash resident is planning this year's Bengali activities.

Councilman Buckman offered his compliments to the Treasurer and his staff on the positive audit report and the CAFR efforts.

Councilman Adamec complimented the efforts associated with beautification week activities. He noted that even after the contest and judging, beautiful landscaping efforts was presented in neighborhoods throughout the City.

Councilman Czerwonka also offered his compliments to the winners of the beautification awards.

Mayor Weber noted that a piano has been placed near the Veterans Memorial – associated with the "Play Me, I'm Yours" event in which 25 to 30 suburbs throughout the Greater Cincinnati area are participating. He invited anyone interested to visit the area and to play the piano.

**EXECUTIVE SESSION**

After all items on the agenda were acted upon, Councilwoman Stoller moved, Councilman Buckman seconded to convene an Executive Session to discuss matters pertaining to Personnel (to consider the compensation of a public employee). The Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Motion carried.

After matters pertaining personnel were discussed, Councilman Sumner 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 Bryan moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:16 PM.

---

Mark F. Weber, Mayor

---

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

---

Susan K. Bennett, Deputy Clerk of Council