

BLUE ASH CITY COUNCIL

November 20, 2008

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on November 20, 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.

Mayor Buckman commented that within the past several weeks, Blue Ash lost a true friend with the passing of former Councilman Raymond L. MacNab (Mr. MacNab passed away on October 25, 2008.) Ray was a long-time resident and Councilman for 32+ years, and will be missed. The Mayor asked all to remember Ray and his family in their prayers.

ROLL CALL

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

MEMBERS ABSENT: Councilman Rick Bryan and Councilman James Sumner

Vice Mayor Weber moved, Councilwoman Stoller seconded to excuse Councilmen Bryan and Sumner from the meeting. A voice vote was taken. All members voted yes. Motion carried.

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, 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, Assistant Community Development Director Dan Johnson, Fire Captain Greg Preece, Assistant to the City Manager Kelly Osler, member of the press, and interested citizens

Mayor Buckman explained that tonight we have two public hearings scheduled regarding the proposed development of a Target retail store south of Ronald Reagan Highway and west of Plainfield Road. Tonight's meeting represents the public hearings and first reading of the ordinances relating to this development. He explained that Council will not be voting on this legislation this evening, and that the ordinances would be scheduled for formal vote at the next regular Council meeting scheduled for December 11, 2008. He explained that both ordinances will be read in their entirety this evening, and that Council welcomes public comments about what is being proposed. Though Council will take into consideration everything that is said this evening, specific questions will not be answered tonight.

7:00PM – PUBLIC HEARING –Ordinance No. 2008-56 – consideration of zone change of 5.78 acres of R-3 Residential property to C-2 Planned Commercial north of the southern corporation line of Blue Ash and west of Plainfield Road

Mayor Buckman asked the Clerk to read Ordinance No. 2008-56 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2008-56

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE CURRENTLY ZONED R-3 RESIDENTIAL IN THE C-2 PLANNED COMMERCIAL DISTRICT CONSISTING OF APPROXIMATELY 5.78 ACRES NORTH OF THE SOUTHERN CORPORATION LINE OF BLUE ASH AND WEST OF PLAINFIELD ROAD, AFFECTING BOOK 612, PAGE 80, PARCELS 69, 70, 71, 72, 54, 154, 153, 74, 155, AND 152 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (ALSO KNOWN AS 9009,

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9019, 9029, 9037, AND 9047 PLAINFIELD ROAD AND 4144, 4164,
4174, 4184, AND 4194 PENELOPE LANE)

Assistant Community Development Director Dan Johnson commented that the applications include two aspects: a rezoning request and request for approval of a planned development. Both were presented to and discussed at Planning Commission at their October 2nd meeting, and the Commission recommended approval unanimously, including Councilman Sumner. Mr. Johnson invited the applicant representatives to address Council.

Mr. John Silverman of Midland Atlantic gave a PowerPoint presentation, with highlights of that presentation summarized below:

- The proposed Target retail store is to be located at the southwest corner of Ronald Reagan Highway and Plainfield Road. The entire site is approximately 12 acres, with the rezoning request (from R-3 Residential to C-2 Planned Commercial) involving approximately 6 acres.
- The plan includes a free-standing Target retail store with a small outlet. The outlet will not be developed until after Target has been open through at least one Christmas shopping season.
- The property is surrounded by trees, and the plans include planting of an additional 84 trees and shrubs to enhance the existing buffers. Most of the existing larger trees will not be disturbed.
- One of the conditions of Planning Commission is to work with an affected residential neighbor, Mrs. Larrick, to address her concerns, and they intend to continue to do so.
- Each island within the parking lot will have landscaping, and will also have irrigation. Additional landscaping around the building is also planned, including facing Plainfield Road as required by the Planning Commission.
- Substantial traffic improvements are being planned, including addition of a signal across from Frisch's, installation of a median on Plainfield to restrict left-turn movements, and additional lanes on Plainfield Road. He mentioned that their planned improvements are supported by the traffic study conclusions of the City's engineers – that study having been completed within the past couple years. An additional future lane improvement is also promised by the developer, a right-turn lane at northbound Plainfield at the Ronald Reagan eastbound ramp, though this improvement cannot be accomplished now.
- The proposed Target store will be the nicest store in the market – not just because it will be new, but also to meet the demand of the upscale Blue Ash market. The outside has more decorative brick and stone than most Targets.
- Planning Commission asked about enhancing the landscaping at the front (which would parallel current Penelope Lane) and facing Plainfield Road to the east. In addition to complying with this request, additional landscaping is also added on the west elevation facing the Hartzell United Methodist Church.
- A detailed lighting study was completed. Shields on the lights adjacent to the residential areas of Sycamore Township are planned.
- Favorable interaction with the adjacent church has occurred. The applicant will be assisting the church in alleviating issues with its existing drainage system.
- Mr. Silverman has been involved with the construction of 55 shopping centers across the country. He believes that Target is one of the best as it has a high degree of social responsibility.

Mr. Ron Bailey, Senior Development Manager with Target, introduced himself and explained that he has been with Target for 15 years. He gave a PowerPoint presentation explaining the extensive parking analysis done by Target. They are confident that the proposed parking will adequately serve the site.

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Mr. Silverman reiterated that the applicant has been sensitive to the potential traffic issues throughout the review process. He believes that the proposed improvements to Plainfield Road will have a positive impact, and compared this road improvement to the City's improvements to Glendale-Milford/Pfeiffer Road in the late 1980s.

Mr. Silverman addressed the issue with the small office building across Plainfield Road owned by Alan Solomon. He explained that Planning Commission has required the applicant to work with this property owner to resolve that property's access dilemma. This may require purchase of that property by the developer, though they are attempting to secure acceptable means of access via adjacent properties. He commented that the applicant is cognizant of what is happening on the east side of Plainfield, including potential issues with Mr. Solomon's office building, Frisch's, Long John Silvers, and Gold Star Chili.

Terry Donnellon, an attorney with Donnellon, Donnellon, & Miller in Cincinnati, commented that he represents Mr. Alan Solomon, owner of that small office building at 9050 Plainfield Road across from the proposed Target development. He expressed concern with the prospect of Council approving this development plan without first resolving the issue with the Solomon property. He stressed that resolution of the access concerns is critical to his client as business will fail if customers cannot find his driveway. Mr. Donnellon commented that they realize that such a retail development in this location can be a large benefit for the community; however, Mr. Solomon should not have to sacrifice his property value in order to make it work. Mr. Donnellon reiterated that the access concern with the Solomon property is critical enough to resolve first, and he urged that Council consider tabling approval until that issue is settled.

Kathy Bath, 9370 Raven Lane, commented that she has been a Blue Ash resident since 1958. She expressed concern with the increased area traffic which such a development could cause, especially given the multiple one-lane-only feeder roads into Reed Hartman Highway and Plainfield Road. She believes that traffic on these roads will also increase as they will be routes for motorists traveling to this new retail location, and she reiterated her concerns with those increased volumes.

Julie Brook, 9566 Cooper Lane, commented that she supports a retail development such as Target in this location; however, she expressed concern with the thought that such a development would result in the demise of the existing K-Mart north of Hunt Road. She also encouraged that pedestrian access in the area be considered, including preservation of the existing area bus stops.

Mindy Nemoff, 5400 Belleview Avenue, expressed her concern with increased traffic associated with such a development. She commented that such a "box" store generates more traffic than an office complex would attract. She also expressed concern that if this development is approved by Council, that future traffic planning in the area would essentially stop. She commented that the only persons notified of this development were property owners within 200 feet, and she expressed concern with lack of communication between the City and residents on this development, including communication of the "15 points" required by Planning Commission. She questioned whether medians offered the most effective form of traffic flow management, and also expressed concern with the timing of the pole lights within the parking lots (as her sister is Mrs. Larrick and lives adjacent to this project).

Andrew Schwartz, 3895 Blackwood Court, expressed concern with the affect of this development upon the Plainfield/Hunt intersection. He encouraged the City to step up its efforts to enforce the traffic laws already in place as he has seen many motorists trying to turn left onto eastbound Hunt, thus blocking those on Hunt trying to turn north on Plainfield.

Denise Cummings, 3604 Glengarry (Sycamore Township), commented that she does not believe this type of development belongs in this neighborhood and that she is not pleased about its potential.

Mr. Tom Weidman, President of the Sycamore Township Board of Trustees commented that the abutting residential area to this development is Sycamore Township, and many township residents are opposed to this project. He has been working with the City and the developer to address abutting township residents concerns. He mentioned that the township has agreed to rezone the small strip of land owned by the township as well. Mr. Weidman expressed

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concern with the three nearby bus stops and encouraged that these three be consolidated into one. He commented that he believes the developers are doing a good job with the preservation of existing trees. Mr. Weidman asked that the City consider requiring the developer to install an eight-foot vinyl fence along the south, as compared to the proposed six-foot, board-on-board style. He mentioned that the eight-foot vinyl style fence has been used successfully within the township which has significant retail-adjacent-to-residential occurrences. He commented that prior concerns with deliveries have been resolved and are no longer an issue; however, concerns remain related to the proposed lighting plan. He suggested that the City consider requiring 12-foot poles upon three-foot pedestals to minimize light spilling onto nearby residents as compared to what is shown in the current plan.

Jim Schutte, 9536 Conklin Avenue, commented that he is proud to be a 17-year Blue Ash resident. He expressed support for the development of a Target at this location.

Linda Ross, 2725 Mapletree Court (Reading), commented that she is a Board member of the Hartzell United Methodist Church, which abuts this property to the west. She expressed support for this project and commented that the developer has been very cooperative in addressing the concerns and needs of the church property.

Ronda Larrick, 8997 Plainfield Road, commented that her property is most affected by this development. She complimented the City staff and applicant on being very pleasant to work with throughout this process. However, she expressed concern with the value of her property if this development were to occur. Though the City and applicants have worked with her on a number of other concerns, this remains one yet unresolved. She commented on her faith of Blue Ash and the Council process and urged all to take a good look at all that has been said this evening.

In addressing some of the comments presented this evening, Mr. Silverman's comments are summarized below:

- He believes that this development will help the K-mart property and could spur improvements to that property located to the north on the other side of the Ronald Reagan Highway.
- In addressing a comment related to traffic levels resulting from a Target development as compared to an office development, he commented that a benefit with a Target-type retail development is that only evening traffic is impacted. An office development affects not only evening, but morning traffic as well.
- He expressed concern with the suggestion of shorter light poles because such lighting is often the subject of vandalism. Regardless, he assured that this would be looked into more closely before the vote occurs on this in December.
- He commented that the developer currently has ten Blue Ash homeowners under contract, and stressed that they have been working with them for several years now. He urged Council not to delay the project further for their benefit as well as the developer's.
- In addressing a concern for property value of Mrs. Larrick's property, Mr. Silverman commented that it is his opinion that Target typically increases nearby residential property values, and he mentioned that communication will continue with Mrs. Larrick throughout this process. He added that Target does a quality job with its on-site landscaping.

There being no further comment from the public, this public hearing was declared closed at approximately 8:16PM.

7:05PM – PUBLIC HEARING – Ordinance No. 2008-57 – consideration of approval of a development plan for a large retail sales and services development (Target retail store) and an outlot on commercial property located north of the southern corporation line, west of Plainfield Road and south of Ronald Reagan Highway

The Clerk was asked to read Ordinance No. 2008-57 in its entirety:

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THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2008-57

APPROVING A DEVELOPMENT PLAN UNDER CHAPTERS 1157 AND 1185 OF THE CODIFIED ORDINANCES FOR CONSTRUCTION ON APPROXIMATELY 11.9 ACRES OF A LARGE RETAIL SALES AND SERVICES DEVELOPMENT (TARGET RETAIL STORE) AND AN OUTLOT THAT WOULD ALLOW A FUTURE LAND USE ON PROPERTY 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

Mindy Nemoff, 5400 Belleview Avenue, expressed thanks for the sharing of the specific conditions which were read this evening. She reiterated her thought that advertisement of the public hearing in the weekly local paper is not enough to keep residents informed.

Terry Donnellon again expressed concern with condition #3 within the ordinance. In his opinion, the condition is not placed upon the applicant/developer, it appears to be a condition imposed upon his client.

Mr. Silverman commented that it is his interpretation that the obligation to resolve this issue is upon the developer – not Mr. Solomon, and the developer accepts this obligation.

In addressing a question from Councilman Czerwonka, Mr. Silverman commented that the road improvements would be completed before the store would open. Their closing with the residential property owners is in early March, and if all goes well, they hope for construction to begin in the summer of 2009, with the store to be open in the summer of 2010.

Councilman Stacey suggested that condition #13 be clarified relative to the project's lighting. He would encourage this issue be resolved and commented that consideration of this issue with the Sycamore Township residents should be treated no differently than if the abutting residential properties were in Blue Ash.

Councilwoman Stoller encouraged that the lighting be diminished to minimize the effect of lighting on those adjacent residential properties.

There being no further comment or question, this public hearing was closed at approximately 8:28PM.

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

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. 7:00PM – PUBLIC HEARING –Ordinance No. 2008-56 – consideration of zone change of 5.78 acres of R-3 Residential property to C-2 Planned Commercial north of the southern corporation line of Blue Ash and west of Plainfield Road
5. 7:05PM – PUBLIC HEARING – Ordinance No. 2008-57 – consideration of approval of a development plan for a large retail sales and services development (Target retail store) and an outlot on commercial property located north of the southern corporation line, west of Plainfield Road and south of Ronald Reagan Highway
6. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
7. ACCEPTANCE OF AGENDA
8. APPROVAL OF MINUTES

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- a. Regular Meeting of October 23, 2008

9. COMMUNICATIONS

- a. Communications to Council - Clerk of Council Jamie K. Eifert
- b. Reports From Outside Agencies
- c. Mayor's Report – October 2008 – Honorable Robert J. Buckman, Jr.
- d. Financial Report – Motion to accept the report for October 2008

10. HEARINGS FROM CITIZENS

11. COMMITTEE REPORTS

- a. Planning & Zoning Committee, James W. Sumner, Chairperson
 - 1. Ordinance No. 2008-68, authorizing payment for professional economic and community development promotional services in 2008
 - 2. Ordinance No. 2008-71, approving final plat for the Cooper Springs residential subdivision (south of Cooper Road west of Plainfield Road)
- b. Finance & Administration Committee, Rick Bryan, Chairperson
 - 1. Ordinance No. 2008-72, transferring funds
 - 2. Resolution No. 2008-14, appointing the Treasurer as the Authorized Agent for High Wind Event (Ike) relating to Federal Emergency Management Agency (FEMA) Public Assistance Program
 - 3. Ordinance No. 2008-75, authorizing contract for professional governmental relations services
- c. Parks & Recreation Committee, Lee Czerwonka, Chairperson
 - 1. Ordinance No. 2008-73, authorizing an alternate/change order associated with Phase II of the Recreation Center expansion project regarding protective canopies and other change orders
 - 2. Resolution No. 2008-15, establishing Recreation fees for 2009
- d. Public Works Committee, Henry S. Stacey, Chairperson
 - 1. Ordinance No. 2008-74, amending Ordinance No. 2008-7 regarding the Blue Ash/Hunt Road improvements project

12. MISCELLANEOUS BUSINESS

13. EXECUTIVE SESSION – Potential Litigation, Property Acquisition, & Personnel Matter (compensation)

14. ADJOURNMENT"

APPROVAL OF MINUTES

Councilman Stacey moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of October 23, 2008. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were no communications presented to Council.

Reports From Outside Agencies

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

Mayor's Report – October 2008

RECEIPTS:

Fines	\$ 16,384.00
Bonds & BMV fees carried over	\$0
Interest Earned	\$0.68
Bonds collected	\$ 0
TOTAL RECEIPTS:.....	\$ 16,384.68

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DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$11,622.68
To the State of OH.....	\$4,710.00
Mo's Marathon (restitution)	\$42.00
Refund of Overpaid Fines	\$10.00
Bond Money applied.....	\$0
Bond Money returned	\$0
BMV.....	\$0
TOTAL DISBURSEMENTS	\$16,384.68
BALANCE IN BONDS:	\$ 0
Mayor's Court traffic citations	151
Mayor's Court criminal citations	33
Total Mayor's Court cases	184
October revenues from Mayor's Ct. Cases:.....	\$11,622.68

Financial Report – October 2008

Councilman Stacey moved, Councilman Czerwonka seconded to accept the Financial Report for October 2008 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT MONTH ENDING OCTOBER 31, 2008

MONTH TO DATE	2007	2008
START OF MONTH FUND BALANCE: 10-1-08	\$26,565,683.17	\$27,878,469.58
<u>Revenues:</u>		
Earnings Tax Collections:	2,859,722.22	2,530,005.72
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>2,867,300.11</u>	<u>1,191,500.46</u>
= Total Monthly Receipts	5,727,022.33	3,721,506.18
<u>Expenditures:</u>		
Bond Retirement	2,830,000.00	2,830,000.00
Short term debt refinancing	0	0
Other Expenditures:	<u>3,236,876.34</u>	<u>3,280,071.05</u>
= Total Monthly Expenditures:	<u>-6,066,876.34</u>	<u>-6,110,071.05</u>
END OF MONTH FUND BALANCE: 10-31-08	26,225,829.16	25,489,904.71
YEAR TO DATE	2007	2008
START OF YEAR FUND BALANCE:	17,286,456.32	24,395,221.48
<u>Revenues:</u>		
Earnings Tax Collections:	23,272,881.94	25,575,827.49
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	20,914,253.92	11,831,413.91
= Total Monthly Receipts	44,187,135.86	37,407,241.40
<u>Expenditures:</u>		
Bond Retirement	3,830,000.00	3,830,000.00
Short term debt refinancing	0	0
Other Expenditures:	31,417,763.02	32,482,558.17
= Total Monthly Expenditures:	-35,247,763.02	-36,312,558.17
YTD FUND BALANCE:	26,225,829.16	25,489,904.71

100% of the fund balance was invested as of 10/31/08. Interest paid to date on matured investments: \$610,013.65. Receipt and expenditure figures do not include interfund transfers.

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BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING OCT. 31, 2008			
MONTH-TO-DATE STATUS	2007	2008	
Business Net Profit	768,779.11	472,490.15	
Resident Net Profit	123,172.51	137,212.88	
Non-Resident Net Profit	35,327.46	30,770.19	
Subcontractor Net Profit	1,801.43	2,975.09	
Net Profit Total		929,080.51	643,448.31
Withholding	1,873,980.63	1,823,997.40	
Subcontractor Withholding	56,661.08	62,560.01	
Withholding Total		1,930,641.71	1,886,557.41
Monthly Collection Totals		2,859,722.22	2,530,005.72
YEAR-TO-DATE STATUS	2007	2008	
Business Net Profit	3,415,900.97	4,615,271.14	
Resident Net Profit	899,187.99	952,346.56	
Non-Resident Net Profit	239,830.31	252,667.23	
Subcontractor Net Profit	54,641.13	60,150.96	
Net Profit Total		4,609,560.40	5,880,435.89
Withholding	18,231,119.47	19,267,425.98	
Subcontractor Withholding	432,202.07	427,965.62	
Withholding Total		18,663,321.54	19,695,391.60
YTD Collection Totals		23,272,881.94	25,575,827.49
YTD Refund Totals		1,336,414.39	883,003.64

HEARINGS FROM CITIZENS

No citizens wished to be heard during this portion of the meeting.

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 November 20th Council agenda:

4. Ordinance No. 2008-56 - Approving a zone change of 5.78 acres of R-3 residential property to C-2 Planned Commercial north of the southern corporation line of Blue Ash and west of Plainfield Road (FIRST READING)

As Council is aware, an application from Target Stores has been submitted for the development of a "large retail sales and services" store as well as an outlot on approximately 11.9 acres located south of Ronald Reagan Highway, west of Plainfield Road, south to within a few feet of the Blue Ash corporate limit. The development would require the rezoning of approximately 5.78 acres of land from its existing R-3 Residential zone to C-2 Planned Commercial. Currently there are 10 single-family residential parcels in the area that is the subject of this application. Ordinance No. 2008-56 addresses the rezoning, and the next item on the agenda, Ordinance No. 2008-57, addresses the proposed development plan. Thursday's meeting represents the public hearing as well as first reading of both Ordinance Nos. 2008-56 and 2008-57, with the legislation to be presented to Council at its December meeting for formal vote.

This development project was considered at the October Planning Commission meeting and was unanimously approved by members present (four). Staff recommends approval of both the rezoning application as well as the application for the development plan (Ordinance No. 2008-57) as it appears to be in line with the Comprehensive Plan recommendations indicating that this area is appropriate for "general shopping," which includes retail, offices, and restaurants, given the long-term evolution of development patterns in the area.

Plans will be posted and representatives from the applicant are expected to be in attendance at Thursday's meeting.

5. Ordinance No. 2008-57 - Approving a development plan for a large retail sales and services development (Target retail store) and an outlot on commercial property located north of the southern corporation line, west of Plainfield Road, and south of Ronald Reagan Highway

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(FIRST READING)

See item description above.

11.a.1. Ordinance No. 2008-68 - Authorizing payment for professional economic and community development promotional services in 2008

Throughout the year, the Economic Development Director's office has utilized Metaphor Studios of Cincinnati for various promotional efforts related to economic development objectives. Although no single project exceeded the ordinance threshold of \$25,000, aggregate purchases throughout the year will exceed that amount; thus, Council approval via ordinance would be in compliance with audit guidelines. Examples of projects which Metaphor has assisted with include design, production, writing, editing, and photography associated with the Life Sciences publication which will be included within an upcoming *Cincinnati Business Courier* edition; BlueAshAdvance.com website enhancements, and other promotional efforts. Ordinance No. 2008-68 seeks authorization for an amount not to exceed \$53,000 in 2008.

Please direct questions regarding this ordinance to Judy Clark, Economic Development Director, at 745-8524.

11.a.2. Ordinance No. 2008-71 - Approving final plat for the Cooper Springs residential subdivision (south of Cooper Road west of Plainfield Road)

Approval of the Final Plat for Cooper Springs will allow the developer to file the plat with the Hamilton County Recorder's office. Only after the plat is filed can the new lots be sold individually. The Cooper Springs right-of-way will become public property, but roadway maintenance will remain the developer's responsibility until at least 80 percent of the lots are developed. The developer is seeking to record the plat as quickly as possible to permit the sale of the one house that was built after the preliminary plan was approved. The developer will be required to submit a bond that will cover the cost of finishing the street pavement and planting trees (if he is required to do so). He also must remove the large landscaping stones in the right-of-way on the west side of the new street. This is usually a routine procedure that is the next step in the subdivision process. Planning Commission unanimously recommended approval.

Please direct questions regarding this ordinance to the Assistant Community Development Director.

11.b.1. Ordinance No. 2008-72 - Transferring funds

One of the initial steps in preparing the 2009 Proposed Budget involves expense estimates for the fourth quarter of the current year. In reviewing various accounts, it became evident that several adjustments would be needed by transfer at this time. Those items are summarized in the attachment to Ordinance No. 2008-72 and explained below.

Our analysis of the 2008 fourth quarter expense estimates indicated the potential for a shortfall in salary appropriations in the Police Department, within General Government, and also in the Parks & Grounds Maintenance area. The supplemental amounts required are reflected within the "Additional Expenditure" appropriations area on the attachment representing additional funding for the Police Department (primarily to address the payment of retroactive salaries upon the settlement of negotiations), \$10,000 in salaries and benefits in the General Government area, and a \$50,000 salary allocation within the Parks & Grounds Maintenance group. The Treasurer and Deputy Treasurer are working with the Parks & Recreation team to further identify the nature of the needed Parks & Grounds supplemental funding. At this time, it appears it could be a miscalculation based upon earlier estimates to do the budget, or it could be greater reliance upon part-time staff throughout the summer months. All the supplemental funding needed is available from appropriating surplus inheritance tax collected in 2008.

The other accommodations reflected on the attachment represent shifts within existing accounts, all of which are necessary based upon projected expenditures in those areas through the end of 2008. Those significant items include a \$10,000 transfer from miscellaneous contractual in the General Government area to operating supplies, a shift of an equivalent amount from construction in Public Service to operating supplies, and a shift in Facilities Maintenance Professional Services of \$10,000 to the operating supplies account. All of these adjustments were based upon review of all accounts through the end of the fourth quarter and should set up the appropriations for all of those areas to get us through the end of the year.

As we move through the Proposed Budget process, we expect that additional adjustments to the 2008 appropriations will be required at the December 11 (and only remaining) regular Council meeting. However, the current proposed transfers are in apparent need at this time, and staff respectfully requests City Council's authorization to modify the appropriations via Ordinance No. 2008-72.

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Please direct questions regarding the transfer to the Treasurer.

11.b.2. Resolution No. 2008-14 - Appointing the Treasurer as the Authorized Agent for High Wind Event (Ike) relating to Federal Emergency Management Agency (FEMA) Public Assistance Program

As Council is aware, the windstorm experienced in our area in mid September resulted in many additional expenses to the City in its clean-up efforts. In order to apply for reimbursement of funds through FEMA's emergency assistance program after the windstorm in mid September, FEMA, as well as the Ohio Emergency Management Agency and the Ohio Department of Public Safety requires that the City designate one individual to serve as the Authorized Agent to act on behalf of the City relating to this incident. The Authorized Agent's major responsibilities would include the submittal of claims and supporting documentation associated with this reimbursement effort. The Treasurer will be working with Public Works Director Mike Duncan on this effort.

Upon recommendation of the City Manager, Resolution No. 2008-14 appoints the Treasurer, Jim Pfeffer, as this Authorized Agent. Please direct questions regarding this resolution to the City Manager or Treasurer.

11.b.3. Ordinance No. 2008-75 - Authorizing contract for professional governmental relations services

Ordinance No. 2008-75 represents the Administration's recommendation to continue the contract with The Colwell Group for professional governmental relations services in 2009 and 2010.

Colwell has been assisting the City for the past two years in its efforts to follow through with projects related to the passage of Issue 15 in November 2006. The ordinance authorizes the same monthly fee of \$3,500 for both 2009 and 2010 to assist in securing state and federal funds for relocation of the airport facilities, as well as the pursuit of funds associated with the future performing arts and conference center (PACC) to be built upon a portion of the future 130 acre park. The City was pleased with Colwell's performance throughout 2007 and 2008, including a \$150,000 State capital grant, and therefore recommends continuation during these next crucial years associated with this project.

Please direct questions regarding this ordinance to the City Manager.

11.c.1. Ordinance No. 2008-73 - Authorizing an alternate/change order associated with Phase II of the Recreation Center expansion project regarding protective canopies and other change orders

The items addressed in Ordinance No. 2008-73 associated with the Recreation Center expansion and renovation project address increases in various contracts related to the addition of the alternate canopies to the main entrances of the building as previously discussed with Council, as well as for various construction changes that are necessary to accommodate a variety of existing conditions that could not be addressed in the construction drawings. In addition to the canopies, the "in-field" changes noted within the ordinance included a change of the specified exterior stone to a superior product; to add equipment to provide emergency elevator power to satisfy new code requirements; and to address and accommodate IT, communication, and security system needs not previously covered in the construction drawings, including the addition of cabling trays through parts of the facility. These "trays" provide protection for all low voltage cabling by separating them from electric wiring, allows for easier installation of the cabling, and reduces future damage to the cables by other trades. The specified exterior stone was upgraded to an "ariscraft" stone which is higher grade material and enhances the aesthetics and overall look of the exterior finishes.

A total of \$231,840 within this ordinance is attributed to the canopies, as described below via construction trade:

- Structural Steel: \$33,390
- Concrete: \$69,205
- General Trades: \$73,036
- Masonry: \$36,704
- Plumbing: \$14,805
- Electric: \$4,700

The balance of the items included within this legislation (\$103,800) represents the aggregate costs included in this ordinance noted as "in-field construction and equipment changes." While requesting increases for these contracts, reduction in costs in other trades from in-progress value engineering result in no net increase in the overall project at this time due to these changes.

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

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11.c.2. Resolution No. 2008-15 - Establishing Recreation fees for 2009

Resolution No. 2008-15 includes recommended changes associated with Recreation related fees. A summary of the recommended changes to be effective in 2009 is below:

- The section entitled "Usage Guidelines for the Blue Ash Sports Center" has been added to the Recreation fees resolution, as included upon pages 7 – 8 of the attachment to the resolution. The desire with this section is to have a more consistent fee schedule for users of the Sports Center. Currently, each request is handled individually and an appropriate fee is charged based upon the needs of the renter (and demands upon our Center and staff). For example, a baseball field preparation fee of \$25 is currently charged, or a per team fee of \$50 for a team playing in a tournament at our facility is currently charged. The new fee structure would help the City be consistent while, at the same time, allow the flexibility to accommodate Blue Ash residents and businesses with their special requests without charging a fee (such as birthday parties, company outings, etc.).
- Recommended changes to golf fees have been summarized below. Golf fees have remained the same since 2006 when the Fall and Winter rates were implemented (as a cost reduction for course users). The Golf Pro is recommending the changes as described below after comparing similar area courses.

Golf Course Related Fee Item	Current Fee	Proposed 2009 Fee
Greens fees, regular rates, March 15 through September, 18 holes	\$29	\$30
Greens fees, regular rates, March 15 through September, 18 holes, senior/disabled (senior now defined as 60 years of age or older)	\$24	\$25
Motorized Cart Fee (March 15 through September)	\$13 per rider 18 holes \$6.50 per rider 9 holes	\$14 per rider 18 holes \$7 per rider 9 holes
Greens fees, regular rates, October (Fall rates), 18 holes	\$26	\$28
Greens fees, regular rates, October (Fall rates), 9 holes	\$13	\$14
Motorized cart fees (October – Fall rates)	\$10 per rider 18 holes \$5 per rider 9 holes	\$12 per rider 18 holes \$6 per rider 9 holes
Greens fees, senior/disabled, Winter Rates (Nov. through March 14)	\$19	\$20
Motorized cart fees (Winter – Nov. through Mar. 14)	\$10 per rider 18 holes \$5 per rider 9 holes	\$12 per rider 18 holes \$6 per rider 9 holes

Please direct questions regarding the proposed changes to the Parks & Recreation Director.

11.d.1. Ordinance No. 2008-74 - Amending Ordinance No. 2008-7 regarding the Blue Ash/Hunt Road improvements project

Ordinance No. 2008-74 addresses the next change orders associated with the Blue Ash/Hunt Road improvement project. The ordinance authorizes additional line items, with the need for each described below.

The islands at Blue Ash Road for the connector roads to Ronald Reagan Highway are frequently run over by the wheels of large trucks. Although these islands were rebuilt to accommodate a wider turning radius for trucks, this adjustment will not totally eliminate the problem. Adding stamped concrete rather than landscaping on these islands will provide a more stable area to withstand the trucks and will provide an attractive feature for motorists entering the City via Ronald Reagan Highway. The ordinance authorizes an additional line item of 5" stamped concrete at an amount of \$17 per square foot. The estimated quantity needed to address this change order is 3,700 square feet, representing an estimated total cost of \$62,900.

Also, during the reconstruction of Blue Ash Road north of Hunt Road, extremely poor soil conditions were found in the subbase. Water saturated blue clay was encountered and provided virtually no bearing capacity for the roadway base. Typically, this type of soil would have been excavated and

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replaced with aggregate base; however, the thickness of the clay layer and shallow utilities in this area prevented the removal of the poor soil. In consultation with a soils engineer, a new structural section was designed that uses a Cement Stabilized Subbase and a thicker aggregate base layer. The Cement Stabilized Subbase is constructed by mixing Portland Cement Concrete with the clay soil, adding water and letting it harden. Additionally, a rigid underdrain was added adjacent to the aggregate base on each side of the roadway to ensure good drainage and to keep water from further intruding into this clay layer. This procedure completely stabilized this poor soil area. Line items 151 and 152 for the Cement Stabilization and the Rigid Underdrain respectively need to be added to the contract to address this change, with quantities and costs estimated below:

- Cement Stabilization, 1,300 square yards, \$13 per square yard, estimated total: \$16,900
- 4" Perforated Rigid Pipe, 900 linear feet, \$5 per linear foot, total: \$4,500

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

Planning & Zoning Committee, James W. Sumner, Chairperson

In Councilman Sumner's absence, Councilwoman Stoller was asked to preside.

Councilwoman Stoller asked the Clerk of Council to read Ordinance No. 2008-68 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-68

AUTHORIZING THE CITY MANAGER TO MAKE PAYMENT FOR PROFESSIONAL ECONOMIC AND COMMUNITY DEVELOPMENT PROMOTIONAL SERVICES IN 2008 FOR AN AMOUNT NOT TO EXCEED \$53,000; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Stacey seconded to adopt Ordinance No. 2008-68. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2008-68 passed.

Councilwoman Stoller asked the Clerk of Council to read Ordinance No. 2008-71 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-71

APPROVING A FINAL PLAT FOR A LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN ON COOPER ROAD IN THE R-1 RESIDENTIAL DISTRICT (HAMILTON COUNTY AUDITOR'S PARCELS 612-90-15 AND 612-90-82); AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Stacey seconded to adopt Ordinance No. 2008-71. In addressing a question from Council, Assistant Community Development Director Dan Johnson commented that this ordinance represents the next step in the subdivision process. The subdivision was approved by Council in 2000. The plans match what was approved, and this process allows the developer to subdivide the lots. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Weber, Stacey, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2008-71 passed.

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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. 2008-72 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-72

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

Councilman Stacey moved, Vice Mayor Weber seconded to adopt Ordinance No. 2008-72. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2008-72 passed.

Councilman Stacey asked the Clerk to read Resolution No. 2008-14 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-14

APPOINTING THE TREASURER AS THE AUTHORIZED
AGENT FOR DOCUMENTATION ASSOCIATED WITH THE
HIGH WIND EVENT (IKE) RELATING TO THE FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC
ASSISTANCE PROGRAM

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Resolution No. 2008-14. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, and Mayor Buckman voted yes. Five yeases. Resolution No. 2008-14 passed.

Councilman Stacey asked the Clerk to read Ordinance No. 2008-75 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-75

AUTHORIZING MULTI-YEAR CONTRACT FOR
PROFESSIONAL GOVERNMENTAL RELATIONS SERVICES
ASSOCIATED WITH THE AIRPORT RELOCATION AND
PARK PROJECT; 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 Czerwonka, Stoller, Weber, Stacey, and Mayor Buckman votes yes. Five yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-75. In addressing a question from Vice Mayor Weber, City Manager David Waltz explained that an example of a reimbursable expense which would be allowed via Section II would be payment for a breakfast when the City hosted various legislators to share information regarding the future Performing Arts & Conference Center. The cost of the breakfast would not have been included in the normal fee paid to the consultant. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2008-75 passed.

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Parks & Recreation Committee, Lee Czerwonka, Chairperson

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-73 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-73

AMENDING PORTIONS OF ORDINANCE NO. 2008-16
REGARDING PHASE II OF THE RECREATION CENTER
EXPANSION AND RENOVATION PROJECT RELATED TO
THE ENTRANCE CANOPY ALTERNATES AND TO
ADDRESS IN-PROGRESS CONSTRUCTION CHANGES;
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, and Mayor Buckman voted yes. Five yeses. Motion carried.

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-73. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, and Mayor Buckman voted yes. Five yeses. Ordinance No. 2008-73 passed.

Councilman Czerwonka asked the Clerk to read Resolution No. 2008-15 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-15

ESTABLISHING FEES FOR THE USAGE OF
RECREATIONAL FACILITIES AND EQUIPMENT OF THE
CITY OF BLUE ASH, OHIO

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Resolution No. 2008-15. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Weber, Stacey, and Mayor Buckman voted yes. Five yeses. Resolution No. 2008-15 passed.

Public Works Committee, Henry S. Stacey, Chairperson

Councilman Stacey asked the Clerk to read Ordinance No. 2008-74 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-74

AMENDING ORDINANCE NO. 2008-7 RELATED TO THE BLUE
ASH AND HUNT ROAD IMPROVEMENTS PROJECT FOR
SUPPLEMENTAL LINE ITEMS 150, 151, and 152; 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 Stoller, Weber, Stacey, Czerwonka, and Mayor Buckman votes yes. Five yeses. Motion carried.

Councilman Stacey moved, Vice Mayor Weber seconded to adopt Ordinance No. 2008-74. In addressing a question from Councilman Stacey, Public Works Director Mike Duncan commented that the subgrade conditions experienced in this road project was acceptable until crews were north of Hunt Road, when blue clay was in abundance and difficult to build upon. There being no further discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Five yeses. Ordinance No. 2008-74 passed.

MISCELLANEOUS BUSINESS

Public Information Officer/Deputy Clerk of Council Sue Bennett reminded Council of the

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remaining Council meetings this year, including the Monday, December 1, Work Session at 7PM, and the regular meeting of Thursday, December 11, at 7PM.

Service Director Mike Duncan commented about the City's recent recycling award which was presented at a luncheon earlier this month. His goal is to increase that percentage to 25% or better next year.

City Manager David Waltz reviewed the major capital items intended to be included with in the 2009 Proposed Budget to be discussed further during the Budget Study Session on December 1st. Those items are summarized below:

- Completion of the Recreation Center expansion and renovation currently underway with a grand opening scheduled in the summer. This would also include furnishings and completion of the parking lot and landscaping items associated with that project.
- The final design and start of construction of the Golf Clubhouse project is recommended to be in 2010. However, other capital improvement projects (about \$800,000) at the Course are recommended to for 2009, including the first phase of the irrigation and cart path improvements.
- \$700,000 is recommended for sidewalk and bikepath improvements, especially such sidewalks that will enhance citizen access to the future airport park.
- Downtown streetscaping initiatives in anticipation with the traffic light improvements (partially funded via CMAQ grant monies) already planned for downtown in 2010, including new coordinated signals, new support poles, new street lights, etc.
- \$175,000 for replacement of self-contained breathing apparatus (SCBA) units for the Fire Department.
- Continuation of the street maintenance program (slightly over \$1 million).
- Several maintenance related items related to "green" improvements throughout City facilities.
- Full funding of the reserves, including \$6.5 million for capital and \$3,000,000 in the General reserve.
- Payment of the amount due to Cincinnati for the airport park property, including an advance of \$500,000 for lead cleanup.

In addressing a question from Councilman Stacey regarding the impact of potential changes at the State relating to Prevailing Wage laws, Deputy Solicitor Bryan Pacheco explained that the current discussion revolves around Governor Strickland's interpretation of the Prevailing Wage laws. He added that to date, there has been no test case, and he is not sure whether home rule may "trump" that interpretation.

Councilman Czerwonka commented that he, Facilities Superintendent Tom Murphy, and Assistant to the City Manager Kelly Osler recently attended a "green initiative kickoff" event. In his opinion, Blue Ash is far above the curve in terms of its "green" efforts City-wide. He looks forward to their next meeting tomorrow morning.

Mayor Buckman commented that he has received favorable comments from Hunt Road residents regarding the Blue Ash Road project.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilwoman Stoller moved, Councilman Stacey seconded to convene an Executive Session to discuss matters pertaining to potential litigation, property acquisition, and personnel (compensation). The Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, and Mayor Buckman voted yes. Five yeses. Motion carried.

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

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Czerwonka moved, Councilman Stacey seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:19 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council