

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on March 9, 2006. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

***OPENING CEREMONIES***

Mayor Buckman led those assembled in the Pledge of Allegiance.

***ROLL CALL***

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

ALSO PRESENT: City Manager Marvin Thompson, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Assistant City Manager David Waltz, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, Fire Chief Rick Brown, Assistant Fire Chief Chuck Martin, Fire Captain Greg Preece, Assistant Community Development Director Dan Johnson, Firefighter Steve Ludmann, and interested citizens

***Consideration of a request for an appeal by Daryl Crear regarding a Board of Zoning Appeals decision***

Mayor Buckman swore in all those planning to testify, including Assistant Community Development Director Dan Johnson, Daryl Crear, and George Giles. All testified to “tell the whole truth and nothing but the truth.”

Mr. Johnson, representing the City, explained that there are two parcels of land owned by Mr. Crear that both have a Cornell Road address, though they front LaBelle Avenue. Both parcels are 25 feet wide. The northern parcel is zoned C-2 Planned Commercial and the southern portion is zoned R-3 Residential. The property has a Cornell Road address because the same party who owned the commercial structure to the north on Cornell (previously operating as an auto sales use) owned these parcels as well. Today, the two parcels in question stand alone, are fenced, and are being used for storage. Neither zoning districts involved allow this type of storage. The Board of Zoning Appeals heard this appeal at its December meeting and voted to support the order to comply. Mr. Crear has requested an appeal of that Board of Zoning Appeals decision to Council, bringing the issue here before Council tonight.

Mr. Daryl Crear explained that his stepmother formerly owned the property in question. The building portion of the property was sold, and he is using the two parcels in question in the same manner as they have been used for years. Mr. Crear asked Council to consider grandfathering it since the property is being used for the same purpose as it always has been.

Mr. George Giles, residential property owner to the south on LaBelle, commented that the parcel next to his home is used for outside storage. On occasion, heavy construction equipment during evening hours causes noise and disruption to his family.

In addressing a question from Councilman Sumner, Mr. Johnson explained that there are nine parcels (forming the southeast corner of Labelle and Cornell), all 25 feet wide, which have been used for the same use for a long time. The northern portion (towards Cornell) was sold and is now being used by a roofing contracting firm. It is unclear by him whether the two parcels in question have always been used for storage; however, there is no evidence that shows there was a principal building on any parcel other than the northern most adjacent parcels. When the property was sold, any “grandfathering” right would no longer be valid. Solicitor Vander Laan confirmed this latter interpretation.

Mayor Buckman moved, Councilman Weber seconded to deny the appeal. A voice vote was taken. All members voted yes. Motion carried; appeal denied. This hearing was closed at approximately 7:10PM.

Mayor Buckman appointed Parks & Recreation Director Chuck Funk and Service Director Denny Albrinck to read the legislation in its entirety in the rear of Council Chambers. Mr. Buckman explained to the audience that anyone interested in hearing the ordinances and resolutions read in their entirety is welcome to move to the rear of the Chambers. He also mentioned that written copies of the legislation on tonight's agenda may be found on the ledges near the City Administration's desks.

### ***ACCEPTANCE OF AGENDA***

Councilman Czerwonka moved, Councilman Stacey 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. Consideration of a request for an appeal by Daryl Crear regarding a Board of Zoning Appeals decision
5. Appointment of person(s) to read ordinances in full in rear of Council Chambers
6. ACCEPTANCE OF AGENDA
7. APPROVAL OF MINUTES
  - a. Regular Meeting of February 9, 2006
  - b. Work Session of February 23, 2006
8. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor's Reports – January and February 2006 – Honorable Robert J. Buckman, Jr.
  - d. Financial Reports – Motion to accept the reports for January and February 2006
  - e. 2005 Annual Report – Discussion and motion to accept the report
9. HEARINGS FROM CITIZENS
10. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2006-21, approving collective bargaining agreements associated with the Fire Department
    2. Ordinance No. 2006-23, transferring funds
    3. Motion approving expenses associated with Student Government Day (April 11, 2006)
  - b. Planning & Zoning Committee, James W. Sumner, Chairperson
    1. Motion setting 7:00PM, Thursday, April 27, 2006 as public hearing for consideration of Ordinance No. 2006-19 regarding proposed changes to the Blue Ash Code of Ordinances
    2. Motion setting 7:05PM, Thursday, April 27, 2006 as public hearing for consideration of Ordinance No. 2006-20 regarding adoption of the *Blue Ash Town Center Concept Redevelopment Plan* (representing an update to the Downtown Master Plan first adopted in 1982)
  - c. Public Works Committee, Henry S. Stacey, Chairperson
    1. Ordinance No. 2006-22, accepting Interstate Circle and a portion of Deerfield Road for public maintenance and dedicating as public right-of-way
11. MISCELLANEOUS BUSINESS
12. EXECUTIVE SESSION – Personnel Matters
13. ADJOURNMENT”

### ***APPROVAL OF MINUTES***

Councilman Sumner moved, Councilman Bryan seconded to approve the minutes of the regular meeting of February 9, 2006. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Sumner moved, Councilman Bryan seconded to approve the minutes of the work session of February 23, 2006. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications to Council.

**Reports From Outside Agencies**

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

**Mayor's Report – January and February 2006**

<b>ITEM</b>	<b>Jan. 2006</b>	<b>Feb. 2006</b>
Receipts collected	\$29,395.00	\$24,069.00
Bonds & BMV fees carried over from previous months	\$350.00	\$300.00
Interest	\$11.01	\$10.14
Bonds collected	\$950.00	\$300.00
<b>Total Receipts</b>	<b>\$30,706.01</b>	<b>\$24,679.14</b>
<b>DISBURSEMENTS:</b>		
To the COBA (fines/costs/interest/expungements/forfeitures)	\$22,045.01	\$18,143.14
To State of Ohio	\$7,346.00	\$5,936.00
Refund of overpaid fine	0	0
Bond money applied	\$440.00	\$250.00
Bond money returned	\$15.00	\$300.00
Refund to Farlow	\$100.00	N/A
<b>Total Disbursements</b>	<b>\$30,406.01</b>	<b>\$24,629.14</b>
Balance in bonds	\$300.00	\$50.00
Citations issued	308	232
Criminal citations issued	18	21
Total Mayor's Court cases	326	253
Revenue from Cases	\$22,045.01	\$18,143.14

**Financial Report – January and February 2006**

Councilwoman Stoller moved, Councilman Sumner seconded to accept the Financial Reports for January and February 2006 as submitted. A voice vote was taken. All members voted yes. Motion carried.

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT  
FOR THE MONTH ENDING JANUARY 31, 2006**

<b>MONTH TO DATE</b>	<b>2005</b>	<b>2006</b>
<b>START OF MONTH FUND BALANCE: 1-1-06</b>	\$14,622,289.87	\$12,916,635.98
<b>Revenues:</b>		
Earnings Tax Collections:	\$2,391,600.84	\$2,461,650.03
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>456,067.39</u>	<u>438,529.16</u>
= Total Monthly Receipts	2,847,668.23	2,900,179.19
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	5,100,000.00	0
Other Expenditures:	<u>2,456,480.20</u>	<u>2,677,368.85</u>
= Total Monthly Expenditures:	<u>-7,556,480.20</u>	<u>-2,677,368.85</u>
<b>ENDING FUND BALANCE: 1-31-06</b>	9,913,477.90	13,139,446.32

100% of the fund balance was invested as of 1-31-06. Interest paid to date on matured investments: \$36,703.35. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY  
FOR MONTH ENDING JANUARY 31, 2006**

**MONTH-TO-DATE STATUS**

	2005	2006
Business Net Profit	594,897.70	696,801.42
Resident Net Profit	62,006.05	60,946.63
Non-Resident Net Profit	16,939.14	16,274.90
Subcontractor Net Profit	2,100.50	1,114.66
Net Profit Total	<u>675,943.39</u>	<u>775,137.61</u>
Withholding	1,676,147.39	1,645,489.03
Subcontractor Withholding	39,510.06	41,023.39
Withholding Total	<u>1,715,657.45</u>	<u>1,686,512.42</u>
Monthly Collection Totals	2,391,600.84	2,461,650.03
Year-To-Date Refund Totals	<u>23,248.68</u>	<u>19,399.12</u>

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT  
FOR THE MONTH ENDING FEBRUARY 28, 2006**

MONTH TO DATE	2005	2006
<b>START OF MONTH FUND BALANCE: 2-1-06</b>	\$9,913,477.90	\$13,139,446.32
<b>Revenues:</b>		
Earnings Tax Collections:	1,633,337.40	1,468,098.94
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>537,981.53</u>	<u>853,558.06</u>
= Total Monthly Receipts	2,171,318.93	2,321,657.00
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>2,251,686.60</u>	<u>1,982,538.62</u>
= Total Monthly Expenditures:	<u>-2,251,686.60</u>	<u>-1,982,538.62</u>
<b>ENDING FUND BALANCE: 2-28-06</b>	9,833,110.23	13,478,564.70
<b>YEAR TO DATE</b>		
<b>START OF YEAR FUND BALANCE:</b>	14,622,289.87	\$12,916,635.98
<b>Revenues:</b>		
Earnings Tax Collections:	4,024,938.24	3,929,748.97
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>994,048.92</u>	<u>1,292,087.22</u>
= Total Monthly Receipts	5,018,987.16	5,221,836.19
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	5,100,000.00	0
Other Expenditures:	<u>4,708,166.80</u>	<u>4,659,907.47</u>
= Total YTD Expenditures:	<u>-9,808,166.80</u>	<u>-4,659,907.47</u>
<b>YTD FUND BALANCE</b>	9,833,110.23	13,478,564.70

100% of the fund balance was invested as of 2-28-06. Interest paid to date on matured investments: \$81,630.81. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY  
FOR MONTH ENDING FEBRUARY 28, 2006**

MONTH-TO-DATE STATUS	2005	2006
Business Net Profit	59,201.15	57,914.56
Resident Net Profit	19,551.63	23,029.02
Non-Resident Net Profit	8,215.47	7,252.58
Subcontractor Net Profit	135.00	1,317.08
Net Profit Total	<u>87,103.25</u>	<u>89,503.24</u>
Withholding	1,522,404.63	1,352,927.03
Subcontractor Withholding	23,829.52	25,668.67
Withholding Total	<u>1,546,234.15</u>	<u>1,378,595.70</u>
Monthly Collection Totals	1,633,337.40	1,468,098.94
YEAR-TO-DATE STATUS	2005	2006
Business Net Profit	654,098.85	754,715.98
Resident Net Profit	81,557.68	83,965.65
Non-Resident Net Profit	25,154.61	23,527.48
Subcontractor Net Profit	2,235.50	2,431.74
Net Profit Total	<u>763,046.64</u>	<u>864,640.85</u>
Withholding	3,198,552.02	2,998,416.06
Subcontractor Withholding	63,339.58	66,692.06
Withholding Total	<u>3,261,891.60</u>	<u>3,065,108.12</u>
YTD Collection Totals	4,024,938.24	3,929,748.97
YTD Refund Totals	<u>99,820.00</u>	<u>72,019.89</u>

**Recording of the 2005 Annual Report**

Councilman Bryan moved, Councilwoman Stoller seconded to accept the annual report for 2005. A voice vote was taken. All members voted yes. Motion carried.

(Note: the annual report is printed at the end of these Council minutes.)

***HEARINGS FROM CITIZENS***

Jim Dyer, 5275 Myerdale Drive, commented that, "It is appreciated that Council now appears to be listening to the concerns of the residents when current zoning regulations and the impact of rebuilds on our established neighborhoods clash. Although residents have a number of concerns, I would like to focus on two. First, our neighborhoods are typically laid out with the houses nicely lined up at a common setback from the street. It is important to maintain this arrangement, and I urge you to pass zoning that requires rebuild construction to equal the front setback of the existing homes, not  $\pm$  ten or 20 feet, but equal. Secondly, we have seen from rebuilds in Montgomery and a few recently in Blue Ash that the builders often build up the elevation of the lot and then elevate the basement even more. This has two serious consequences. It almost invariably causes water drainage problems to adjacent homes and it results in houses that are totally out of character with the existing homes in the neighborhood. Both are serious concerns of residents. You need to severely limit the allowable elevation increase that is permitted. Lastly, I would like to remind Council that the residents are a major part of the character of Blue Ash. Beyond that, they are voters, and they are the people you were elected to represent. Also, please note again that we are not against rebuilds. We are against unmanaged rebuilds which undermine existing neighborhoods. Thank you for your attention."

Brent Fisher, 5000 Myerdale Drive, commented that he appreciates Council's moving quickly to address their neighborhood concerns with teardowns. Their concerns remain about water drainage and issues of construction happening next to existing homes. Mr. Fisher showed pictures of water flow occurring on his and nearby properties, and provided a set of these photos to Councilman Sumner since he is the representative on Planning Commission.

Councilwoman Stoller stressed that the City is working on these concerns and are also working to make it an administrative issue before a permit to occupy is granted.

Solicitor Mark Vander Laan commented that anytime anyone diverts water and it causes a problem on another property, as a private matter, that person having the problem has a right to tell the other to fix it. If this private issue is not resolved, then the property owner

with the problem has the right to file suit and resolve the issue through the court system.

Mr. Fisher commented that the heavy trucks are also causing damage to Myerdale Drive, suggesting that perhaps it will need to be repaved earlier than anticipated by the City.

Hearings from Citizens was declared closed at approximately 7:24PM.

### **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 March 9<sup>th</sup> Council Agenda:

#### **4. Consideration of a request for an appeal by Daryl Crear regarding a Board of Zoning Appeals decision**

Mr. Daryl Crear, property owner of 6502 Cornell Road, has requested an appeal of a Board of Zoning Appeals decision regarding storage issues he received notice of in September. The notice explained violations relating to illegal storage of vehicles and trailers on this property (the northern portion of the property is zoned C-2 Planned Commercial) and the southern portion is zoned R-3 Residential. Though the property is off LaBelle Avenue (as you can see by the enclosed “map”), it has a Cornell Road address because originally it was owned by the same party who owned the commercial structure to the north (previously Grandpa’s Auto), essentially at the southeast corner of Cornell and LaBelle. The subject property is vacant, but fenced. Though this property may have been used for this type of storage for many years, the Solicitor’s opinion is that when that property changed ownership (as it did in July 2003), any “grandfathering” right (if any) would have been lost. Therefore, any use would be required to comply with current zoning requirements.

The Board of Zoning Appeals heard an “Appeal of Order to Comply” at its December 12<sup>th</sup> meeting and voted to support the Zoning Administrator’s Order by a unanimous vote (with one member absent). Also, abutting residential property owners to the south (George and Alma Giles) attended this meeting and expressed their concerns with the open storage and resultant noise which sometimes causes disruption to their family.

Mr. Crear has requested an appeal of that Board of Zoning Appeals decision to City Council. That appeal was originally to be heard by Council at its February 9<sup>th</sup> meeting; however, because Mr. Crear was not able to attend that meeting, it was rescheduled for March.

It is expected that Mr. Crear will be at Thursday’s meeting to present his case. Assistant Community Development Director Dan Johnson, being the staff person most familiar with this issue, will also be at the meeting to answer questions on behalf of the City. Any questions before the meeting should be addressed to the Solicitor’s office or the Assistant Community Development Director.

#### **10.a.1. Ordinance No. 2006-21 - Approving collective bargaining agreements associated with the Fire Department**

As Council is aware, the Administration has been negotiating with both the Fire Department’s Firefighter’s union as well as the Fire Lieutenant’s union for new contracts. Agreements have been reached for both. Regarding the Firefighter’s contract, there were relatively few changes in the contract. Those changes are summarized below:

- ?? The most significant change came in regards to Kelly days. In the current contract Firefighters receive paid Kelly time off. This was a result of the fact-finding process from 2003. The cost of paying employees, in addition to giving them time off, has been shown to be cost prohibitive. Though Kelly time is customary in the fire service to meet FLSA standards for overtime – it is not common practice to pay firefighters in addition to giving them this time off. Therefore, this was bargained out of the contract by giving the firefighters a \$3,000.00 addition to their base salary. Working with the Finance department, it was determined that this addition to the base with a 3% would cost nearly the same as a flat 4% increase on a contract with paid Kelly days included but has the advantage of Firefighters being actually on duty. Removing paid Kelly days benefits not only the City, but also the surrounding region as this precedent has been removed from being among industry practices.
- ?? Added language allowing for alcohol and drug testing after a work place accident or injury.
- ?? Changed the residency requirement from living within specified counties, to living within 40 air miles of the station.
- ?? Increased the number of hours that Firefighters will be paid on holidays from 8 hours actually worked to 12 hours actually worked.
- ?? Prohibited Firefighters from scheduling a Kelly day on a major holiday.

The changes to the Fire Lieutenants’ contract are outlined below:

- ?? Added language allowing for alcohol and drug testing after a work place accident or injury.
- ?? Changed the residency requirement from living within specified counties, to living within 40 air miles of the station.

- ?? Changed notice for use of compensatory time from 5 hours to 3 hours.
- ?? Wage increase of 3.5% in the first year, 3.0% in the second and third years.
- ?? Trades allowed to be taken in increments of at least 4 hours at time; but are limited to a maximum of two (2) per day.
- ?? Increased the number of hours that Fire Lieutenants will be paid on holidays from 4 hours actually worked to 12 hours actually worked.
- ?? Removed a clause from the contract that would allow two (2) Lieutenants to be off on vacation time simultaneously.
- ?? Increase compensation for training from 12 hours to 14 hours.
- ?? Renewed the automatic Overtime Memorandum of Understanding.

Please direct questions regarding this ordinance to the Human Resources Officer at 745-8530 or the Assistant City Manager.

**10.a.2. Ordinance No. 2006-23 - Transferring funds**

This first transfer ordinance for 2006 is a relatively simple one that relates solely to the DART program. Even though Blue Ash has transferred its administering responsibilities to Springfield Township, we suspect that Council will be approached with future similar transfers, perhaps for several years. Several of DART's current pending cases are at the federal level, and many of them are several years old. Once cases are resolved and funds disbursed, those monies will be forwarded to Blue Ash, since it was the administering agency during the time the issue arose. This transfer, and perhaps similar ones in the future, will allow Blue Ash to remit funds received on behalf of the DART program to its new administering agency, Springfield Township.

Please direct questions regarding this transfer to the Treasurer.

**10.a.3. Motion approving expenses associated with Student Government Day (April 11, 2006)**

As is usual for this time of year, this motion would be appropriate to pay expenses related to Student Government Day, which will be held on TUESDAY, April 11<sup>th</sup>. The Administration is currently working with Sycamore, Moeller and Ursuline to finalize student participation. The expenses associated with this day's activities include dinner before the Council meeting at Parkers Blue Ash Grill.

**10.b.1. Motion setting 7:00PM, Thursday, April 27, 2006 as public hearing for consideration of Ordinance No. 2006-19 regarding proposed changes to the Blue Ash Code of Ordinances**

As has been discussed with Council, this motion would formally set the public hearing for the proposed Code changes for Thursday, April 27<sup>th</sup>, at 7PM. The April 27<sup>th</sup> meeting will also represent the first reading of this ordinance, with the second reading, and formal Council vote, scheduled for May 11<sup>th</sup>. All requirements for advertising/notification will be followed by the administration.

Please direct questions regarding this item to the City Manager or Assistant City Manager.

**10.b.2. Motion setting 7:05PM, Thursday, April 27, 2006 as public hearing for consideration of Ordinance No. 2006-20 regarding adoption of the Blue Ash Town Center Concept Redevelopment Plan (representing an update to the Downtown Master Plan first adopted in 1982)**

Similar to the item above, this motion would formally set the public hearing for the proposed downtown concept plan for Thursday, April 27<sup>th</sup>, at 7:05PM. The April 27<sup>th</sup> meeting will also represent the first reading of this ordinance, with the second reading, and formal Council vote, scheduled for May 11<sup>th</sup>. All requirements for advertising/notification will be followed by the administration.

Please direct questions regarding this item to the City Manager or Assistant City Manager.

**10.c.1. Ordinance No. 2006-22 - Accepting Interstate Circle and a portion of Deerfield Road for public maintenance and dedicating as public right-of-way**

In early 2005, the City was contacted by Al Neyer, Inc. about several tax bills that Neyer received relating to roadway property that should have been owned by the City of Blue Ash. The situation was examined by the Public Information Officer and further clarified through a review with Frank Miller, a real estate specialist with Dinsmore & Shohl.

Based upon the information available, it would appear that several developments completed by Neyer in the mid to late 1970s did not receive the appropriate follow through in dedicating the development's streets as public right-of-way and accepting those areas for public maintenance. In order to correct this situation, we are requesting that City Council favorably consider Ordinance No. 2006-22 which provides the necessary legislation for the Administration to work through Dinsmore to have these two roadway areas conveyed from Neyer to the City of Blue Ash, to have them dedicated as public right-of-way, and for each of these areas to be accepted for public maintenance.

The two parcels involved are Nos. 222 and 248 of Book 612, Page 200. Parcel 222 on the County records represents Interstate Circle, the cul-de-sac off Grooms Road upon which the City Service garage and Parks &

Grounds Maintenance facilities are located. Although the City has been taking care of Interstate Circle for decades, we do need to correct the situation by having that roadway placed in the City's name. We have located an earlier Ordinance No. 74-83 which dedicates Interstate Circle within the Neyer Interstate Industrial Park Subdivision, but it does not appear that this legislation was appropriately routed to the County to have the property transferred and the necessary adjustments made.

Parcel No. 248 represents an area near the intersection of Ashfield Drive and Deerfield Road, serving another Al Neyer development. We have located Ordinance No. 77-53 that dedicates and accepts Ashfield Drive (Parcel 247); however, Parcel 248 apparently was not appropriately combined with this legislation. Therefore, the ordinance being presented also seeks authorization to resolve this matter as well.

Favorable consideration of this legislation will allow the City to work with Neyer, the County, and Dinsmore & Shohl in having these roadway parcels appropriately conveyed to the City of Blue Ash, and to have them dedicated as public right-of-way and accepted for maintenance.

Please direct questions regarding this ordinance to the Treasurer."

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

Councilman Bryan asked the Clerk to read Ordinance No. 2006-21 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-21

AUTHORIZING THE CITY MANAGER TO ENTER INTO MULTI-YEAR COLLECTIVE BARGAINING AGREEMENTS WITH I.A.F.F. LOCAL 3203 FIREFIGHTER UNIT AND I.A.F.F. LOCAL 3203 FIRE LIEUTENANT UNIT; AMENDING SEC. 131.07- 2(d) AND 131.07- 2(f) OF CHAPTER 131 OF THE BLUE ASH CODE OF ORDINANCES; AMENDING SEC. 133.18-2(d) AND 133.18-2(f) OF CHAPTER 133 OF THE BLUE ASH CODE OF ORDINANCES; 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 Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeses. Motion carried.

Councilman Bryan moved, Councilman Weber seconded to adopt Ordinance No. 2006-21. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-21 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2006-23 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-23

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2006-3 FOR THE YEAR 2006 (AS SHOWN ON ATTACHMENT); 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 Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeses. Motion carried.

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-23. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-23 passed.

Councilman Bryan moved, Councilwoman Stoller seconded to approve expenses associated with Student Government Day. A voice vote was taken. All members voted yes. Motion carried.

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

Councilman Sumner moved, Councilwoman Stoller seconded to set 7:00PM, Thursday, April 27, 2006 as public hearing for consideration of Ordinance No. 2006-19 regarding proposed changes to the Blue Ash Code of Ordinances. A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to set 7:05PM, Thursday, April 27, 2006 as public hearing for consideration of Ordinance No. 2006-20 regarding adoption of the *Blue Ash Town Center Concept Redevelopment Plan* (representing an update to the Downtown Master Plan first adopted in 1982). A voice vote was taken. All members voted yes. Motion carried.

**Public Works Committee, Henry S. Stacey, Chairperson**

Councilman Stacey asked the Clerk to read Ordinance No. 2006-22 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-22

ACCEPTING INTERSTATE CIRCLE AND A PORTION OF DEERFIELD ROAD FOR PUBLIC MAINTENANCE AND DEDICATING THESE AREAS AS PUBLIC RIGHT-OF-WAY; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Bryan seconded to adopt Ordinance No. 2006-22. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-22 passed.

**MISCELLANEOUS BUSINESS**

City Manager Marvin Thompson commented on the memo included in Council packets regarding an economic development assistance recommendation involving a project in the downtown district. In addressing a question from Councilman Sumner, Mr. Thompson explained that the Administration plans to put an item on the April 11<sup>th</sup> agenda at which time Council can publicly discuss the issue. A Council decision is requested sometime in April.

In addressing a question from Councilman Sumner regarding proposed additional considerations for changes to the zoning code that he presented to the Planning Commission, it was determined that these suggestions would be discussed by the Planning Commission at its April meeting and by Council under "Miscellaneous Business" at its April 11<sup>th</sup> meeting. The public hearing and first reading of the ordinance is scheduled for April 27<sup>th</sup>. The second reading and formal vote is scheduled for May 11<sup>th</sup>.

Mayor Buckman expressed birthday greetings to Public Information Officer/Deputy Clerk of Council Sue Bennett as today is her birthday.

**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 and personnel. The Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Motion carried.

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

***ADJOURNMENT***

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Weber seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:07 PM.

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Robert J. Buckman, Jr., 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

***Note: the 2005 annual report is spread on following pages***