

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on October 12, 2006. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 6:00 PM.

OPENING CEREMONIES

Mayor Buckman led those assembled in the Pledge of Allegiance.

ROLL CALL

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

MEMBER ABSENT: Councilman Rick Bryan

Councilman Stacey moved, Councilwoman Stoller seconded to excuse Councilman Bryan from the meeting. A voice vote was taken. All members voted yes. Motion carried.

ALSO PRESENT: City Manager David Waltz; Solicitor Mark Vander Laan; Clerk of Council Jamie Eifert; Deputy Clerk of Council/Public Information Officer Sue Bennett; Treasurer/Administrative Services Director James Pfeffer; Parks & Recreation Director Chuck Funk; Fire Chief Rick Brown; Police Chief Chris Wallace; Police Captain Jim Schaffer; Personnel Officer Margaret Main; Economic & Community Development Director Judy Clark; Technology Officer Dan Klapp, Assistant Service Director Rich Dole; members of Blue Ash's Sister City delegation from Ilmenau, Germany; members of the press; and interested citizens

Mayor Buckman appointed Parks & Recreation Director Chuck Funk and Assistant Service Director Rich Dole 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 Stacey moved, Councilwoman Stoller 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. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS

5. ACCEPTANCE OF AGENDA

6. APPROVAL OF MINUTES

a. Regular Meeting of September 14, 2006

7. COMMUNICATIONS

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

b. Reports From Outside Agencies

c. Mayor's Reports – August and September 2006 – Honorable Robert J. Buckman, Jr.

d. Financial Reports – Motion to accept the reports for August and September 2006

8. HEARINGS FROM CITIZENS

9. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Resolution No. 2006-10, expressing appreciation to Mr. Sal Wertheim for his assistance with the Sister City program with Ilmenau, Germany

2. Ordinance No. 2006-63, transferring funds

3. Ordinance No. 2006-64, authorizing expenditures for professional computer services and related equipment, software, and licenses

4. Ordinance No. 2006-62, amending Chapters 131 and 133 of the Blue Ash Code of Ordinances

5. Ordinance No. 2006-61, authorizing issuance of revenue bonds associated with the TIF for The

- Landings project
- 6. Resolution No. 2006-13, establishing maximum maturity for bond anticipation note associated with Cooper Road property acquisition
- 7. Ordinance No. 2006-59, authorizing issuance of bond anticipation note associated with Cooper Road property acquisition
- 8. Resolution No. 2006-14, accepting property tax rates for 2007
- 9. Ordinance No. 2006-65, confirming continuing membership in the Miami Valley Risk Management Association (MVRMA) and accepting the year 2007 pool contribution
- b. Planning & Zoning Committee, James W. Sumner, Chairperson
 - 1. Ordinance No. 2006-66, amending Chapter 1305 of the Blue Ash Code of Ordinances relating to construction fees
- c. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Ordinance No. 2006-67, authorizing acquisition of police cruisers (for year 2007)

10. MISCELLANEOUS BUSINESS

11. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Weber moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of September 14, 2006. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

A request to transfer a liquor permit for the Marathon Station at Hunt and Plainfield Roads was received:

Permit #: 0762271

To: Blue Ash Petro, DBA Blue Ash Marathon, 9210 Plainfield Road, 45236

From: P K Inc., DBA Blue Ash Marathon, 9210 Plainfield Road, 45236

The Police Department has reviewed the request and has no objection. No Councilperson expressed an objection to this permit.

Reports From Outside Agencies

There were no representatives present from outside agencies.

Mayor's Report –August and September 2006

ITEM	August 2006	September 2006
Receipts collected	\$13,144.28	11,850.00
Bonds carried over from previous months	\$310.00	690.00
Interest	\$8.49	6.60
Bonds collected	\$550.00	150.00
NSF Check	\$20.00	0
Total Receipts	\$14,032.77	\$12,696.60
DISBURSEMENTS:		
To the COBA (fines/costs/interest/expungements/forfeitures)	\$9,194.49	\$8,888.60
To State of Ohio	\$3,645.00	\$3,118.00
Refund of overpaid fine	333.28	0
Bond money applied	\$170.00	\$450.00
Bond money returned	0	\$240.00
Bureau of Motor Vehicles	0	0
Total Disbursements	13,342.77	\$12,696.60
Balance in bonds	690.00	0
Citations issued	118	4
Criminal citations issued	10	92
Total Mayor's Court cases	128	96
Revenue from Cases	9,194.49	8,888.60

Financial Report – August and September 2006

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

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT - MONTH ENDING AUGUST 31, 2006				
MONTH TO DATE	2005		2006	
START OF MONTH FUND BALANCE: 8-1-06	\$12,165,016.14		\$13,672,829.92	
Revenues:				
Earnings Tax Collections:	1,681,964.22		1,522,109.37	
Debt Financing (long term)	0		0	
Debt Financing (short term)	0		0	
Other Revenue Received:	<u>727,176.47</u>		<u>803,739.04</u>	
= Total Monthly Receipts	2,409,140.69		2,325,848.41	
Expenditures:				
Bond Retirement	0		0	
Short term debt refinancing	0		0	
Other Expenditures:	<u>2,361,908.69</u>		<u>2,134,083.45</u>	
= Total Monthly Expenditures:	<u>-2,361,908.69</u>		<u>-2,134,083.45</u>	
ENDING FUND BALANCE: 8-31-06	12,212,248.14		13,864,594.88	
YEAR TO DATE	2005		2006	
START OF YEAR FUND BALANCE:	14,622,289.87		12,916,635.98	
Revenues:				
Earnings Tax Collections:	15,595,513.06		15,546,056.17	
Debt Financing (long term)	0		0	
Debt Financing (short term)	0		0	
Other Revenue Received:	<u>6,347,478.61</u>		<u>6,891,860.36</u>	
= Total Monthly Receipts	21,942,991.67		22,437,916.53	
Expenditures:				
Bond Retirement	0		0	
Short term debt refinancing	5,100,000.00		0	
Other Expenditures:	<u>19,253,033.40</u>		<u>21,489,957.63</u>	
= Total YTD Expenditures:	<u>-24,353,033.40</u>		<u>-21,489,957.63</u>	
YTD FUND BALANCE	12,212,248.14		13,864,594.88	

100% of the fund balance was invested as of 8-31-06. Interest paid to date on matured investments: \$376,394.88. Receipt and expenditure figures do not include interfund transfers.

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

MONTH-TO-DATE STATUS	2005		2006	
Business Net Profit	191,421.84		84,790.48	
Resident Net Profit	45,787.59		32,633.86	
Non-Resident Net Profit	13,085.17		8,970.07	
Subcontractor Net Profit	<u>763.00</u>		<u>407.24</u>	
Net Profit Total	251,057.60		126,801.65	
Withholding	1,405,892.81		1,367,359.85	
Subcontractor Withholding	<u>25,013.81</u>		<u>27,947.87</u>	
Withholding Total	<u>1,430,906.62</u>		<u>1,395,307.72</u>	
Monthly Collection Totals	1,681,964.22		1,522,109.37	
YEAR-TO-DATE STATUS	2005		2006	
Business Net Profit	3,581,847.61		3,251,532.71	
Resident Net Profit	602,344.62		598,926.57	
Non-Resident Net Profit	169,465.53		165,536.22	
Subcontractor Net Profit	<u>13,288.91</u>		<u>18,730.99</u>	
Net Profit Total	4,366,946.67		4,034,726.49	
Withholding	11,045,274.17		11,290,714.75	
Subcontractor Withholding	<u>183,292.22</u>		<u>220,614.93</u>	
Withholding Total	<u>11,228,566.39</u>		<u>11,511,329.68</u>	
YTD Collection Totals	15,595,513.06		15,546,056.17	
YTD Refund Totals	<u>489,354.50</u>		<u>518,912.66</u>	

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT - MONTH ENDING SEPTEMBER 30, 2006

MONTH TO DATE	2005	2006
START OF MONTH FUND BALANCE: 9-1-06	\$12,212,248.14	\$13,864,594.88
Revenues:		
Earnings Tax Collections:	1,435,669.63	1,405,267.37
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>1,586,020.69</u>	<u>724,532.25</u>
= Total Monthly Receipts	3,021,690.32	2,129,799.62
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>2,898,728.91</u>	<u>3,423,098.80</u>
= Total Monthly Expenditures:	<u>-2,898,728.91</u>	<u>-3,423,098.80</u>
ENDING FUND BALANCE: 9-30-06	12,335,209.55	12,571,295.70

YEAR TO DATE	2005	2006
START OF YEAR FUND BALANCE:	14,622,289.87	12,916,635.98
Revenues:		
Earnings Tax Collections:	17,031,182.69	16,951,323.54
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>7,933,499.30</u>	<u>7,616,392.61</u>
= Total Monthly Receipts	24,964,681.99	24,567,716.15
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	5,100,000.00	0
Other Expenditures:	<u>22,151,762.31</u>	<u>24,913,056.43</u>
= Total YTD Expenditures:	<u>-27,251,762.31</u>	<u>-24,913,056.43</u>
YTD FUND BALANCE	12,335,209.55	12,571,295.70

100% of the fund balance was invested as of 9-30-06. Interest paid to date on matured investments: \$435,767.15. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY FOR MONTH ENDING SEPTEMBER 30, 2006

MONTH-TO-DATE STATUS	2005	2006
Business Net Profit	196,152.42	164,768.93
Resident Net Profit	20,635.37	39,366.41
Non-Resident Net Profit	22,230.51	8,459.48
Subcontractor Net Profit	<u>637.44</u>	<u>2,152.86</u>
Net Profit Total	239,655.74	214,747.68
Withholding	1,190,349.71	1,178,261.04
Subcontractor Withholding	<u>5,664.18</u>	<u>12,258.65</u>
Withholding Total	<u>1,196,013.89</u>	<u>1,190,519.69</u>
Monthly Collection Totals	1,435,669.63	1,405,267.37
YEAR-TO-DATE STATUS	2005	2006
Business Net Profit	3,778,000.03	3,416,301.64
Resident Net Profit	622,979.99	638,292.98
Non-Resident Net Profit	191,696.04	173,995.70
Subcontractor Net Profit	<u>13,926.35</u>	<u>20,883.85</u>
Net Profit Total	4,606,602.41	4,249,474.17
Withholding	12,235,623.88	12,468,975.79
Subcontractor Withholding	<u>188,956.40</u>	<u>232,873.58</u>
Withholding Total	<u>12,424,580.28</u>	<u>12,701,849.37</u>
YTD Collection Totals	17,031,182.69	16,951,323.54
YTD Refund Totals	<u>516,766.19</u>	<u>561,653.45</u>

HEARINGS FROM CITIZENS

Marc Sirkin, 9772 Cooper Woods Court, commented that he is Treasurer of the Citizens for Blue Ash Parks & Recreation group in support of Issue 15. Over the past two months, members of his group have talked with hundreds of individuals about Issue 15. In his opinion, there is overwhelming support from Blue Ash citizens, businesses, and others within the region. He mentioned that there is a small, but vocal, group who appears to oppose much of Blue Ash's and Cincinnati's plan for this property, including saving the airport. He commented that it has been brought to his attention that a particular group will gain financially if the Airport closes, which would affect their attitude towards

Issue 15 and the airport park plan as proposed by the cities. Mr. Sirkin asked that Council carefully consider potential personal motives of those expressing strong opposition to this plan and bear in mind that what they want really may not be what is best for Blue Ash and the region.

There being no other citizens who wished to be heard, Hearings from Citizens was declared closed at approximately 6:07 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 October 12th Council Agenda:

9.a.1. Resolution No. 2006-10 - Expressing appreciation to Mr. Sal Wertheim for his assistance with the Sister City program with Ilmenau, Germany

As requested by Council, this resolution represents thanks to Mr. Wertheim for his countless hours of volunteer assistance associated with the Sister City program with Ilmenau, Germany. Mr. Wertheim, as well as the delegation, will be present at the meeting (though at the writing of this memo, he does not know of this specific resolution).

9.a.2. Ordinance No. 2006-63 - Transferring funds

A number of adjustments are required to the budget at this time. Fortunately, the additional expenditure appropriations reflected on the ordinance attachment are able to be funded from collections over our budget estimates for inheritance tax, as well as for interest earnings on general fund balances.

As shown on the attachment, additional revenue and expenditure appropriations in the amount of \$8,000 are necessary in Fund 930 relating to the Ohio Board of Building Standard Fees (OBBS). The City needs to pay 3 % of certain permit fees we collect to the State of Ohio, and this adjustment permits that to be accomplished in keeping with our level of permit collections.

The attachment reflects a \$70,000 supplemental expenditure appropriation in the Police Department relating to capital equipment. A short while ago, Chief Wallace and Captain Schaffer presented the City Manager with an alternative vehicle acquisition timetable that would eliminate the lengthy delays which have arisen between the purchase of police cars, their delivery, and their outfitting of the customary equipment such as radios, antennas, sirens, light bars, etc. Essentially, the plan seeks to accelerate the purchase of the vehicles for next year so that the order for replacement police vehicles might be placed in October of the year (or earlier) instead of waiting until January of the budget year. So as to eliminate some of the problems associated with the traditional timetable, the City Manager agreed to this proposal, which required that supplemental funding be provided at this time for the ordering of the cars for next year. Ordinance No. 2006-67, later on this agenda, relates to the recommended purchase of these vehicles.

The Fire Department has received a grant in the amount of \$2,500, creating a request of the Finance Office that the grant proceeds be placed in the Fire Department’s Maintenance of Equipment account. That item, the amount of \$2,500, is reflected on the attachment, as is the \$12,000 General Fund operating supplies supplementary allocation that is necessary for use by many departments and divisions of the City. The attachment also reflects a \$23,000 allocation in the Parks and Recreation Fund (Recreation Center activity) relating to the purchase of replacement holiday decorations that are necessary for the upcoming season.

A total of \$12,000 is needed in the Facilities Maintenance operating supplies account to accommodate projects underway and anticipated for the remainder of 2006.

The final transfer item involves a requested \$75,000 expenditure appropriation to permit the purchase of Golf Course fertilizer requirements for the upcoming year. Fertilizer manufacturers traditionally offer a reduced price, discount, or other incentive in exchange for a commitment by the City to order/purchase a substantial quantity of fertilizer before the end of the year. The Golf Superintendent has recommended that we take advantage of the discount, which would require that an encumbrance or purchase order be established representing the cost of the fertilizer ordered in advance of the upcoming year. Although this funding will be “reserved” or encumbered, payment will not be made until the fertilizer shipments have been delivered in 2007. This allows the City to take advantage of the lower price, yet continue to earn interest on the funds that will remain within the City’s Treasury until delivery.

Please direct questions regarding this ordinance to the Treasurer.

9.a.3. Ordinance No. 2006-64 - Authorizing expenditures for professional computer services and related equipment, software, and licenses

The Technology Officer has historically relied upon assistance from a Blue Ash firm, Lan Solutions, for the purchase of specified equipment, network, and programming services, and for the purchase of certain

software packages that would benefit from having local support and capability. The types of services utilized, and the variety of equipment purchased, varies on an annual basis depending upon the needs being addressed, what updates and software packages are required, or what other specific on-site network assistance might be required of Lan Solutions. A review of all such services from this vendor during 2006 is expected to approach the \$58,000 level and it seemed prudent to secure City Council's authorization of this expenditure.

Please direct questions regarding this ordinance to the Treasurer.

9.a.4. Ordinance No. 2006-62 - Amending Chapters 131 and 133 of the Blue Ash Code of Ordinances

There are two recommended changes to be made to the pay plan at this time.

- 1) The first relates to a minor correction of Section 131.07-1 relating to the formation of a bargaining unit for the Police Dispatchers earlier this year. The "Dispatcher" classification was removed from this section of the Code since it is now accommodated by a subsequent ordinance relating to the collective bargaining agreement for Dispatchers (Ord. No. 2006-26 passed in April).
- 2) The second recommendation involves authorizing a change in the pay plan as outlined in a recent Memorandum of Understanding between the Fraternal Order of Police (FOP) and the City regarding the Investigator position.

There has been an "understanding" with the FOP since the mid 1990's that upon the retirement of the last person holding the title of "Investigator," that the classification and rank would no longer exist in the Police Department. The responsibilities and duties of detective would be considered an assignment that would typically last two or three years. The Police Department has been operating according to this understanding since 1995. Investigators who have retired since then have not had their positions filled – instead (since 1995) more than 9 different Patrol Officers have rotated through the assignment of detective in the Criminal Investigations Section. However, due to changes in Administration and changes in regional FOP representation that have taken place over the past 4 to 5 years, it has become clear that the understanding regarding the Investigator position needed to be clarified in the contract. Several police officers filed grievances relating to this issue, and discussions have been held. The City and the FOP have agreed to the attached Memorandum of Understanding, which provides for the following:

- Patrol Officers will be assigned to the Criminal Investigations Section at the discretion of the Chief. The assignment is not a promotion and not subject to Civil Service examinations
- Patrol Officers will serve a one year probationary period, and if successful will serve an additional two years as detective in the Criminal Investigations Section
- Patrol Officers who are assigned to the Criminal Investigations Section as detective will be paid an additional 3% increase above the patrol officer's regular rate of pay while assigned as detective
- The rank and/or classification of Investigator is eliminated
- Officer Schlie, currently assigned as a detective in the Criminal Investigations Section, will continue in this assignment for the duration of his employment with the City of Blue Ash
- Officers Connolly and Graves, currently assigned as detectives in the Criminal Investigations Section, will continue for two additional years in this assignment.
- Officers Connolly, Graves, and Schlie will receive the 3% adjustment retroactively to the date of their respective grievances.

Attached are the Memorandum of Understanding and the requisite changes to the pay plan.

9.a.5. Ordinance No. 2006-61 - Authorizing issuance of revenue bonds associated with the TIF for The Landings project

Progress continues on the new commercial development being constructed by Duke Realty Ohio upon the old Whiting Manufacturing site on Carver Road. The first building, located at 9997 Carver Road, is nearly complete, as is the first parking garage. Work is currently underway on the foundation and steel construction of the second building, and plans for the second parking garage are to be submitted to the Community Development Office in the very near future. The City Manager has been working very closely with Duke Realty Ohio and our Economic Development Office on this project, focused upon Citigroup's announcement to locate in Blue Ash and occupy all of the first building and much of the second building for their new operations.

The need exists to secure City Council authorization for Ordinance 2006-61 which permits the issuance of revenue – based bonds to finance the construction of the two parking garages in accordance with the Tax Increment Financing (TIF) legislation that was approved by Council last year. It is expected that the bonds will have an aggregate principal amount of nearly \$10,000,000, will have different interest rates based on maturity, will carry a rating from Moody's based upon Duke's corporate guarantee of the revenue stream, and will have a maximum maturity of 30 years. The bonds to be authorized under this legislation will not carry

the full faith and credit (or promise of payment) of the City of Blue Ash as an entity. The bonds will be retired utilizing payments made by Duke Realty Ohio in lieu of traditional property taxes, as originally envisioned under the Tax Increment Financing arrangement.

Following the successful consideration of this Ordinance by City Council, work will continue with 5/3rd Securities, the City's underwriter on this bond issue, to determine the appropriate time for the pricing of the bonds and the subsequent closing which needs to occur before November 14, 2006. A portion of the funding received from the bonds will be utilized to retire a Bond Anticipation Note issued in November of 2005 relating to the cost of constructing the first garage on the site. The remaining proceeds of the bonds will be utilized to pay the cost of building the second garage, for creating a Debt Service Reserve in Fund 332, for the provision of capitalized interest, and to pay the cost associated with bond issuance. This effort should represent the final action required by City Council relating to this successful mechanism for initiating development on the site, as evidenced by Citigroup's decision.

Although the ordinance included in Council's packet is marked "draft," it certainly represents a version that will be close to the finalized ordinance which will be distributed Thursday. Please direct questions regarding this ordinance to the Treasurer.

9.a.6. Resolution No. 2006-13 - Establishing maximum maturity for bond anticipation note associated with Cooper Road property acquisition

In 2003, the City of Blue Ash purchased 8.5 acres of the western portion of the Xomox property, utilizing Bond Anticipation Notes in the amount of \$2,100,000 to do so. Since that time, the debt has been gradually reduced in conjunction with the annual roll over or renewal of notes associated with the project.

A note in the amount of \$1,500,000 was issued on November 15, 2005, and this obligation will mature on November 14th of this year, with interest at 4%. The City anticipates using \$500,000 provided through the 2006 Budget to retire one third of that note, paying for the balance of the maturing note with a one-year roll over \$1,000,000 Bond Anticipation Note. The issuance of the new note requires that Council consider a Resolution establishing maximum maturity for the note, as well as an Ordinance (see below # 2006-59) authorizing the issuance of the debt obligation.

The City anticipates relying upon the underwriting services of 5/3rd Securities Inc. for the pricing of this note (depending upon market conditions) and an eventual closing in advance of the maturity of the note coming due on November 14th.

It is anticipated that the City will continue to retire portions of this note so that the debt associated with the acquisition of the 8.5-acre parcel will be gradually eliminated over the next several years.

Please direct questions regarding this ordinance to the Treasurer.

9.a.7. Ordinance No. 2006-59 - Authorizing issuance of bond anticipation note associated with Cooper Road property acquisition

See item 9.a.6. above.

9.a.8. Resolution No. 2006-14 - Accepting property tax rates for 2007

As is customary this time of year, Council's consideration of this resolution is a part of the City's annual budgetary process, and involves the Hamilton County Budget Commission. The Year 2007 Tax Budget, which was considered and adopted by Council in July, was submitted to the County Budget Commission for their review of our projected financials for next year. Resolution No. 2006-15 seeks Council's acceptance of the amounts and rates of taxation that were included within the Tax Budget, as certified by the Commission and reviewed by the County Auditor's office. In accordance with our Charter provisions and with our historical practice, the inside millage as expressed in this resolution remains at 3.08 mills.

Even though the millage is small (one of the smaller municipal rates in the region), the overall assessed valuation that the City of Blue Ash enjoys contributes to a substantial source of revenue for the City (and, of course, property taxes from the Blue Ash property owners represent the majority of revenue for the Sycamore Schools). Based upon the County's estimated December 31, 2006 total assessed valuation for Blue Ash (considered somewhat conservative), including all real, utility and personal property, the 2007 estimated property tax revenue to the City of Blue Ash should be approximately \$2,509,082, including Homestead, Rollback, 10K exemption, and public utility reimbursement.

Please direct questions regarding this ordinance to the Treasurer.

9.a.9. Ordinance No. 2006-65 - Confirming continuing membership in the Miami Valley Risk Management Association (MVRMA) and accepting the year 2007 pool contribution

From early 1981 through July of 1992, the City enjoyed a very stable relationship with the Clark-Theders Insurance Agency and with the Cincinnati Insurance Company as our primary insurer. We maintained a comprehensive group of coverages with established insurance companies. When those insurance coverages

were publicly bid in early 1992, in addition to the conventional bids we received a proposal from a joint self-insurance pool called Miami Valley Risk Management Association (MVRMA). After a careful analysis of the composition of the pool, its members, comparative costs, and its operating policies and procedures, the recommendation was made to Council that the City join that Association as a member effective July 1, 1992. Council authorized Blue Ash's membership via ordinance.

Even though our membership with MVRMA does not require an annual renewal, we believe it appropriate to approach Council each year with an ordinance affirming our continuing membership and also acknowledging the annual pool contribution or "premium." This ordinance seeks that ongoing approval, and outlines the Year 2007 pool contribution to MVRMA of an amount not to exceed \$333,000 for our basic coverages. In 2007 Blue Ash's coverage will represent approximately 7.6% of all pool costs, up from 6.16% in 2005. There are 20 members at this time, with Centerville representing the most recent addition. MVRMA has been able to maintain a favorable loss experience through the careful selection of its members.

The City's annual contribution is composed of our share of the pool's operating expenses, as well as payment relating to our "share" of expected reserves and losses for the upcoming year. The calculation as to what those losses are expected to be is based upon a statistical analysis done by an actuary. The total amount of the expected loss fund for Year 2007 for all 20 members is \$2,450,000, and as losses, claims, and reserves are addressed over the next several years, those costs will be charged against that particular fund. Should total losses exceed that amount, then it is possible that an assessment will be charged against each of the cities using their original percentage as a basis. If such an assessment were to be necessary, Blue Ash has a credit in excess of \$160,000 "on account" with MVRMA which could be utilized. As has been the case in most years since formation of the pool, the entirety of the loss fund does not get used, and after the loss fund is closed, any balances are refunded or credited to a city in proportion to their percentage of contribution. Blue Ash has already received credits of over \$160,000 from the closure of earlier loss years, and we hope to receive additional credits or offsets in the years ahead as there are loss years with significant balances beyond those required for the claims.

Blue Ash's affiliation with the Miami Valley Risk Management Association has been a positive one, and we are very comfortable with the administration and structure of the program. MVRMA is audited and examined by the Ohio Department of Insurance on an annual basis, and they prepare a Comprehensive Annual Financial Report each year as well. No city has ever left the Association, and the group seems very content with the level of service provided by the pool.

Please direct questions concerning the City's membership in MVRMA or this ordinance to the Treasurer.

9.b.1. Ordinance No. 2006-66 - Amending Chapter 1305 of the Blue Ash Code of Ordinances relating to construction fees

Ordinance No. 2006-66 amends Section 1305.07(a) of the Code relating to permit and construction fees. In Section 1305.07(a), the City adopts by reference the Schedule of Fees published by the Hamilton County, Ohio, Department of Building Inspections as adopted and periodically amended by the County.

Commercial fees are calculated by a formula described at the beginning of the Schedule, which is generally based on the gross square foot area of the building, the architectural classification of the type of construction, and a multiplier for new construction, additions, or renovations. The multiplier for renovations (0.0043) is 226 percent of the multiplier for new construction or additions (0.0019).

In the last year, there have been several renovations of existing large commercial and industrial structures, primarily into new offices (Wornick, CEI, and Kroger). Because they were renovations, the fees are exceedingly large. All of the owners have requested meetings with City staff to discuss the large fees and have commented that such large fees could affect the viability of these kinds of projects. In some cases, it may be better for them to look for a new building site or a site in another community, rather than to renovate existing structures.

City staff recommends reducing the multiplier for renovations to the same as for new construction and additions. Such a change would eliminate one factor that could prevent timely reuse of older office, warehouse, and industrial buildings in Blue Ash.

Two of these projects also involved construction that affected only a portion of the interior of the building. For example, Kroger is building approximately 30,000 square feet of enclosed offices into its Grooms Road facility; the gross floor area of the building is more than 180,000 square feet. According to the formulas contained in the Schedule of Fees, the fee is based upon the entire building, rather than the area actually affected by construction activity.

The Building Official has limited ability under the Code to accommodate variations from the fee formulas. A provision that explicitly gives the City Manager the authority to adjust the Gross Building Area could ensure that all such cases can be reasonably accommodated in the future. The recommended Code amendment is incorporated into the ordinance, with the changes to the Code shown in bold and italics below:

1305.07 CONSTRUCTION FEES.

Fees for permits, inspections and certificates shall be paid to the Community Development Division as set forth therein. The Community Development (Building) Division shall keep an accurate account of all fees collected and such fees shall be deposited as required by law. The fee schedule shall be as follows:

- (a) **Building.** The fee for building permits, inspections and related activities shall be calculated according to the Schedule of Fees published by the Hamilton County, Ohio, Department of Building Inspections on January 1, 2004, as amended and updated, which is hereby adopted by reference, *except as follows:*
 - (1) *The "Permit Fee Multiplier" for all permits for "Buildings and Structures Regulated by the OBC" shall be the same as for "New Buildings."*
 - (2) *The "Building Gross Area" may be reduced to the square foot area reasonably associated with the proposed construction activity, as determined by the City Manager.*
- (b) **Billable Time.** Projects of any unusual scope or of a type not covered in the Fee Schedule or that require extra time beyond the normal scope of work are to be billed to the owner at the rate of \$65 per hour.
- (c) **Construction without a Permit.** The Permit Fee may be doubled when construction begins prior to the issuance of a required Permit.
- (d) **Plumbing and Electrical.** Permit fees inspections associated with plumbing and electrical work shall be in accordance with provisions set forth by *the electrical code compliance contractor selected by Community Development and approved by Council*, and the Hamilton County Board of Health, Plumbing Division, unless otherwise specified by Council.

(Ord. 2005-13. Passed 2-24-05.)

9.c.1. Ordinance No. 2006-67 - Authorizing acquisition of police cruisers (for year 2007)

Ordinance No. 2006-67 authorizes the purchase of three Police vehicles for use in 2007 through the State's Cooperative bidding program for an amount not to exceed \$74,000.

Typically, approval for purchase of police vehicles is requested of Council in December. However, the Police Administration has recommended an alternative police vehicle acquisition timetable to eliminate the lengthy delays that have been experienced between the purchase of vehicles, their delivery, and their outfitting with required safety accessories given that traditional timetable. The recommendation is to accelerate the purchase of the vehicles for 2007 so that the order for the vehicles can be placed this October, in lieu of waiting until January to eliminate some of the problems experienced with the traditional timetable.

It should be noted that although there is no trade-in involved with this vendor, the Department plans to sell at auction three existing Department vehicles. Estimated revenues (in 2007) for these sales are expected to be in the \$17,000 range.

Please direct questions regarding this ordinance to Chief Wallace or Captain Schaffer."

Finance & Administration Committee, Rick Bryan, Chairperson

In Councilman Bryan's absence, Mayor Buckman appointed Councilman Stacey to introduce legislation in the Finance & Administration Committee.

Councilman Stacey asked the Clerk to read Resolution No. 2006-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2006-10

EXPRESSING SINCERE APPRECIATION TO MR. SAL WERTHEIM FOR HIS MANY CONTRIBUTIONS AS A VOLUNTEER FOR THE BLUE ASH SISTER CITY PROGRAM WITH ILMENAU, GERMANY

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Resolution No. 2006-10. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Resolution No. 2006-10 passed. Mr. Wertheim, who was present at the meeting, was given a framed resolution and photos were taken.

Councilman Stacey asked the Clerk to read Ordinance No. 2006-63 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-63

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

Councilman Stacey moved, Councilman Weber seconded to adopt Ordinance No. 2006-63. In addressing a question from Councilwoman Stoller, City Manager Waltz commented that the intent with the holiday decorations is to increase their vibrancy and to add more sparkle to the downtown area. There being no further discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2006-63 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2006-64 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-64

AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR COMPUTER
NETWORK RELATED SERVICES/EQUIPMENT FOR MULTIPLE CITY
DIVISIONS WITH LAN SOLUTIONS; 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 Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-64. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2006-64 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2006-62 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-62

AMENDING SECTIONS 131.07-1 AND 131.07-2(e) OF CHAPTER 131 OF
THE BLUE ASH CODE OF ORDINANCES; AMENDING SECTION 133.18-
2(e) OF CHAPTER 133 OF THE BLUE ASH CODE OF ORDINANCES; AND
AMENDING THE COLLECTIVE BARGAINING AGREEMENT WITH F.O.P.
OHIO LABOR COUNCIL, INC.; AND DECLARING AN EMERGENCY

Councilman Stacey 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, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-62. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2006-62 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2006-61 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-61

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$10,000,000 OF TAX INCREMENT FINANCING BONDS, SERIES 2006 (DUKE REALTY OHIO PROJECT) OF THE CITY OF BLUE ASH, OHIO, UNDER SECTION 5709.40 ET SEQ. OF THE OHIO REVISED CODE FOR THE PURPOSE OF PAYING THE COST OF CERTAIN PUBLIC IMPROVEMENTS; AUTHORIZING A PLEDGE OF, AND LIEN ON, CERTAIN SERVICE PAYMENTS TO SECURE SUCH BONDS; AUTHORIZING A TRUST AGREEMENT AND/OR PAYING AGENT AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING PAYMENT FOR SERVICES RELATED TO THE ISSUANCE OF THE BONDS; RATIFYING A SERVICE AGREEMENT SECURING SUCH BONDS; 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 Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-61. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2006-61 passed.

Councilman Stacey asked the Clerk to read Resolution No. 2006-13 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2006-13

RESOLUTION REQUESTING FISCAL OFFICER TO CERTIFY AS TO ESTIMATED MAXIMUM MATURITY OF \$1,000,000 OF BONDS AND NOTES

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Resolution No. 2006-13. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeases. Resolution No. 2006-13 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2006-59 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-59

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,000,000 OF BOND ANTICIPATION NOTES OF THE CITY OF BLUE ASH FOR THE PURPOSE OF DISCHARGING AT MATURITY (TOGETHER WITH LAWFULLY AVAILABLE FUNDS) A BOND ANTICIPATION NOTE ISSUED PURSUANT TO ORDINANCE NO. 2005-61, AND DECLARING AN EMERGENCY

Councilman Stacey moved, Councilman Weber 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, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-59. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2006-59 passed.

Councilman Stacey asked the Clerk to read Resolution No. 2006-14 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2006-14

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Resolution No. 2006-14. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeses. Resolution No. 2006-14 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2006-65 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-65

AUTHORIZING THE CITY MANAGER TO (1) CONFIRM CONTINUING MEMBERSHIP IN THE MIAMI VALLEY RISK MANAGEMENT ASSOCIATION, INC. (MVRMA) AND (2) TO ACCEPT THE YEAR 2007 POOL CONTRIBUTION FOR AN AMOUNT NOT TO EXCEED \$330,000 (PLUS DEDUCTIBLES, SPECIAL COVERAGES, AND BOARD-APPROVED ASSESSMENTS); 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 Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeses. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-65. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2006-65 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2006-66 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-66

AMENDING SECTION 1305.07 (CONSTRUCTION FEES) OF PART THIRTEEN – BUILDING CODE OF THE CODIFIED ORDINANCES OF BLUE ASH; AND DECLARING AN EMERGENCY

Councilman Sumner 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, and Mayor Buckman voted yes. Six yeses. Motion carried.

Councilman Sumner moved, Councilman Weber seconded to adopt Ordinance No. 2006-66. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2006-66 passed.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Ordinance No. 2006-67 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-67

AUTHORIZING THE PURCHASE OF 2007 VEHICLES PLUS RELATED ACCESSORIES FOR THE POLICE DEPARTMENT THROUGH THE 1122 PROGRAM ADMINISTERED BY THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR AN AMOUNT NOT TO EXCEED \$74,000; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-67. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2006-67 passed.

MISCELLANEOUS BUSINESS

Public Information Officer Sue Bennett reminded Council that a photo session for the 2007 Calendar has been set up prior to the October 26th Council meeting at 6:30 PM.

Assistant Service Director Rich Dole commented that the new traffic signal at Plainfield and Glendale-Milford Road is now operational.

City Manager Waltz discussed upcoming Council meeting schedules and meeting formats for the remainder of this year. After some discussion, Councilman Sumner moved, Councilman Stacey seconded to approve the following schedule:

- October 26th: Council Work session (topic: Capital Improvement Projects).
- November 9th: Regular Council meeting (no change)
- November 16th: Council meeting cancelled.
- November 30th (Thursday): Council Budget Study Session, 7PM.
- December 14th: Regular Council Meeting - last one of the year (no change)

A voice vote was taken. All members present voted yes. Motion carried.

City Manager Waltz commented that the Administration is working to establish a credit card purchasing program. The Administration believes that there will be substantial savings in establishing such a program since one of the results will be that fewer checks will have to be processed and written through the Finance Office (an estimated cost to the City of \$7 to \$8 each). Many employees will be included in this program, and such programs have become sophisticated over recent years to assure protection and accountability for the City. Only purchases from approved vendors will be allowed through this program. Councilman Sumner commented that his place of employment, GE, switched to a similar program and it too resulted in savings. However, he cautioned that there must be very clear instructions for employees and he encouraged careful monitoring. Mr. Waltz commented that a draft policy has already been prepared, and that there are many limitations and restrictions associated with the program.

Economic Development Director Judy Clark gave Council a brief overview and live demonstration of the new website geared towards economic development: BlueAshAdvance.Com. She explained that persons responsible for finding new locations for businesses rely heavily on the internet, and this site will assist Blue Ash greatly in being considered a place for businesses to locate. The new website will be launched tomorrow (Friday). It will also be accessible directly from Blue Ash's main website (BlueAsh.Com), and the main website will also be accessible from the ED site.

City Manager Waltz commented that he has enjoyed getting to know the members of the Ilmenau delegation and welcomed them to Blue Ash.

Councilwoman Stoller commented that it is nice to have our Ilmenau friends in town and able to attend a Council meeting.

In addressing a question from Councilman Sumner, Solicitor Mark Vander Laan commented that if the City of Cincinnati does not approve the contract relating to the airport park project, then the park plan as proposed would not move forward. If the tax levy passes, then Blue Ash would have the authority to increase the tax to the 1.25% level. City Manager Waltz added that despite recent news reports, there is no legitimate offer being made for purchase of the airport. The City of Cincinnati has made a commitment to continue working with Blue Ash, and Mr. Waltz looks forward to the opportunity for residents to make the decision on November 7th.

Councilman Weber commented that he has enjoyed the opportunity to get to know our friends from Ilmenau over the past week and mentioned that this was the first time he has ever been referred to as a "golf pro."

Councilman Czerwonka expressed congratulations to Service Department employee Ryan Noland who won the recent snow plow roadeo competition.

Councilman Stacey commented that he also has enjoyed the opportunity to get to know members of the Ilmenau delegation.

Mayor Buckman reiterated fellow Council member thoughts regarding the opportunity to spend time with our Ilmenau friends and mentioned that he looks forward to the rest of the week.

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Sumner moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 6:40 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council