

BLUE ASH CITY COUNCIL

October 23, 2008

Page 1

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on October 23, 2008. 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: 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, Councilman Czerwonka 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 Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Fire Chief Rick Brown, Police Chief Chris Wallace, Assistant to the City Manager Kelly Osler, and interested citizens

**PUBLIC HEARING – 7PM – Consideration of proposed projects associated with the Hamilton County Block Grant program (2009 through 2011 phase)**

Assistant to the City Manager Kelly Osler explained to Council that the Block Grant program is a federal program intended to benefit low- to moderate-income areas. Blue Ash has two eligible areas – Hazelwood and the Northfield/Conklin area off Cooper Road. Projects benefiting senior citizens or the handicapped may also be qualified. The City is eligible for \$30,000 of funding each year, or a total of \$90,000 over the three-year funding cycle, and this amount may be requested as a lump sum. Two public meetings have been held, the first on September 22 at the Hazelwood Community Center, and the second tonight. The September 22 meeting was well attended by residents, resulting in good suggestions from them. Some of the suggestions will be accommodated by the City outside of this program (for example, a grill and a swing set will be included for Council's consideration during the annual Budget process). The staff recommends Council's approval of microsurfacing of the Hazelwood streets, as reflected in Resolution No. 2008-13 later in this agenda. This surfacing process, which adds friction back to the road and extends the life of the pavement, would benefit the entire neighborhood.

In addressing a question from Councilmen Stacey and Czerwonka, Ms. Osler explained that the funds for this next cycle could be available as early as May 2009. The estimated cost to resurface all streets in Hazelwood is \$100,000. The funds needed above the grant amount would be provided via the City's budgetary process through the City's annual paving program.

In addressing a question from Councilwoman Stoller regarding drainage issues, Ms. Osler explained that the microsurfacing would help with any ponding occurring upon the roadway; however, it would not likely help with standing water in swales off the roadway. Public Works Director Mike Duncan explained that some of these issues can be addressed via the City's annual storm water maintenance program.

There being no further questions or public comment, the public hearing was declared closed at approximately 7:07PM.

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

BLUE ASH CITY COUNCIL

October 23, 2008

Page 2

**ACCEPTANCE OF AGENDA**

Councilman Stacey moved, Councilman Czerwonka 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. PUBLIC HEARING – 7:00PM - Consideration of proposed projects associated with the Hamilton County Block Grant program (2009 through 2011 phase)

5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS

6. ACCEPTANCE OF AGENDA

7. APPROVAL OF MINUTES

a. Regular Meeting of September 25, 2008

b. Work Session of October 13, 2008

8. COMMUNICATIONS

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

b. Reports From Outside Agencies

c. Mayor’s Report – September 2008 – Honorable Robert J. Buckman, Jr.

d. Financial Report – Motion to accept the report for September 2008

9. HEARINGS FROM CITIZENS

10. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Ordinance No. 2008-58, transferring funds

2. Ordinance No. 2008-59, confirming continuing membership in the Miami Valley Risk Management Association (MVRMA) and accepting the year 2009 pool contribution

3. Ordinance No. 2008-60, establishing additional separate accounting funds related to the change of employee insurance coverage to a high-deductible plan (from an HMO) and related to the City’s serving as the administering agency for the OVI Task Force activities

4. Ordinance No. 2008-70, authorizing multi-year contract for CAFR/accounting services

5. Motion to establish a not-to-exceed amount of \$3,500 relating to requirements of the Blue Ash Code of Ordinances (Sec. 133.10[e]) for utilization within the City Manager’s policy for an eligible employee’s election to receive an annual payment in lieu of medical insurance coverage

b. Parks & Recreation Committee, Lee Czerwonka, Chairperson

1. Ordinance No. 2008-61, authorizing payment for professional construction and materials testing services associated with the Recreation Center renovation and expansion project

2. Ordinance No. 2008-62, authorizing contract for the provision and installation of holiday lights in downtown

3. Ordinance No. 2008-53, authorizing the City Manager to negotiate and enter into a contract with Ursuline Academy regarding their financial participation in artificial turf placement at the Blue Ash Sports Center

4. Ordinance No. 2008-67, awarding bid for the purchase and installation of artificial turf at the Blue Ash Sports Center on Soccer Field “A”

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

1. Motion setting a public hearing for 7:00PM, Thursday, November 20, 2008 for consideration of a request to rezone 5.78 acres from R-3 Residential to C-2 Planned Commercial, located north of the southern corporation line of Blue Ash and west of Plainfield Road

2. Motion setting a public hearing for 7:05PM, Thursday, November 20, 2008 regarding

BLUE ASH CITY COUNCIL

October 23, 2008

Page 3

consideration of a planned development for construction of a large retail sales and services development (Target Retail Store) and outlot in the C-2 Planned Commercial Zoning District located north of the southern corporation line of Blue Ash, west of Plainfield Road, and south of Ronald Reagan Highway

- 3. Resolution No. 2008-13, confirming recommended projects for the Community Development Block Grant program
- 4. Ordinance No. 2008-63, authorizing a multi-year contract with the Greater Cincinnati Chamber of Commerce for economic development services
- 5. Ordinance No. 2008-64, authorizing the purchase of real property at 4815 Prospect Avenue
- 6. Ordinance No. 2008-69, authorizing local support required by the State of Ohio for a potential new business expansion in Blue Ash (Advanced Testing Laboratory)
- d. Public Safety Committee, Stephanie Stoller, Chairperson
  - 1. Ordinance No. 2008-65, authorizing a contract for professional services associated with fee collection management for EMS transport services
  - 2. Ordinance No. 2008-66, authorizing purchase of Year 2009 Police vehicles through the State of Ohio's Cooperative Purchasing Program

11. MISCELLANEOUS BUSINESS

12. ADJOURNMENT"

**APPROVAL OF MINUTES**

Councilman Stacey moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of September 25, 2008 and the minutes of the Work Session of October 13, 2008. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications to Council presented at the meeting.

**Reports From Outside Agencies**

There were no representatives present from outside agencies.

**Mayor's Report – September 2008**

RECEIPTS:

Fines .....	\$ 15,664.00
Bonds & BMV fees carried over .....	\$9.00
Interest Earned.....	\$0.56
Bonds collected.....	\$ 150.00
TOTAL RECEIPTS:.....	\$ 15,823.56

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures) .....	\$11,982.56
To the State of OH.....	\$3,682.00
Refund of Overpaid Fines .....	\$0.00
Bond Money applied.....	\$9.00
Bond Money returned .....	\$150.00
BMV.....	\$0
TOTAL DISBURSEMENTS .....	\$15,823.56

BALANCE IN BONDS: .....	\$ 0
Mayor's Court traffic citations .....	140
Mayor's Court criminal citations .....	18
Total Mayor's Court cases .....	158
September revenues from Mayor's Ct. Cases: .....	\$11,982.56

**Financial Report – September 2008**

Councilman Stacey moved, Councilwoman Stoller seconded to accept the Financial Report for September 2008 as submitted. A voice vote was taken. All members present voted yes.

BLUE ASH CITY COUNCIL

October 23, 2008

Page 4

Motion carried.

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT MONTH ENDING SEPTEMBER 30, 2008**

MONTH TO DATE	2007	2008
START OF MONTH FUND BALANCE: 9-1-08	\$26,304,141.23	\$27,893,003.91
<b>Revenues:</b>		
Earnings Tax Collections:	2,079,227.58	2,468,383.14
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	647,953.70	942,461.76
= Total Monthly Receipts	2,727,181.28	3,410,844.90
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	2,465,639.34	3,425,379.23
= Total Monthly Expenditures:	-2,465,639.34	-3,425,379.23
END OF MONTH FUND BALANCE: 9-30-08	26,565,683.17	27,878,469.58
YEAR TO DATE	2007	2008
START OF YEAR FUND BALANCE:	17,286,456.32	24,395,221.48
<b>Revenues:</b>		
Earnings Tax Collections:	20,413,159.72	23,045,821.77
Debt Financing (long term)	9,975,000.00	0
Debt Financing (short term)	0	0
Other Revenue Received:	8,071,953.81	10,639,913.45
= Total Monthly Receipts	38,460,113.53	33,685,735.22
<b>Expenditures:</b>		
Bond Retirement	1,000,000.00	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	28,180,886.68	29,202,487.12
= Total Monthly Expenditures:	-29,180,886.68	-30,202,487.12
YTD FUND BALANCE:	26,565,683.17	27,878,469.58

100% of the fund balance was invested as of 9/30/08. Interest paid to date on matured investments: \$554,736.46. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING SEPT. 30, 2008**

MONTH-TO-DATE STATUS	2007	2008
Business Net Profit	264,168.12	625,996.49
Resident Net Profit	44,264.41	48,321.90
Non-Resident Net Profit	12,776.52	18,276.27
Subcontractor Net Profit	6,088.00	13,394.26
Net Profit Total	327,297.05	705,988.92
Withholding	1,726,139.73	1,740,229.16
Subcontractor Withholding	25,790.80	22,165.06
Withholding Total	1,751,930.53	1,762,394.22
Monthly Collection Totals	2,079,227.58	2,468,383.14
YEAR-TO-DATE STATUS	2007	2008
Business Net Profit	2,647,121.86	4,142,780.99
Resident Net Profit	776,015.48	815,133.68
Non-Resident Net Profit	204,502.85	221,897.04
Subcontractor Net Profit	52,839.70	57,175.87
Net Profit Total	3,680,479.89	5,236,987.58
Withholding	16,357,138.84	17,443,428.58
Subcontractor Withholding	375,540.99	365,405.61
Withholding Total	16,732,679.83	17,808,834.19
YTD Collection Totals	20,413,159.72	23,045,821.77
YTD Refund Totals	1,313,712.89	788,056.76

BLUE ASH CITY COUNCIL

October 23, 2008

Page 5

**HEARINGS FROM CITIZENS**

Lynn Maki, 4849 Myrtle Avenue, asked if the City would be enforcing Section 2911.21 of the Ohio Revised Code relating to criminal trespassing. City Solicitor Mark Vander Laan commented that the Police Department will enforce any law on the books as complaints arise.

Richard Curless, 3309 Carpenter's Creek Drive, Evendale, explained that his home abuts the Blue Ash Golf Course's 14<sup>th</sup> green. Course personnel have decided to erect a shelter along the cart pathway within his line of view of the course which he and his family have enjoyed for 20 years. He has talked with representatives from the City asking for consideration of its relocation elsewhere on the Course. Parks & Recreation Director Chuck Funk commented that he, the City Manager, the Golf Superintendent, and the Golf Pro have looked at this situation, and it appears the shelter can be moved towards the buffer area to the north away from The Curless's line of sight.

Jim Meyers, 9588 Linfield Drive, asked what the City's intended action is regarding the recent incident involving the elderly Ms. Jester, her taking of the neighbor's football, and her subsequent arrest. Solicitor Mark Vander Laan explained that the City has dropped the petty theft case and has recommended the City continue its mediation efforts in the neighborhood. He explained that often times Police Officers are placed in very arduous situations, requiring difficult decisions to be made quickly. After reflecting upon the situation, the City deemed it best to drop the case and to continue neighborhood efforts through the Department's Neighborhood Liaison Officer program. In addressing a question from Mr. Meyers, Mr. Vander Laan clarified that Ms. Jester was not put in handcuffs, despite what was reported by some media.

Hearings from Citizens was declared closed at 7:16PM.

**COMMITTEE REPORTS**

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

"The following offers a brief description of the topics included on the September 25th Council agenda:

**10.a.1. Ordinance No. 2008-58 - Transferring funds**

As shown upon the attachment to this ordinance, there are a number of issues that need to be resolved through transfer activity at this time.

One of the issues that needs to be addressed involves funding for the City's recently-established Flexible Spending Accounts (FSA) and Health Reimbursement Accounts (HRA) related to a shift from an HMO to a high-deductible employee health insurance plan. All of the items beginning with the prefix "801" relate to the preliminary funding of the insurance plan year beginning November 1, 2008, and continuing through the end of October 2009. Under the provisions of the FSA and the administration of the HRA, it is important that funds exist in the necessary appropriations as of the start date of the plan. Therefore, a total of \$185,000 is estimated for the HRA, and \$150,000 within the FSA. The City is required by IRS regulations to make the entirety of the FSA funding pledged by an employee available as of the first date of the plan year. The City will recoup all of the amount pledged through periodic FSA payroll deductions as authorized during the plan year. In regards to the HRA, the full amount appropriated may not be required should employees not have health expenses that exceed their deductible and thus eliminate the need for the City's funding of the HRA covering the second half of their deductible under the new plan.

As described elsewhere in this memo (Ordinance No. 2008-60), a new Health Insurance Fund No. 802 is expected to be established to handle the City's "second" plan year beginning on November 1, 2009 and continuing through October 2010. Separate plan year accounting for the FSA and HRA mechanisms will allow ease of evaluation as to the cost effectiveness of the new high deductible plan relative to the existing plan.

The need also exists to create a secondary "OVI" fund to track Police Department activity relating to their participation and nomination as administering agency. That Fund, No. 282, will be utilized to account for the City's second year of participation, which begins on October 1, 2009. Accommodations

BLUE ASH CITY COUNCIL

October 23, 2008

Page 6

are reflected in this transfer ordinance for the City's first grant year under Fund No. 282 in both the revenue and expenditure transfer categories. Essentially, this transfer sets up the expected revenues and expenditures for this program for the initial part of the grant, with final appropriations to be adjusted in the proposed and final budget process, if needed.

Operationally, the City of Blue Ash will establish these two OVI funds, provide appropriations for receiving grant revenue from the State of Ohio under the OVI program, and for processing reimbursements to participating Police Department entities throughout the grant year for the special enforcement efforts outlined in the program.

As expressed in the comment relating to Ordinance No. 2008-53, the City Administration and the Parks & Recreation Department have been working with Ursuline Academy relating to the placement of artificial turf on Blue Ash Sports Center Field A. Should Council move forward with the award of the contract for the turf installation under Ordinance No. 2008-67, then the need will exist for funding that project in the Parks and Grounds Maintenance construction account.

To accommodate the funding needed to move forward with this project, it is necessary to show an expected revenue of \$100,000 in Miscellaneous Revenue in the Recreation area, and to appropriate an estimated construction cost of \$525,000 on the expense side in Parks and Grounds. All items listed on the attachment beginning with the prefix "251" relate to this Sports Center project. It is important to note that the City will receive three supplemental payments of \$50,000 each over the next three years to satisfy Ursuline's financial contribution to the project.

The Finance Office has determined the need exists for additional funding in nearly all City gasoline accounts for the remainder of 2008. While there is no question that gasoline and diesel costs have escalated, it was thought that these increases had been built into the 2008 Budget. We are reviewing fuel usage for all City vehicles to make sure this additional funding is related to budgeting and cost, and not to increased usage.

The need exists to decrease expected revenue of \$80,000 in the SCMR (Street Construction Maintenance & Repair) account as originally outlined in the 2008 Budget. Our new Public Works Director has been working closely with the Finance Office to convert the Budget configured under the previous Service Director's plan, and it is necessary to make this change relative to the manner in which restoration and reimbursement are handled between the City of Cincinnati Water Works and Blue Ash relating to the recent water line installations in the City.

Given that the artificial turf installation project at the Sports Center is capital in nature, the net cost of \$425,000 was funded through a reduction in the City's capital reserve area of the General Fund. All other funding requirements as reflected on the attachment, other than the OVI grant account, was able to be addressed through a reduction in the land bank funding within Community Development of \$335,000 with the balance appropriated through the over-collection of inheritance taxes in 2008. No usage of the City's current contingency of \$55,800 was required to accommodate the various requests on this transfer.

Please direct questions regarding this ordinance to the Treasurer.

**10.a.2. Ordinance No. 2008-59 - Confirming continuing membership in the Miami Valley Risk Management Association (MVRMA) and accepting the year 2009 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.

BLUE ASH CITY COUNCIL

October 23, 2008

Page 7

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 2009 pool contribution to MVRMA of an amount not to exceed \$288,000 for our basic coverages. In 2009 Blue Ash's coverage will represent approximately 7.4% of all pool costs, slightly higher than the 7.33% in 2007. 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 2009 for all 20 members is \$2,400,000 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 \$80,000 "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 \$200,000 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.

**10.a.3. Ordinance No. 2008-60 - Establishing additional separate accounting funds related to the change of employee insurance coverage to a high-deductible plan (from an HMO) and related to the City's serving as the administering agency for the OVI Task Force activities**

As one component of the City's conversion from an HMO employee medical plan to a high deductible plan, the Administration approached City Council at the second September 2008 meeting to secure authorization for the establishment of a new internal service fund. At that time, City Council approved Ordinance No. 2008-55, which authorized the creation of a new Fund Number 801, called the Employee Health Insurance Administration Fund, to provide for the proper accounting of the newly-established Flexible Spending Account and Health Reimbursement Accounts related to this transition.

As the Finance Division and Human Resources staff worked through the mechanics and details relating to this change, it became apparent that the need would exist for two separate internal service funds. Therefore, the Administration is requesting that City Council authorize the creation of Fund No. 802 at this time. Because the City's health plan year does not match the City's calendar/accounting year, the separate funds will be necessary to keep the financial results of the separate plan years distinct and separate from one another. For example, Fund No. 801 will be used for the Flexible Spending Account and Health Reimbursement Account funding for the November 1, 2008 through October 31, 2009 plan year. The 2009 budget will reflect accommodation for the new Fund No. 802, which will address the following plan year that will terminate on October 31, 2010.

Similar accommodations are necessary pertaining to the OVI Task Force, the participation of which was confirmed through City Council's passage of Ordinance No. 2008-37. As was the case with the health insurance situation, the misalignment of the grant funding from the State of Ohio for this program with the City's accounting year, it is necessary to seek Council's authorization to establish a secondary Fund No. 281, so that each grant year can be distinctly reported separately from the one that precedes it. The 2009 proposed and final budgets will include funding for both 280 and 281.

Please direct questions involving this matter to the Treasurer.

BLUE ASH CITY COUNCIL

October 23, 2008

Page 8

**10.a.4. Motion to establish a not-to-exceed amount of \$3,500 relating to requirements of the Blue Ash Code of Ordinances (Sec. 133.10[e]) for utilization within the City Manager's policy for an eligible employee's election to receive an annual payment in lieu of medical insurance coverage**

As previously mentioned, the City Manager requested that the Human Resources Officer assemble an employee-based Health Insurance Advisory Committee to analyze the ever-increasing cost associated with such coverage, to review potential changes, and to make recommendations, not only about coverage and its cost, but about other mechanisms which might be useful in providing greater efficiency, lower cost, and to continue to provide excellent benefits to the staff. That Committee was formed early in 2008, met often during the year, and have provided their recommendation to the City Manager that the City move from a Health Maintenance Organization (HMO) to a high deductible plan. Additionally, the Insurance Committee itemized other health insurance matters which needed to be examined as to their potential benefit to the employees and to the City. One of the alternatives discussed was the potential of offering a financial incentive to a full-time employee to "opt out" of the City's medical plan. Such a program is currently authorized by the Blue Ash Code of Ordinances Section 113.10 (E). However, it is necessary for City Council to authorize the amount that may be so offered as a part of a policy instituted by the City Manager.

This motion seeks City Council's authorization of a not to exceed amount of \$3,500, which would represent the maximum annual payment to a full-time eligible employee who opted out of the medical plan.

Although further discussion is expected as to whether there would be tiers of payments, depending upon the type of coverage (single or family), or other issues, the need exists to move forward with this initial authorization at this time. Questions should be directed to the Treasurer.

**11.b.4. Ordinance No. 2008-70 - Authorizing multi-year contract for CAFR/accounting services**

Since 1986, the Finance Officer has been required to present the City's financial performance, historical information, and financial status in the form of a Comprehensive Annual Financial Report (CAFR). The CAFR format is structured around generally accepted business accounting principles and represents one step in a long-standing plan to standardize and improve the presentation of governmental financial information in a more business-like arrangement.

Since 1986, the City has relied upon the CAFR-related consulting services and accounting assistance from Donald J. Schonhardt & Associates, Inc. The Treasurer and Deputy Treasurer recommend a continued reliance upon Schonhardt & Associates for the upcoming CAFR's, and seek Council's authorization to enter into a three-year agreement for those services. The proposal provided by Schonhardt & Associates covers the CAFR's for 2008, 2009, and 2010. Given the complexity of this process it is the Treasurer and Deputy Treasurer recommendation that Council favorably consider this ordinance, which would authorize a three-year contract for an amount not to exceed an aggregate total for all three years of \$48,750. The ordinance would also allow for additional consulting services that may become necessary beyond the scope of the agreement for an amount not to exceed \$110 per hour, plus mileage and other reimbursable expenses.

Please direct questions regarding this ordinance to the Treasurer.

**10.b.1. Ordinance No. 2008-61 - Authorizing payment for professional construction and materials testing services associated with the Recreation Center renovation and expansion project**

Ordinance No. 2008-61 authorizes payment for professional construction and materials testing services from Alt & Witzig Engineering, Inc. related to the Recreation Center expansion and renovation project.

This firm has performed the required materials testing and inspection services for both phases of the project. Their services are necessary to assure the quality of product as engineered and specified associated with various aspects of the project. Just some examples of services conducted by Alt & Witzig for this project include tests for concrete cure strength, compaction of subgrade, welding quality, assembly strength, and fireproofing thickness.

This aspect of the project is an expected cost; however, because the ordinance threshold of \$25,000 will be exceeded. Council approval via ordinance would be required and in compliance with general audit guidelines. The ordinance authorizes an amount not to exceed \$40,000 for these types of services.



BLUE ASH CITY COUNCIL

October 23, 2008

Page 9

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

**10.b.2. Ordinance No. 2008-62 - Authorizing contract for the provision and installation of holiday lights in downtown**

Ordinance No. 2008-62 authorizes a contract with The Christmas Lighting Company (formerly known as Showcase Turf and Tree) for an amount not to exceed \$32,000 for lighting decorations and their installation in downtown Blue Ash. This vendor has been used the past couple of years for similar services, and the City has been extremely pleased with their product and services. Because expenditures are expected to exceed the ordinance threshold of \$25,000, Council approval via ordinance would be appropriate and in line with audit guidelines.

The contract would include the installation of lights which the City already owns on trees along Hunt Road, Towne Square Avenue, Towne Square and the Veterans Memorial, and for the Kenwood Road median trees (which are visible from Ronald Reagan Highway). The services provided by this vendor also include removing the lights and year-round storage. Council is also requested to waive formal bidding procedures since this company is the only known local company able to handle a job of this magnitude.

City Hall and the Parks & Recreation Department receive many compliments from citizens and visitors regarding lighting and decorating efforts in downtown. Funds for this effort were also included in the 2008 Final Budget.

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

**10.b.3. Ordinance No. 2008-53 - Authorizing the City Manager to negotiate and enter into a contract with Ursuline Academy regarding their financial participation in artificial turf placement at the Blue Ash Sports Center**

As has been discussed with Council, the Administration has worked with the Ursuline Academy administrators and legal counsel over the past several weeks regarding finalization of the agreement associated with Ursuline's financial participation in the placement of artificial turf on Soccer Field A at the Sports Center. This agreement benefits both Blue Ash and Ursuline. Ursuline has been a user of the Sports Center for nearly 15 years, and artificial turf would offer a more permanent and weather-proof home field for lacrosse, field hockey, and soccer. Blue Ash would benefit in this arrangement through its savings on maintenance costs as well as from expanded opportunities to offer community sports. Ursuline is requesting that their \$250,000 match be made payable over four years, with \$100,000 as an initial investment, with \$50,000 to follow for each of the next three years.

Ordinance no. 2008-53 authorizes the City Manager to enter into a multi-year contract addressing financial terms, usage, access, maintenance, and other issues with Ursuline Academy. Dinsmore & Shohl has been involved with discussions with Ursuline regarding the details associated with this arrangement, and the contract, when finalized, will be "approved as to form" by the Solicitor.

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

**10.b.4. Ordinance No. 2008-67 - Awarding bid for the purchase and installation of artificial turf at the Blue Ash Sports Center on Soccer Field "A"**

The City recently solicited bids for the purchase and installation of artificial turf at the Blue Ash Sports Center's Soccer Field "A".

The installation of a synthetic surface supplies the City of Blue Ash with a weather-resistant field which allows for year around usage for a variety of different sporting activities including soccer, field hockey and lacrosse. The synthetic surface also reduces our current field maintenance costs and creates more opportunities for the Blue Ash Community to utilize the fields.

The Administration is recommending a bid award to the low bidder, The Motz Group. The base bid was \$507,000, with an alternate bid of \$12,000 (representing a reduction in cost to the City) for the Ursuline Academy logo (to be paid directly by Ursuline Academy). In addition we are recommending \$15,000 contingency be added to the base bid for the addition of a permanently applied City logo. The total cost of the project is \$522,000 including alternates and contingency. The installation is expected to begin in early November and be completed no later than February 1, 2009 which allows us to meet a deadline for usage for soccer and lacrosse in the spring of 2009.

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

BLUE ASH CITY COUNCIL

October 23, 2008

Page 10

**10.c.1. Motion setting a public hearing for 7:00PM, Thursday, November 20, 2008 for consideration of a request to rezone 5.78 acres from R-3 Residential to C-2 Planned Commercial, located north of the southern corporation line of Blue Ash and west of Plainfield Road**

As Council is aware, the Planning Commission reviewed plans at their October meeting for the proposed Target retail development on the west side of Plainfield south of Ronald Reagan Highway. This motion, and the motion following, formally establishes the required public hearings, and related ordinances, associated with this application -- one for the rezoning request and the second for the planned development. It is the Administration's intention for the public hearing and first reading of both ordinances to occur on November 20, with the second reading, including Council vote, to take place at the regular December meeting.

More information regarding the planned development application will be presented at the hearings. Please direct questions regarding this item to the City Manager or to Dan Johnson, the Assistant Community Development Director, at 745-8528.

**10.c.2. Motion setting a public hearing for 7:05PM, Thursday, November 20, 2008 regarding consideration of a planned development for construction of a large retail sales and services development (Target Retail Store) and outlot in the C-2 Planned Commercial Zoning District located north of the southern corporation line of Blue Ash, west of Plainfield Road, and south of Ronald Reagan Highway**

See description above.

**Item 4 and 10.c.3. Resolution No. 2008-13 - Confirming recommended projects for the Community Development Block Grant program**

The time is approaching for the next three-year phase of the Hamilton County Block Grant program -- their 2009 through 2011 phase of this program. Council formally set two public meetings for public discussion regarding this program, and the first of these was held on Monday, September 22, at the Hazelwood Community Center, and the second and final is scheduled for this Council meeting. The September 22 meeting was well attended, as is described further in a separate memo included with Council packets from the Public Works Director and Assistant to the City Manager.

Resolution No. 2008-13 confirms the recommended project associated with this grant program. The City is eligible for \$30,000 of funding each of the three years, or a total of \$90,000. This funding can be requested as a lump sum at any time over the three-year funding cycle.

As is further described in that separate memo, many good ideas were generated during this first public meeting. Several of the suggested projects will be addressed either next year or in future years outside of the block grant program process.

As described within Resolution No. 2008-13, the recommended project for the block grant funds is microsurfacing of all the streets in Hazelwood. Staff recommends this project because it fits the constraints of the funding program and also benefits the greatest amount of people. The cost of microsurfacing these streets will not be entirely covered by the grant funds; however, the Public Works Director would include the project in an upcoming paving program, with the remaining cost to be covered through the City's budgetary process.

Please direct questions regarding this process or the recommendations to the Public Works Director or Assistant to the City Manager.

**10.c.4. Ordinance No. 2008-63 - Authorizing a multi-year contract with the Greater Cincinnati Chamber of Commerce for economic development services**

Ordinance No. 2008-63 authorizes the continuation of the City's contributions towards the Greater Cincinnati Chamber of Commerce economic development efforts that in the past have assisted in creating jobs in the region, including Blue Ash. Some examples of major accomplishments for Blue Ash in which the Chamber's campaign was at least partially responsible was the location of Ethicon Endo-Surgery in Blue Ash in the late 1980s, Sara Lee in 2003, with CitiGroup the most recent success. The City has been participating in this economic development program since 1987, and has enjoyed a positive working relationship with the Chamber.

BLUE ASH CITY COUNCIL

October 23, 2008

Page 11

Ordinance No. 2008-63 authorizes the City to enter into a multi-year contract with the Chamber for the provision of marketing, public relations, advertising, and economic development services for years 2009 through 2013 for an amount not to exceed \$50,000 each year, as approved by Council in each year's annual Appropriations ordinance, for the total amount of the five-year period not to exceed \$250,000. This continues the City's participation at the same level as the past five years.

Please direct questions regarding this ordinance to the City Manager.

**10.c.5. Ordinance No. 2008-64 - Authorizing the purchase of real property at 4815 Prospect Avenue**

As Council is aware, the residential property at 4815 Prospect Avenue, immediately east of the downtown, has been up for sale, and Ordinance No. 2008-64 authorizes its purchase. Though no immediate need for this property exists today, as has been discussed by Council, purchase of this property is in line with the City's land banking efforts, as well as an opportunity to eliminate a foreclosed and possible abandoned property. The ordinance authorizes a not to exceed amount of \$145,000.

Please direct questions regarding this ordinance to the City Manager.

**10.c.6. Ordinance No. 2008-69 - Authorizing local support required by the State of Ohio for a potential new business expansion in Blue Ash (Advanced Testing Laboratory)**

The City of Blue Ash is one of the sites chosen as the potential future expansion of Advanced Testing Laboratory (ATL) located at 6954 Cornell Road. ATL is a professional lab services company that delivers analytical chemistry and microbiology testing solutions for the health and beauty, food and beverage, and pharmaceutical and medical device industries. The firm moved to Blue Ash in December 1999, and since 2000, the firm has grown from 38 employees to 341 employees as of the end of 2007. The company's steady growth and the owner's recent opportunity to purchase the existing building required management to weigh various options as to the location of the operation.

ATL's management has had favorable meetings with local and state officials to discuss the various financing and incentives options available through the State of Ohio. Based on an April 17, 2008 letter from the Ohio Department of Development, Advanced Testing Laboratories will:

- Make a total capital investment of over \$4,000,000 for this proposed project, \$3.7 million in the purchase of the existing facility and \$340,000 in facility upgrades
- Create 234 new full-time jobs with an hourly wage of \$25.00
- Be eligible to receive an Ohio Job Creation Tax Credit for \$1.3 million and a 166 Direct Loan for \$1.5 million
- Receive State of Ohio incentives contingent upon local financial support for this project

Projected employment with this expansion is estimated to grow from the 2007 level of 341 employees to 400 in 2008, 475 in 2009, and 575 in 2010. The average hourly rate is expected to be approximately \$25. Expansion in Blue Ash would also assure retention of the 341 existing full-time jobs. Capital investment projections are \$3.7 million to purchase the existing facility plus approximately \$340,000 in facility upgrades.

ATL is a successful life sciences company that meets the profile of companies the City is trying to attract. Blue Ash was fortunate to have attracted ATL in 2000, and now with an investment, through the local support contribution, has the potential to reap maximum return through its retention and expansion. The Administration recommends Council passage of this ordinance to guarantee the City's commitment (local match) should this expansion in Blue Ash take place. Based upon ATL's commitment, the estimated local support required by the State, as noted in the ordinance, should not exceed \$123,000.

As this process moves forward, the Solicitor's office will be working with the Administration on an agreement with the company relating to this local support. Please direct questions regarding this ordinance to the Economic Development Director (745-8524) or the City Manager.

**10.d.1. Ordinance No. 2008-65 - Authorizing a contract for professional services associated with fee collection management for EMS transport services**

The City is nearing the end of a four-year contract with Medicount Management, a firm that handles

BLUE ASH CITY COUNCIL

October 23, 2008

Page 12

the billing related to EMS transport. The City's initial arrangement with Medicount Management started on November 1, 2004 and will expire at the end of this month. The Fire Chief has been working closely with Medicount Management relating to the mechanism and costs associated with this program, and has been able to negotiate a reduced collection percentage fee with the upcoming contract—from 10% of collections to 7.5%. Of course, this rate reduction is partly attributable to increased technological capability in the transfer of data from our EMS units to Medicount Management, and the efficiencies associated therewith. In recent years, the City has collected in excess of \$325,000 a year related to this process.

The Fire Chief is recommending a new contract, in a form that has already been reviewed by the City Solicitor, beginning on November 1, 2008, with an initial two-year term and a two-year renewal option. Favorable consideration of this ordinance by City Council would permit the Fire Chief to move forward in this process with a vendor that has proved reliable, easy to work with, and whose administration and policies have avoided citizen aggravation or billing issues.

Questions relating to this matter can be addressed to the Fire Chief or the Treasurer.

**10.d.2. Ordinance No. 2008-66 - Authorizing purchase of Year 2009 Police vehicles through the State of Ohio's Cooperative Purchasing Program**

Council may recall that in 2006, the Police vehicle acquisition timetable was changed to help eliminate lengthy delays which were occurring from the date vehicles were ordered until the vehicles were ready for Police use. The new vehicle acquisition timetable of placing orders in the last quarter of the year has been working well, and it is recommended that this timetable continue for Police vehicle purchases.

Ordinance No. 2008-66 authorizes the purchase of five Police vehicles plus related accessories for use beginning in 2009. These Police vehicles and related accessories will be purchased through the State of Ohio's Cooperative Purchasing Agreement for an amount not to exceed \$110,000.

Although there are no trade-ins involved with the vendor, the Police Department plans to sell at auction five existing Department vehicles. Estimated revenues (in 2009) for these sales are expected to be in the \$24,000 range.

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

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

In Councilman Bryan's absence, Councilman Stacey was asked to preside.

Councilman Stacey asked the Clerk to read Ordinance No. 2008-58 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-58

PROVIDING FOR THE TRANSFER OF FUNDS AND  
AMENDMENTS WITHIN THE ANNUAL APPROPRIATION  
ORDINANCE NO. 2008-3 FOR THE YEAR 2008 (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 Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-58. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-58 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2008-59 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

October 23, 2008

Page 13

ORDINANCE NO. 2008-59

AUTHORIZING THE CITY MANAGER TO (1) CONFIRM CONTINUING MEMBERSHIP IN THE MIAMI VALLEY RISK MANAGEMENT ASSOCIATION, INC. (MVRMA) AND (2) TO ACCEPT THE YEAR 2009 POOL CONTRIBUTION FOR AN AMOUNT NOT TO EXCEED \$288,000 (PLUS DEDUCTIBLES, SPECIAL COVERAGES, AND BOARD-APPROVED ASSESSMENTS); AND DECLARING AN EMERGENCY

Councilman Stacey moved, Vice Mayor 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 yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-59. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-59 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2008-60 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-60

ESTABLISHING AN ADDITIONAL INTERNAL SERVICE FUND (NUMBER 802) AND TWO AGENCY FUNDS (NUMBERS 901 AND 902) ASSOCIATED WITH THE CHANGE OF EMPLOYEE HEALTH INSURANCE COVERAGE TO A HIGH-DEDUCTIBLE PLAN AND ESTABLISHING AN ADDITIONAL SPECIAL REVENUE FUND (NUMBER 282) ASSOCIATED WITH OVI POLICE DEPARTMENT EFFORTS; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-60. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-60 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2008-70 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-70

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR MULTI-YEAR PROFESSIONAL ACCOUNTING CONSULTATION SERVICES; 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 Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-70. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey,

BLUE ASH CITY COUNCIL

October 23, 2008

Page 14

Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2008-70 passed.

Councilman Stacey moved, Vice Mayor Weber seconded to establish a not-to-exceed amount of \$3,500 relating to requirements of the Blue Ash Code of Ordinances (Sec. 133.10[e]) for utilization within the City Manager's policy for an eligible employee's election to receive an annual payment in lieu of medical insurance coverage. A voice vote was taken. All members voted yes. Motion carried.

**Parks & Recreation Committee, Lee Czerwonka, Chairperson**

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-61 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-61

AUTHORIZING THE CITY MANAGER TO MAKE PAYMENT FOR PROFESSIONAL CONSTRUCTION AND MATERIALS TESTING SERVICES ASSOCIATED WITH BOTH PHASES OF THE RECREATION CENTER RENOVATION AND EXPANSION PROJECT; AND DECLARING AN EMERGENCY

Councilman Czerwonka moved, Councilman Stacey 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 Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-61. In addressing a question from Vice Mayor Weber, Parks & Recreation Director Chuck Funk explained that the cost for these services has been included in the project budget; however, because the expenditures with a single vendor will exceed the ordinance threshold of \$25,000, there is need for Council approval via ordinance. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2008-61 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-62 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-62

AUTHORIZING A CONTRACT FOR THE PROVISION AND INSTALLATION OF HOLIDAY LIGHTS IN DOWNTOWN BLUE ASH; AND DECLARING AN EMERGENCY

Councilman Czerwonka 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 Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-62. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2008-62 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-53 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

October 23, 2008

Page 15

ORDINANCE NO. 2008-53

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND THEREAFTER ENTER INTO A MULTI-YEAR CONTRACT WITH URSULINE ACADEMY REGARDING THE INSTALLATION, USAGE, AND MAINTENANCE OF ARTIFICIAL TURF ON FIELD "A" AT THE BLUE ASH SPORTS CENTER; AND DECLARING AN EMERGENCY

Councilman Czerwonka moved, Councilman Stacey 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.

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2008-53. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2008-53 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-67 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-67

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE BLUE ASH SPORTS CENTER SOCCER FIELD ARTIFICIAL TURF PROJECT; AND DECLARING AN EMERGENCY

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

Councilman Czerwonka moved, Vice Mayor Weber seconded to adopt Ordinance No. 2008-67. In addressing a question from Councilman Stacey, Mr. Funk explained that Alternate #2 was the addition of the City's logo on the field. Alternate #1 is the addition of Ursuline Academy's logo on the field with the cost representing a cost reduction since Ursuline would be paying that portion of the contract. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2008-67 passed.

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

Councilman Sumner moved, Councilwoman Stoller seconded to set a public hearing for 7:00PM, Thursday, November 20, 2008 for consideration of a request to rezone 5.78 acres from R-3 Residential to C-2 Planned Commercial, located north of the southern corporation line of Blue Ash and west of Plainfield Road. A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Vice Mayor Weber seconded to set a public hearing for 7:05PM, Thursday, November 20, 2008 regarding consideration of a planned development for construction of a large retail sales and services development (Target Retail Store) and outlot in the C-2 Planned Commercial Zoning District located north of the southern corporation line of Blue Ash, west of Plainfield Road, and south of Ronald Reagan Highway. A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner asked the Clerk of Council to read Resolution No. 2008-13 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

BLUE ASH CITY COUNCIL

October 23, 2008

Page 16

RESOLUTION NO. 2008-13

CONFIRMING THE RECOMMENDATIONS ASSOCIATED WITH THE CITY'S APPLICATION FOR THE HAMILTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE 2009 THROUGH 2011 PROGRAM PHASE

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Resolution No. 2008-13. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Resolution No. 2008-13 passed.

Councilman Sumner asked the Clerk to read Ordinance No. 2008-63 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-63

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR CONTRACT WITH THE GREATER CINCINNATI CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT SERVICES; AND DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2008-63. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-63 passed.

Councilman Sumner asked the Clerk to read Ordinance No. 2008-64 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-64

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND THEREAFTER ENTER INTO A CONTRACT FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 4815 PROSPECT AVENUE, CONSISTING OF APPROXIMATELY .18 ACRES, ALSO REFERRED TO AS THE ENTIRETY OF CONSOLIDATED PARCEL 34 OF BOOK 612, PAGE 40 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (612-40-34 & 256); 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 Czerwonka, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Sumner moved, Councilman Czerwonka seconded to adopt Ordinance No. 2008-64. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-64 passed.

Councilman Sumner asked the Clerk to read Ordinance No. 2008-69 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:



BLUE ASH CITY COUNCIL

October 23, 2008

Page 17

ORDINANCE NO. 2008-69

AUTHORIZING THE LOCAL SUPPORT FROM THE CITY OF BLUE ASH REQUIRED BY THE STATE OF OHIO FOR A POTENTIAL NEW BUSINESS EXPANSION IN BLUE ASH (ADVANCED TESTING LABORATORY); 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 Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Sumner moved, Vice Mayor Weber seconded to adopt Ordinance No. 2008-69. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-69 passed.

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

Councilwoman Stoller asked the Clerk to read Ordinance No. 2008-65 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-65

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A MULTI-YEAR CONTRACT FOR PROFESSIONAL SERVICES ASSOCIATED WITH FEE COLLECTION MANAGEMENT FOR EMERGENCY MEDICAL SERVICE (EMS) TRANSPORT; 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 Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilwoman Stoller moved, Councilman Stacey seconded to adopt Ordinance No. 2008-65. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Weber, Stacey, and Mayor Buckman voted yes. Councilman Sumner voted no. Five yeases. One no. Ordinance No. 2008-65 passed.

Councilwoman Stoller asked the Clerk to read Ordinance No. 2008-66 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-66

AUTHORIZING THE PURCHASE OF YEAR 2009 VEHICLES PLUS RELATED ACCESSORIES FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO'S COOPERATIVE PURCHASING PROGRAM; 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 Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilwoman Stoller moved, Councilman Czerwonka seconded to adopt Ordinance No. 2008-66. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-66 passed.

BLUE ASH CITY COUNCIL

October 23, 2008

Page 18

**MISCELLANEOUS BUSINESS**

Public Information Officer/Deputy Clerk of Council Sue Bennett reminded Council of the Veterans Day ceremonies on Tuesday, November 11<sup>th</sup>, at the Veterans Memorial. The ceremonies begin at 10:30AM.

Public Works Director Mike Duncan commented that paving of Reed Hartman Highway north of Glendale-Milford to just south of Osborne Boulevard will be completed tonight. Traffic will be maintained; however, lanes will be periodically closed and motorists may experience inconvenience.

Mr. Duncan commented that since the end of the construction season is nearing, he has recommended that the Hunt Road portion of the Blue Ash Road project be delayed until next spring to avoid extended disruption. The Cincinnati Water Works is also intending to install a new water main on Hunt from West to Plainfield. The remaining portion of Blue Ash Road should be completed within the next three weeks.

Mr. Duncan commented that the warrant analysis of the Kenwood Road/Belleview Road area requested by a resident at a previous meeting (Kelly Baker of Summit Avenue) has been completed. He explained that none of the warrants for installation of a signal were met in this area. In light of those results, he recommends that no signal be installed. In addressing a question from Councilman Sumner, Mr. Duncan explained that the engineers looked at five warrants, and the results showed that none were reached. He intends to call the resident who requested the signal and explain the findings. In addressing a question from Councilwoman Stoller regarding speed limits in the area, Mr. Duncan commented that he will review the State laws guiding the process of establishing/changing speed limits on through streets.

Parks & Recreation Director Chuck Funk commented on information contained within Council's packets regarding the canopy alternate associated with the Recreation Center project. The question before Council is whether or not to install canopies on the north and west entrances to the Recreation Center, requiring Council approval of a change order associated with the project. The canopies were not awarded as a part of the Phase II bids. With further review and value engineering of this alternate (after the bid opening and bid awards), the overall cost for these canopies has been reduced to an acceptable level. Some discussion was had regarding the canopy alternates, including their aesthetic benefits to the project as well as practical benefits for residents (i.e., weather-protection). All Council members agreed that the canopies should be incorporated within the project. Mr. Funk indicated that an ordinance would be brought to Council at the next regular meeting (November 20).

Michael Schuster of Michael Schuster Associates, the Recreation Center project's lead architect, commented that the Recreation Center project is progressing well. The weather has cooperated and the project is slightly ahead of schedule. He commented that the Construction Manager and contractors are working well together, and the project is on schedule to be completed in June or July of 2009.

Assistant to the City Manager Kelly Osler commented that the City partnered with the Blue Ash/Montgomery Rotary Club to place the "no dumping ... drains to creek" signage/labeling on City storm sewers, with the next session set for Thursday, October 30. Approximately 30 employees of Sunny Delight will be assisting with placement of these labels within the Tangle Ridge, Sycamore Trace, and Chimney Hill residential neighborhoods.

City Manager Waltz commented that the City has been working on neighborhood conflict issues similar to what caused the recent unfortunate incident with the Tanis Family and Ms. Jester (in the Arcadia neighborhood), and he invited Police Chief Chris Wallace to elaborate.

Chief Wallace explained that the Department has recently experienced two high-profile cases – one on Cardinal Court and the most recent one in Arcadia. He explained that there always seems to be some similar circumstance somewhere within the City at any one time, and this has been the case for as long as he can remember. The Department is looking at

BLUE ASH CITY COUNCIL

October 23, 2008

Page 19

alternatives given that today's society is more litigious and less apt to work out differences together. The Department is considering methods of mediation with such disputes, perhaps utilizing the Neighborhood Liaison Officer (NLO) program already in place (or another program dovetailing the NLO program), whereby the City would encourage the parties to work out the conflicts outside of the court system. The likely first step of such a program would be for all parties to come to the City building, sit down with each other, an officer, and an outside mediator. The program would attempt to encourage people to be more tolerant of each other's differences and to work out a compromise outside of court. The focus would be to advise people of all the options available, as well as the related consequences, so that they can make a well-informed decision before proceeding with legal action. In addressing a question from Myrtle Avenue resident Lynn Maki, Chief Wallace explained that the mediation process would be scheduled after an occurrence – not necessarily the same day or during the same shift as when the action may have occurred.

City Manager Waltz commented that the Administration has been contacted by the developer of The Lofts residential development on Towne Square Avenue. Given the soft economic situation, the owners have requested additional assistance from the City in the form of the City's completing the streetscaping within the right-of-way. Mr. Waltz explained that the estimated cost to the City of doing this is \$20,000. He commented that given the City's desire for continued progress within the downtown, he would recommend that the City agree to do so.

Some discussion was had regarding this issue. Councilman Sumner expressed his objection to the City's covering the cost of what he believes should be the developer's obligation. He expressed concern with the apparent "cutting of deals" at the end of a project when an arrangement was agreed upon at the onset of the project. Vice Mayor Weber commented that he believes this is a major project for our downtown, and to not assist at this point would be "cutting off our nose to spite our face." He stressed that the City must remain flexible in order to be effective. Treasurer Jim Pfeffer explained that this arrangement was fulfilled by the previous City Manager with little or no involvement of Mr. Waltz. He believes that the developer's perception was that the City would commit to doing this streetscaping work, although documentation expressing so is not in hand. He commented that it is his opinion that they stepped out in doing this residential project (as compared to a business project), fulfilling the City's desire for residential development in this portion of the downtown.

After some discussion, Councilmembers Stacey, Stoller, Weber, Czerwonka and Mayor Buckman agreed that the City should proceed with completing the streetscaping within the right-of-way near this project as requested. Councilwoman Stoller moved, Councilman Stacey seconded for the City to move forward with completion of this streetscaping work within the right-of-way near The Lofts project as discussed. A voice vote was taken. Five members voted yes. One member voted no. Motion carried.

In addressing a question from Councilwoman Stoller regarding the timing of the traffic signal at Glendale-Milford and Kenwood Roads (with no apparent change of cycle during off-peak times), Mr. Duncan commented that he would check on this signal's operation.

In addressing a suggestion from Councilman Czerwonka, Police Chief Wallace commented that the Police Department can set out the speed limit wagon, as well as assign officers to radar enforcement, within the Kenwood/Belleview area previously discussed.

Mayor Buckman commented that the Parks & Recreation Department did a fantastic job with the flowers throughout the City this summer.

Mayor Buckman commented that he had the pleasure of playing in a golf outing earlier today hosted by the City for the members of the Blue Ash Air National Guard Station's 123<sup>rd</sup> Air Control Squadron (ACS). He explained that 30 to 40 members of the 123 ACS will be leaving for Iraq within the next couple months to serve a six-month tour of duty. He asked all to keep members in their prayers.

BLUE ASH CITY COUNCIL

October 23, 2008

Page 20

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilwoman Stoller moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:04 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