

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on August 10, 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 David Waltz, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Service Director Dennis Albrinck, Fire Chief Rick Brown, Fire Captain Greg Preece, Police Captain Bob Lilley, Economic Development Director Judy Clark, members of the press, and interested citizens

**2006 BEAUTIFICATION WEEK AWARD PRESENTATIONS**

Councilman Czerwonka, who participated on the Beautification Award Committee, and Mayor Buckman distributed Beautification awards to those present. Each of the Finalists was presented with a yard sign, and the other categories received a garden stepping stone. 2006 winners include:

- Mayor's Choice: Yasbeck Family, 10116 Kenwood Road
- People's Choice: Pike Family, 4907 Myrtle Avenue
- Committee's Choice: Detmer Family, 4965 Aldine Drive

Other Finalists:

- Peck Family, 5180 Catalpa Creek Drive
- Barnhorst Family, 6060 Donjoy Drive
- Castor Family, 4900 Kenridge Drive
- Glauser Family, 4915 Muirwoods Court
- Fink Family, 3557 Tiffany Ridge Drive
- Crusham Family, 10171 Zig Zag Road
- Sotto Family, 10894 Wengate Lane
- Business Award: Blue Ash Educational Building, 10149 Kenwood Road

**HEARING – Consideration of an appeal related to the Fire Code related to expansion of a restaurant (Baxter's) located at 4858 Cooper Road in Downtown**

This hearing began at approximately 7:08 PM. Jason Theobald and Ken Meyers were present to represent restaurant owner Bob Slattery.

Mr. Theobald, General Counsel with EJKS, LLC, explained that Mr. Slattery is the new owner of Baxter's Bistro, soon to be named Slatt's Pub. They are present tonight to ask Council for a variance of Blue Ash Code Section 1501.13 which requires a sprinkler system for a restaurant with a floor area of 5,000 square feet or more. The owner would like to make improvements to the restaurant to improve its curb appeal. The original plans submitted to the City for these improvements showed the building to be under 5,000 square feet. However, the City encouraged the owner to bring the addition closer to the road to be more in line with the City's vision for an updated downtown area. The additional area encouraged by the City brings the restaurant up to 5,399 square feet – 399 square feet over the 5,000 which would require a sprinkler system. To accommodate this larger building, the City is requiring the owner to spend an additional approximate \$9,500 for an alarm and \$50,000 for sprinklers. The applicant requests a variance of the sprinkler requirement. They will have a firewall system with 20 alarms. There will be an Ansul system in the kitchen area. They would like to reopen by the Taste of Blue Ash in late August. Once the restaurant is reopened, the owner plans for it to be non-smoking. They also plan four means of egress from the building. They

asserted that a variation was granted in the past by the City to the owners of a medical office located on Towne Square Avenue about 1/3 of a mile away (Dr. Szymd). That building had 6,200 square feet, including the unoccupied basement.

If the variance were not possible, the applicant would like to propose an alternative in that they be granted conditional variance for a specified period. At the end of that specified period (five years, for example), they would either be required to install the sprinkler system in the current building or tear down the current building and construct a new one that would be compliant with all respects with the Blue Ash Code, including the new look desired for downtown.

Mr. Theobold commented that his father is a firefighter and he could not in good conscious suggest something that would put lives in danger, whether a customer or firefighter called upon to fight a fire.

Mr. Meyers explained that his role in the project is to assist with the design of a fire alarm system, in lieu of a sprinkler system. He explained that there would be smoke and heat detectors throughout the building.

In addressing a question from Councilwoman Stoller, Mr. Theobold commented that there would be no difference in insurance rates with the system as proposed.

Fire Captain Greg Preece explained that the Fire Department's recommendation is for Council to deny the request for the variance, thereby requiring the building to be in compliance with the Fire Code that has been in place since 1974. In addressing a question from Councilwoman Stoller, Captain Preece explained that the Code's requirement is based upon the size of the building. The sprinklers would be activated if the temperature rose to a certain point whether the building was occupied or not. Fire Chief Rick Brown added that recently the Department responded to two businesses with major fires, and the sprinkler systems in those buildings were responsible for essentially saving both building structures.

In addressing a question from Councilman Sumner, Solicitor Mark Vander Laan commented that it is his opinion and the opinion of his office that there is no authority in the Blue Ash Code for Council to vary any specific provision of the Fire Code. This is not similar to provisions in the Planning & Zoning Code where the Code may allow such variances.

Councilman Stacey moved, Councilman Sumner seconded to deny the request of the applicant for a variance of the Fire Code which requires a restaurant with a floor area of 5,000 square feet or more to install a sprinkler system since there is no authority in the Code which authorizes Council to vary any provision of the Fire Code. A roll call vote was taken. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Councilwoman Stoller voted no. Six yeses. One no. Motion carried. Request for variance denied. This hearing was closed at approximately 7:21 PM.

Mayor Buckman appointed 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.

### **ACCEPTANCE OF AGENDA**

Councilman Sumner 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. PRESENTATION OF 2006 BEAUTIFICATION WEEK AWARDS

5. Hearing – Consideration of an appeal related to the Fire Code related to expansion of a restaurant (Baxter's) located at 4858 Cooper Road in Downtown

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 13, 2006

9. COMMUNICATIONS

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

- b. Reports From Outside Agencies
- c. Mayor’s Report – July 2006 – Honorable Robert J. Buckman, Jr.
- d. Financial Report – Motion to accept the report for July 2006
- e. Proclamation – Establishment of an Eruv district - Honorable Robert J. Buckman, Jr.

10. HEARINGS FROM CITIZENS

11. COMMITTEE REPORTS

- a. Finance & Administration Committee, Rick Bryan, Chairperson
  - 1. Ordinance No. 2006-52, providing for the submission to Blue Ash electors the question of amending a portion of Article IX of the Blue Ash Charter regarding earnings tax (first reading)
  - 2. Ordinance No. 2006-53, transferring funds
  - 3. Motion changing the October 12, 2006 Regular Council Meeting starting time to 6:00PM
- b. Public Works Committee, Henry S. Stacey, Chairperson
  - 1. Ordinance No. 2006-54, authorizing the City Manager to seek financial assistance from the State Capital Improvement Program
- c. Public Safety Committee, Stephanie Stoller, Chairperson
  - 1. Ordinance No. 2006-55, updating certain sections of the Blue Ash Code relating to traffic and general offenses

11. MISCELLANEOUS BUSINESS

12. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Sumner moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of July 13, 2006. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications presented to Council.

**Reports From Outside Agencies**

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

**Mayor's Report – July 2006**

**RECEIPTS:**

Fines .....	\$14,748.00
Bonds & BMV fees carried over .....	\$130.00
Interest Earned .....	\$9.01
Bonds collected .....	\$360.00
<b>TOTAL RECEIPTS:</b> .....	<b>\$15,247.01</b>

**DISBURSEMENTS:**

To Blue Ash (fines/costs/interest/ Expungements/forfeitures) .....	\$10,476.01
To the State of OH .....	\$4,321.00
Refund of Overpaid Fine .....	\$10.00
Bond Money applied.....	\$20.00
Bond Money returned .....	\$110.00
BMV .....	\$ 0.00
<b>TOTAL DISBURSEMENTS</b> .....	<b>\$14,937.01</b>

BALANCE IN BONDS:.....\$310.00

Mayor’s Court traffic citations..... 151

Mayor’s Court criminal citations 9

TOTAL..... 160

July rev. from Mayor’s Ct. Cases: \$10,476.01

**Financial Report – July 2006**

Councilman Stacey moved, Councilman Bryan seconded to accept the Financial Report for July 2006 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, 2006**

MONTH TO DATE	2005	2006
START OF MONTH FUND BALANCE: 7-1-06	\$11,710,211.17	\$12,896,869.91
<b>Revenues:</b>		
Earnings Tax Collections:	\$2,432,437.39	2,516,192.48
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	717,863.68	810,527.12
= Total Monthly Receipts	3,150,301.07	3,326,719.60
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	2,695,496.10	2,550,759.59
= Total Monthly Expenditures:	2,695,496.10	2,550,759.59
<b>ENDING FUND BALANCE: 7-31-06</b>	<b>12,165,016.14</b>	<b>13,672,829.92</b>
YEAR TO DATE	2005	2006
START OF YEAR FUND BALANCE:	14,622,289.87	12,916,635.98
<b>Revenues:</b>		
Earnings Tax Collections:	13,913,548.84	14,023,946.80
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	5,620,302.14	6,088,121.32
= Total Monthly Receipts	19,533,850.98	20,112,068.12
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	5,100,000.00	0
Other Expenditures:	16,891,124.71	19,355,874.18
= Total YTD Expenditures:	21,991,124.71	19,355,874.18
<b>YTD FUND BALANCE</b>	<b>12,165,016.14</b>	<b>13,672,829.92</b>

100% of the fund balance was invested as of 7-31-06. Interest paid to date on matured investments: \$321,061.73. Receipt and expenditure figures do not include interfund transfers.

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

MONTH-TO-DATE STATUS	2005	2006
Business Net Profit	1,001,661.86	841,631.35
Resident Net Profit	86,389.82	72,562.37
Non-Resident Net Profit	16,512.85	17,153.06
Subcontractor Net Profit	476.20	627.99
Net Profit Total	1,105,040.73	931,974.77
Withholding	1,295,030.02	1,538,589.92
Subcontractor Withholding	32,366.64	45,627.79
Withholding Total	1,327,396.66	1,584,217.71
Monthly Collection Totals	2,432,437.39	2,516,192.48
YEAR-TO-DATE STATUS	2005	2006
Business Net Profit	3,390,425.77	3,166,742.23
Resident Net Profit	556,557.03	566,292.71
Non-Resident Net Profit	156,380.36	156,566.15
Subcontractor Net Profit	12,525.91	18,323.75
Net Profit Total	4,115,889.07	3,907,924.84
Withholding	9,639,381.36	9,923,354.90
Subcontractor Withholding	158,278.41	192,667.06
Withholding Total	9,797,659.77	10,116,021.96
YTD Collection Totals	13,913,548.84	14,023,946.80
YTD Refund Totals	449,497.25	497,879.95

**Proclamation – Establishment of an Eruv district – Honorable Robert J. Buckman, Jr.**

Mayor Buckman presented Rabbi Mangel with a signed copy of the following proclamation:

“WHEREAS, in accordance with the Jewish religion, the laws of the Sabbath contain the commandment “Let no man go out of his place on the Sabbath Day” (Exodus 16:29); and a man’s “place” is defined by (1) specifying certain natural

or artificial boundaries, and (2) Letting the use of the domain within these boundaries by mutual agreement; and

WHEREAS, a request has been made by Rabbi Yisroel Mangel, Director of The Chabad Jewish Center in Blue Ash located at 3977 Hunt Road, on behalf of the Orthodox Jewish residents of Blue Ash and its nearby communities, to create an Eruv District within the boundaries of Blue Ash and to have use of the rights to the domain within this area solely for the purpose of “carrying” on the Sabbath and other Jewish Holy Days in accordance with Orthodox Jewish Law and for no other purpose; and

WHEREAS, Eruv Districts have been used for 2,500 years by countless Jewish communities, including ancient Israel; Eastern European centers of Judaism such as Warsaw, Lvov, and Vilna; present day internationally-known cities such as Paris, Jerusalem, New York, and Baltimore; and other nearby Greater Cincinnati area communities such as Reading, Springfield and Sycamore Townships, Cincinnati, and Amberley Village.

NOW, THEREFORE, I, Robert J. Buckman, Jr., Mayor of the City of Blue Ash, Ohio, do hereby proclaim a grant of the Eruv domain rights for the City of Blue Ash, for the purpose of carrying on the Sabbath and other Jewish Holy Days in accordance with the Orthodox Jewish Law.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the City of Blue Ash, Ohio, to be affixed this 10th day of August, Two Thousand and Six.”

#### **HEARINGS FROM CITIZENS**

Hearings from citizens began at approximately 7:26 PM.

Mayor Buckman recognized the college students in attendance at this evening’s meeting from Ilmenau Technical University based in Blue Ash’s Sister City, Ilmenau, Germany. He asked the students (and professor) to step forward. Mayor Buckman presented each of the ten students and one professor with an individualized signed certificate thanking them for their “participation in the Exchange between Raymond Walters College/University of Cincinnati located in Blue Ash and Technische Universitaet Ilmenau,” commending them for their “efforts in fostering international friendship, education, and understanding,” and offering a “warm welcome to Blue Ash.”

He also recognized RWC professor, Dr. Debbie Page, for her efforts to host these students and for her continued valuable assistance to Blue Ash with its Sister City efforts.

Bill Christian, resident at 9854 Kenwood Road and owner of Blue Ash Aviation based at the Blue Ash Airport, commented that there are some people here at tonight’s meeting to express support for the proposal for a park and for the City of Cincinnati to continue to own and operate the airport. There are also some here who want Blue Ash to buy the airport and control its destiny. Mr. Christian clearly supports the latter. He believes that the timing and opportunity are here now for Blue Ash to buy the airport and control its operations and destiny. He remarked that there are investors interested in buying the airport property, and invited Blue Ash to join as an investor. If Blue Ash would own and operate the airport, the airport’s continued existence would be guaranteed. His concern is that the proposal being considered now with Cincinnati does not guarantee the future continued existence of the airport. The airport serves an important role within the regional air transportation system and it has potential to serve as a model airport. He cannot support a tax increase that does not guarantee the continued existence of the airport.

Chip Gerhardt was present to represent the Aircraft Owners & Pilots Association (AOPA) in Ohio. He expressed support for Blue Ash’s efforts to buy a portion of the property for park development with the remaining land to be maintained by Cincinnati as an airport. He and the AOPA will do whatever they can to maintain the airport’s operation, and reiterated their support for the proposal offered by Blue Ash. He also has talked with Cincinnati Mayor Mark Mallory. Mr. Gerhardt agrees with Blue Ash in that the proposal being considered by Blue Ash today represents the best chance for continued Blue Ash Airport operations into the future. He pointed out that if the City of Cincinnati chose, it could close the airport in 31 days. The AOPA of Ohio strongly encourages Blue Ash to move forward with the plan as proposed.

Linda Stegman, a resident of North College Hill and an employee at a Blue Ash business, expressed concern with the proposed tax increase. North College Hill does not offer reciprocity, so she is now required to pay an earnings tax of 1.5% to North College Hill and 1% to Blue Ash. She asked who on Council represents the business community and suggested that the tax revenue be collected through property taxes, not the earnings tax. She asked the City consider the possibility of making an earnings tax increase temporary, rather than permanent, and urged the City to find another method to fund the desired projects.

Hamilton County Commissioner Phil Heimlich spoke briefly about the proposed ¼% sales tax increase for Hamilton County to fund construction of a new Hamilton County Jail. He explained the problems faced by the County's jails today with overcrowding, frequent early release of prisoners, and outdated correctional facilities. His proposal would also reduce property taxes to counteract this increase in sales tax. They propose to put this sales tax increase issue on the November General Election ballot. He commented that every Police Chief in the area supports this proposal, and that he would appreciate Blue Ash's support of the issue. In addressing a question from the audience, Mr. Heimlich commented that the ideal place to build a new jail is within five to ten minutes from the justice center.

Mike Kelley, 9639 Cooper Lane, commented that Cooper Lane has taken on a different look because of the infill housing construction. He expressed concern with construction vehicle parking on the street and the upcoming start to the new school year as Sycamore's buses use Cooper Lane every day. He expressed concern with the noise created by the new construction, including very early in the morning (6:45AM experienced recently) and on Sundays, including Father's Day. Though he believes in development and the idea of a community moving forward, he urged the City to exercise control over this type of development.

Bill Sikute, 9566 Bluewing Terrace, commented that he has been a resident of Blue Ash for 31 years, is a member of the Planning Commission, and is a member of the Airport Advisory Committee. He also is a pilot who owns a plane based at the Blue Ash Airport. He has been involved for nearly 20 years with related Blue Ash Airport issues, and until now, no progress has been made. This is the first time ever that a proposal has been agreed upon between the Cities to protect the Airport operations and to maintain existing green/park space for residents. He offered his congratulations to the Blue Ash Council and Administration on their creativity and well-thought-out effort. He wholeheartedly supports an earnings tax increase with the increased revenues to be used as planned. He urged Blue Ash to move quickly to secure this opportunity.

Brent Fisher, 5000 Myerdale Drive, commented that he agrees with the previous comments made by Mike Kelly. He expressed concerns with the work of NIC, and asked Blue Ash not to forget the residents and their concerns with infrastructure, storm water issues, and street maintenance. He would support the idea of Blue Ash buying the airport.

Don Wilson, 3533 Mohler Road, commented regarding the Airport park proposal. He acknowledged that this is the first time reasonable discussion with the City of Cincinnati has been accomplished. He expressed concern with the continued guaranteed existence of the airport, the ability of Cincinnati to close the airport at any time, and the continued revenue stream to Cincinnati whether the airport is open or closed. He is fearful that the project as proposed will result in the closing of the airport.

Joseph Prior, Stonehenge Drive, expressed concern with the proposed earnings tax increase and the fact that most of the people it would affect (those who work in Blue Ash, but may not live in Blue Ash) do not have a chance to vote on the issue. He compared this scenario to the United States history with the Boston Tea Party, and commented that taxation without representation is a basic principle of our country. He urged Blue Ash to give all the taxpayers an opportunity to be included on the vote for this issue. He expressed support for the concept of having the park property and green space.

Scott Meyer, a Deerfield Township resident, commented that he is a pilot and a frequent airport user. He expressed support for the idea of Blue Ash buying the airport and maintaining its operations. He displayed aerial photos of both the Blue Ash Airport and the Butler County Airport and commented that Blue Ash could be a successful airport, similar to Butler County's that has many hangars. He urged Blue Ash to take control of the airport and to control its future and preserve its existence.

Bob Steele, a Deerfield Township resident, commented that he is a pilot who keeps his airplane in Dayton. He commented on the history and heritage of the Blue Ash Airport and how much of a loss it would be if it would cease operation. He mentioned that the City of Cincinnati is a troubled entity, and he encouraged Blue Ash to control the future of the airport, to guarantee its future heritage, and to buy it now.

Mike Rust of Cuni, Rust & Strenk in Blue Ash, commented that the airport is important to Blue Ash and his company. A major reason he located and maintains his business in Blue Ash is because of the airport.

Rob Reider, 8819 Castleford (Montgomery), congratulated Blue Ash on the progress made with the City of Cincinnati in regards to the airport. He believes that if the current proposal goes through, it represents the best chance to save the airport. He expressed thanks to all those involved and commented that the park project would be a significant attraction for Blue Ash. He believes it will bring people and dollars back to Blue Ash.

A gentleman who is a professor/doctor at the University of Cincinnati and a pilot expressed his belief that the airport is important because it can bring help in the case of a natural disaster.

Amy Christian, 9854 Kenwood Road and employee at her husband's business, Blue Ash Aviation based at the Blue Ash Airport, expressed concern with Blue Ash's not including the purchase of the airport in the current proposal. She is concerned that Cincinnati can still close the airport for any reason and that residents will have no say in whether the airport remains or not. She urged Blue Ash to take control of the airport and to ensure its long-term existence by inclusion of such language in the contract with Cincinnati.

Bob Ready, owner of Blue Ash based Lighting Systems Inc, commented that he has been a corporate resident of Blue Ash for 30 years. His company started with four employees, and now has 1,800. He also owns a plane at the Blue Ash Airport. Mr. Ready complimented the Council and Administration on the direction they are headed with the airport property proposal. The progress made recently represents a true milestone, and one that has not been reached for the past 24 years. Though he agrees it would be ideal for Blue Ash to own and operate the airport, he expressed support for the direction and efforts by Blue Ash to purchase part of the property if that is the best Cincinnati will offer. He commented that this recent progress continues Blue Ash's progressive attitude and that if this opportunity is lost, chances are very good that the airport will be lost forever. He urged Blue Ash to take what it can get now and to continue the fight to keep the airport open. He mentioned that Cincinnati fears office development on this property as it could take development away from downtown Cincinnati. He reiterated that if we are not careful and support this opportunity now, the airport may be lost forever. Mr. Ready remarked that even with a ¼% earnings tax increase, Blue Ash still has one of the lowest earnings taxes in the area. He believes this is a small price to pay to keep the community growing and progressive and to keep property values up. He thanked Blue Ash for taking this step.

Jim Dyer, a resident on Myerdale Drive since 1978, expressed concern with the proposed contract with Cincinnati since it does not guarantee the existence of the airport. He expressed concern with there being no detailed plans associated with how the earnings tax increase will be spent by Blue Ash. If he were given the opportunity to grade Blue Ash on its business operations, he would offer a failing grade.

Hearings from Citizens was declared closed at 8:28 PM.

#### **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 10<sup>th</sup> Council Agenda:

#### **"4. Presentation of Beautification Week Awards**

Beautification Week awards will be presented at this Thursday's meeting. Beautification Week judging took place the week of June 5<sup>th</sup> by the seven member committee. Judging was based upon nominations received from the community, and this year we received over 31. The judges viewed each of those properties, with the criteria being overall upkeep and maintenance of property, type of plantings used, type of color combinations used, overall lawn area maintenance, and overall tree maintenance. The People's Choice was the result of voting by citizens. Photographs of the properties were posted at both the Recreation Center and the Golf

Course so residents could vote on their favorite property, with voting taking place the week of June 19<sup>th</sup>. Over 100 votes were received for People's choice.

Those to be presented with awards, with many expected to be present at Thursday's meeting, include those listed below. All will be presented with stepping stone awards for placement in their garden areas:

- Mayor's Choice: Yasbeck Family, 10116 Kenwood Road
- People's Choice: Pike Family, 4907 Myrtle Avenue
- Committee's Choice: Detmer Family, 4965 Aldine Drive

Other Finalists:

- Peck Family, 5180 Catalpa Creek Drive
- Barnhorst Family, 6060 Donjoy Drive
- Castor Family, 4900 Kenridge Drive
- Glauser Family, 4915 Muirwoods Court
- Fink Family, 3557 Tiffany Ridge Drive
- Crusham Family, 10171 Zig Zag Road
- Sotto Family, 10894 Wengate Lane
- Business Award: Blue Ash Educational Building, 10149 Kenwood Road

Please direct questions regarding Beautification week to Councilman Czerwonka.

**5. Hearing to consider an appeal related to the Fire Code related to expansion of a restaurant (Baxter's) located at 4858 Cooper Road in Downtown**

The City is in receipt of a request from Baxter's at 4858 Cooper Road for an appeal requiring the installation of an automatic sprinkler system required for buildings 5,000 square feet or larger. Baxter's is currently undergoing an addition, and the Fire Department is requiring, per ordinance, a sprinkler system.

Please refer to the additional information contained within Council packets regarding this issue for further information.

Please direct questions regarding this hearing to the City Solicitor.

**9.e. Proclamation – Establishment of an Eruv district - Honorable Robert J. Buckman, Jr.**

Though we normally do not provide supplementary information relating to proclamations, given the uniqueness of this proposed proclamation, we thought it would warrant further explanation to Council before the meeting.

Several weeks ago, the City Manager and Service Director met with Rabbi Mangel of the Chabad Jewish Center, along with his colleagues regarding their request for Blue Ash to establish an Eruv District within Blue Ash. Basically what this district does, in their religious beliefs, is establish a "covered" place, or corridor, within the community that meets the religious requirement that will allow believers to travel as well as to carry items on the Sabbath. What defines the limits of the Eruv district are markings on the utility poles. In other communities, those markings consist of metal L-shaped items attached to the poles (perhaps 12 feet or so from the ground). One leg of the "L" was attached to the pole, and the other leg of the "L" extends out from the pole, essentially forming the "covered place" that meets the religious requirement. Essentially, this proclamation, which has also been reviewed by our Solicitor's office, expresses the City's support to establish this Eruv District. From this point forward, the members of the Jewish Center would then work directly with the utility companies in placing these markers. There is absolutely no cost to the City of Blue Ash associated with these markings. It is our understanding, after learning more from neighboring communities who have completed similar districts, that the utility companies have no problem accommodating these requests, and none of the communities have experienced problems as a result of their placement. They are placed very discreetly, and are hardly noticeable, except to those whose religious belief it affects. It is expected that Rabbi Mangel may be at Thursday's meeting to address any questions from Council.

**11.a.1. Ordinance No. 2006-52 - Providing for the submission to Blue Ash electors the question of amending a portion of Article IX of the Blue Ash Charter regarding earnings tax (first reading)**

As has been discussed at recent Council meetings, presentation at this meeting of Ordinance No. 2006-52 represents the first reading of the legislation required by Blue Ash in order to put forth to the voters in November 2006 the question of amending the Blue Ash Charter related to the proposed 0.25% increase in the City's earnings tax. The second reading and formal vote of this ordinance will take place at the special meeting set for August 17<sup>th</sup>.

Please address questions regarding this ordinance to the City Manager.

**11.a.2. Ordinance No. 2006-53 - Transferring funds**

It is time once again to adjust the Budget as approved earlier this year. Although the attachment detailing the proposed changes appears lengthy, consider that nearly three-quarters of the items (prefaced with Fund No. "442") are related to closing the Firehouse Construction Fund. This Fund, originally created to track the revenues and expenditures related to the design and construction of the North Fire Station, is ready to be finalized, permitting the remaining unspent balance of \$19,347.88 to be transferred to the Debt Retirement Fund No. 331. This effort will complete all accounting requirements for this project and will permit it to be cleared from the accounting report.

The most significant other item involves the transfer of \$282,000 from the General Fund Contingency to accommodate supplemental printing expenses relating to our branding and marketing efforts, as well as additional funding in the Professional Services Account for Community Development. Those funds, which exceed \$250,000 of the \$282,000, are necessary to provide for the payment to the City's contractual building inspection and code enforcement group, National Inspection Corporation (NIC), representing 90% of permit fees collected.

The transfer of this amount should accommodate all payments to NIC through the remainder of 2006. Through the end of July, permit revenue collections through the Community Development Office have nearly reached the entire amount budgeted for 2006, indicating that substantial revenue would be collected in the months ahead. Funding needs to be in place to provide for payment to the contractor of 90% of that amount yet to be collected. In essence, this is not a net additional expense.

Finally, the Fire Chief has requested that \$17,000 of capital funding in their account be transferred to professional services and to communications. This funding remained in the capital account due to a favorable bid on the replacement fire truck ordered earlier this year.

Please direct questions regarding the transfer to the Treasurer.

**11.a.3. Motion changing the October 12, 2006 Regular Council Meeting starting time to 6:00PM**

This motion would appropriately change the starting time of the regular meeting of October 12<sup>th</sup> to 6PM. The delegation from our Sister City will be in town during this meeting, and they will be present at the meeting. This will be the first chance a delegation will see first hand a Blue Ash Council meeting, as past visits did not coincide with meeting days.

Please direct questions regarding this motion to the City Manager.

**11.b.1. Ordinance No. 2006-54 - Authorizing the City Manager to seek financial assistance from the State Capital Improvement Program**

The City once again intends to submit its Blue Ash/Hunt Road Improvement Project to the District II Integrating Committee for possible partial funding from the State Capital Improvement Program (SCIP), formerly known as Issue Two. The request will be for a grant/loan or possibly a long-term, 100% loan. The project would include a complete rebuilding of the roadway base, paving, curbs and gutters, and a new storm sewer system for Blue Ash Road. Curbs and gutters, an improved stormwater system, sidewalk, and a repaved road are slated for part of Hunt Road (from West Avenue east to Blue Ash Road). Ordinance No. 2006-54 is required to grant the City Manager the authority to make application for this program, just as we have done in the past for this project as well as others (such as Reed Hartman Highway - Phase II, Kenwood Road, and Cornell Road improvement projects).

Please direct questions regarding this ordinance to the Service Director.

**11.c.1. Ordinance No. 2006-55 - Updating certain sections of the Blue Ash Code relating to traffic and general offenses**

This year's annual code update changes are limited to changes in part three: Traffic Code and in part five: General Offenses, of the Blue Ash Code of Ordinances. These changes mirror revisions made at the State level, bringing the City of Blue Ash into compliance with the Ohio Revised Code and the Ohio Administrative Code. The affected portions of the Blue Ash Code of ordinances have been attached and changes are indicated by red copy.

Please direct questions regarding the proposed changes to Police Captain Bob Lilley."

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

Councilman Bryan asked the Clerk to read Ordinance No. 2006-52 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2006-52

PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF BLUE ASH, OHIO, THE QUESTION OF AMENDING THE SECOND PARAGRAPH OF SECTION 9.01 OF ARTICLE IX OF THE CHARTER OF BLUE ASH; AND DECLARING AN EMERGENCY

Councilman Bryan explained that this is the first reading of this ordinance. The second reading and formal vote of Council is scheduled for August 17<sup>th</sup>. He explained that this ordinance would authorize that the issue of a ¼% increase in the earnings tax would be placed on the ballot for Blue Ash voters to decide in November. A number of public open houses, information booths at upcoming events, and static displays with project information are being planned to educate the voters about the proposed tax increase and the Airport park project in general.

Councilman Bryan moved, Councilwoman Stoller seconded to approve the schedule proposed by the Administration for the open houses and other public opportunities for residents to learn more about

the airport park project and the earnings tax increase planned for the November General Election ballot. A voice vote was taken. All members voted yes. Motion carried. The Administration's memo is spread below for reference:

"We would like to move forward with the next step in our planning for the potential Airport Park – scheduling of specific outreach efforts to educate voters about the Airport Park project and earnings tax issue to be on the November ballot. The following offers a draft schedule for various efforts. The goal for each of the open houses would be to have at least one Council representative as well as one or more City staff representatives present to answer questions. Please let us know if you have any concerns with the proposed days and times below. Once we are set on days and times, then we can create a schedule as to staffing. Thank you.

**OPEN HOUSE SCHEDULE:**

Thursday, Sept. 14th	4:30 - 6PM	Rec Center (before a Council meeting)
Saturday, Sept. 23rd	10AM - Noon	Hazelwood Civic Center
Thursday, Sept. 28th	4:30 - 6PM	North Firehouse (before a Council meeting)
Tuesday, Oct. 3rd	11AM - 1:30PM	Council Chambers/Municipal & Safety Center
Wednesday, Oct. 4th	11AM - 1:30PM	Recreation Center

**BOOTHS:**

August 25-27	Taste of Blue Ash
Sat., Sept. 9th	Dog Day at the Rec Center Pool
Sat., Sept. 9th	Soccer games at the Sports Center
Sat., Sept. 16th	Soccer games at the Sports Center
Sat., Oct. 14th	Heritage Day (Nature Park)
Sat., Oct. 28th	Halloween Walk (Nature Park)

**DISPLAYS:**

Recreation Center	Now till Election
Golf Course	Now till Election
Area restaurants	September & October
Duke/Office Bldgs	To be determined

Also ... upon request, staff/etc. will be available for neighborhood meetings, etc."

Councilman Bryan asked the Clerk to read Ordinance No. 2006-53 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-53

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, Councilwoman Stoller 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 yeases. Motion carried.

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2006-53. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-53 passed.

Councilman Bryan moved, Councilwoman Stoller seconded to change the October 12, 2006 Regular Council Meeting starting time to 6:00PM. A voice vote was taken. All members voted yes. Motion carried. Councilman Bryan commented that the meeting time is being changed to better accommodate the schedule planned for the Ilmenau delegation which will be in town at that time.

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

Councilman Stacey asked the Clerk to read Ordinance No. 2006-54 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-54

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

Councilman Stacey 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 yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-54. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-54 passed.

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

Councilwoman Stoller asked the Clerk to read Ordinance No. 2006-55 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-55

AMENDING AND ENACTING CERTAIN SECTIONS OF PART 3 TRAFFIC CODE AND PART 5 GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, OHIO, INCORPORATING CHANGES IN STATE LAW AND OTHER RELATED PROVISIONS; AND DECLARING AN EMERGENCY

Councilwoman Stoller moved, Councilman Stacey 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.

Councilwoman Stoller moved, Councilman Sumner seconded to adopt Ordinance No. 2006-55. 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. 2006-55 passed.

**MISCELLANEOUS BUSINESS**

City Manager David Waltz commented that Cincinnati Water Works (CWW) will be starting a project on Blue Ash Road beginning in Sycamore Township and north to Cooper Road, and on Cooper Road east to Kenwood Road. CWW is planning to replace a transmission line and is close to bidding the project, and the City Administration will work to keep people informed about the road project and potential inconveniences. Blue Ash will also make sure appropriate construction restrictions are in place to minimize inconvenience.

Councilwoman Stoller commented that although she voted “no” on the motion to deny the request for the Fire Code variance, she understands why the Council does not have the authority to deny.

Councilman Weber expressed praise to the Administration on the creative approach taken with the airport proposal and the ability to get the City of Cincinnati moving forward. He believes this represents the best opportunity to keep the airport operational.

Councilman Bryan commented that Blue Ash has two objectives with the airport proposal: (1) to create a significant park with green space; and (2) to keep the airport operational. He reiterated his enthusiasm for the plan as proposed.

Councilman Czerwonka asked that the paverstone sidewalk on Cooper Road in the Northfield area be treated for weeds, and growth of grass between the pavers.

Councilman Stacey commented favorably on the success of the Police Department’s crime scene vehicle’s first year, as described in a memo included in packets. He asked that this information be posted to the City’s website. He also commented on the information included in packets that shows a favorable market report for the first half of 2006 for office space in Blue Ash. Blue Ash has the second lowest vacancy rate and is #1 in the area for space under construction. Councilman Stacey also offered a welcome to the students from Ilmenau Technical University and wished them and Raymond Walters College a successful visit.

Mayor Buckman expressed thanks to the Administration for their hard work related to the airport

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proposal.

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Bryan seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:47 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