

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on January 10, 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 Sumner 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, Fire Chief Rick Brown, Fire Captain Greg Preece, Assistant to the City Manager Kelly Osler, member of the press, and interested citizens

Mayor Buckman appointed Parks & Recreation Director Chuck Funk to read the legislation in its entirety in the rear of Council Chambers.

ACCEPTANCE OF AGENDA

Councilwoman Stoller moved, Councilman Stacey seconded to accept the agenda. A voice vote was taken. All members present voted yes. Motion carried.

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
 - a. Regular Meeting of December 13, 2007
7. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports from Outside Agencies
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
 - a. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Ordinance No. 2008-3, final appropriations ordinance
 2. Ordinance No. 2008-2, amending Chapters 131, 133, and 135 of the Blue Ash Code of Ordinances
 3. Ordinance No. 2008-10, amending Ordinance No. 2003-114 regarding rates for professional legal services
 4. Ordinance No. 2008-1, authorizing payment to Blue Ash Sister City, Inc. in 2008
 - b. Parks & Recreation Committee, Lee Czerwonka, Chairperson
 1. Ordinance No. 2008-4, amending Ordinance No. 2007-36 regarding Phase I of the Recreation Center renovation project
 2. Ordinance No. 2008-6, authorizing 2008 contracts for professional class instruction, Recreation Department printing, and contractual mowing services

3. Motion authorizing the solicitation of bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials or services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; athletic field lighting; expansion of the Recreation Center facilities; furniture associated with the Recreation Center expansion; and the sale of excess property and equipment
 - c. Public Works Committee, Henry S. Stacey, Chairperson
 1. Ordinance No. 2008-7, awarding bid for the Blue Ash/Hunt Road improvement project
 2. Ordinance No. 2008-8, authorizing 2008 professional services related to the proper disposal of hazardous household waste
 - d. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Ordinance No. 2008-9, authorizing local support required by State of Ohio for potential new business relocation to Blue Ash
 2. Motion setting a public hearing for 7:00PM, Thursday, February 28, 2008 regarding a request from citizens to amend the zoning map from R-3 Residential to C-1 General Commercial associated with land addressed 4615 Alpine Avenue, 9092 Blue Ash Road, 9084 Blue Ash Road, 9076 Blue Ash Road, and 9110 Blue Ash Road
10. MISCELLANEOUS BUSINESS
11. ADJOURNMENT"

APPROVAL OF MINUTES

Councilman Czerwonka moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of December 13, 2007. 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 present from outside agencies.

HEARINGS FROM CITIZENS

No citizens wished to address Council.

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 January 10th Council agenda:

9.a.1. Ordinance No. 2008-3 - Final appropriations ordinance

On November 29th, the City Manager presented to Council the 2008 Proposed Budget which was subsequently adopted under Interim Appropriations Ordinance No. 2007-66 on December 13th. The Proposed Budget was based upon estimates of fourth quarter 2007 revenue and expenditure activity as well as projections for all of 2008. With the recent closing of the books at year-end, the opportunity arose for the use of actual year-end closing balances (instead of estimates) and for the incorporation of any changes that have arisen since the Proposed Budget was prepared.

Conversion of the Proposed Budget into a Final Budget document includes a comparison of the City's actual financial results with the estimates, incorporating any new information or projects, and then adjusting the 2008 projections based upon that data. All of those items represent changes to the Proposed Budget that will be reflected in the final document and in the attachment presented to Council under this ordinance.

The closing of the books at the end of the year represents a major portion of the Final Budget effort. That process involved verifying that all revenue had been deposited and recorded, checking that all invoices had been matched and payments issued where possible, and that reservations of funds or encumbrances had been created for all known liabilities as of the closing date. Since the City operates on a cash basis of accounting, there are strict guidelines concerning the recognition of revenue and the manner in which liabilities are funded out of the closing fund balances. Once all of these items are posted, year-end balances are verified in each fund, and then examined in light of the Proposed

Budget estimates.

The true year-end financial picture can only be determined after comparison of what the actual fund balances turned out to be against what had originally been estimated for the Proposed Budget. To the extent that revenues were better than expected or where expenses were not as great, the available General Fund balance will increase. Where undercollection of revenue occurred or where expenses exceeded our estimate, the available balance drops.

On the revenue side, gross earnings tax collections for all of 2007 totaled \$27,564,396.76, only \$48,762.96 short of our Proposed Budget estimate. Of the 2007 collections, \$5,035,831.36 (18.3%) were net profit related, with withholding representing \$22,528,565.40, or 81.7% (as compared to 26.6% / 73.4% in 2006). Combined 2008 projected earnings tax collections at the 1.25% rate in the Final Budget are reflected at \$28,466,000, a 3.3% increase relative to the actual 2007 results. A 2.4% increase was applied to the withholding 2007 collection level of \$22,528,565.40, to arrive at the 2008 estimate of \$23,066,000. The net profit base for 2007 of \$5,035,831.36 was increased 7.2% to \$5,400,000, given trends and the potential direction of the economy. While 7.2% may seem elevated, it is important to remember the impact of the Issue 15 rate change was delayed for net profit accounts. Please refer to the following paragraphs for further information on the conversion of the Proposed Budget to its final recommended form. The attachment to the ordinance is very similar to the Proposed Budget, with the exception of the use of actual (not estimated) fund balances and the items described later in this section.

The process of closing the books at the end of each year, and determining the actual year-end fund balances, generally produces supplemental resources in the form of a General Fund balance in excess of the estimate employed in the Proposed Budget for a given year. That outcome usually results from revenue collections in excess of the projection, or from funds not spent in a given area that are "returned" to the General Fund. The outcome for 2007 revealed that the ending General Fund balance was \$11,749,627.22, which was \$795,230.00 over the projected fund balance used in the Proposed Budget. Although there were a number of "excess" revenue collections, most of the supplemental funding was derived from appropriations in the 2007 Budget that were not spent during the fourth quarter. Those resources were utilized to handle any of the adjustments necessary in the Final Budget (as explained below), with the remaining funds used to increase the General Reserve from \$2,860,000 in the Proposed Budget to a new total of \$3,377,105. This reserve serves as the City's "rainy day fund."

Given the actual collection values, as mentioned above, for both the withholding and net profit tax categories, the need existed to adjust the related 2008 estimates. Withholding collections came in approximately \$446,000 above the estimate, providing the opportunity for revising the 2008 projection upward 2.4% to a total of \$23,066,000. However, the net profit results indicated an ending value approximately \$500,000 below the Proposed Budget estimate, requiring that we revisit the manner in which the 2008 net profit estimate was calculated. Based upon that analysis, the recommended level of net profit collections in 2008 ended up at \$5,400,000 – approximately 7.2% ahead of 2007 actual collections. These changes to the earnings tax estimates resulted in a net reduction in combined revenue for 2008 of \$183,400 – utilizing a portion of the funding created by the closing process.

The only other revenue adjustment involved increasing collections in the General Fund for the sale of fixed assets (the 1987 Mack) for the remaining 95% of that sale price, which was not collected in 2007 and which will be payable in 2008.

On the expenditure side, the following adjustments were necessary and were incorporated into the Final Budget described in the ordinance and on the attachment:

- An additional \$24,075 was included within the Police Department capital account to provide for the purchase of a sixth vehicle. The Police Department had deferred the purchase of one of the 2007 vehicles into 2008, requiring this adjustment.
- An additional \$20,000 was included within the Public Service construction account related to work being finalized on the two sidewalk programs from the 2007 Budget. Those included the new sidewalks on Creek Road near Ethicon, as well as the sidewalk on Hunt Road between Bluewing Terrace and the new Kroger store.
- An omission during the preparation of the Proposed Budget required a \$5,000 allocation to be included within the General Government small tools and equipment account for the technology area.
- Within the Street, Construction, Maintenance, and Repair (SCMR) area, an additional \$13,000 was included in the special traffic signal studies account to enhance our capability to review our current signal systems, their timing, and their coordination.
- Based upon discussion during the Proposed Budget meeting, the allocation in the Recreation programming construction account related to Hunt House effort resulted in an increase in funding in that area to \$70,000. Although the Parks & Recreation Department has not yet received the revised estimates from the consultant for progress on the "Phase II" work, it is believed that the amount of this allocation is sufficient to address preservation issues (likely a

new roof), as well as some funding towards Council's approved direction on this project.

- Finally, in keeping with recent discussions regarding the scope and projected cost estimates for the two-phase Recreation Center expansion and renovation project, an additional allocation of \$1,700,000 has been provided as a transfer to the Recreation Construction Fund No. 446 utilizing Issue 15 reserves. Upon completion of that transfer, the ending Issue 15/capital reserve will be \$4,853,800.

The 2008 Final Budget, as presented, utilizes actual year-end fund balances, incorporates all of the expected revenues and expenses for both operations, capital, and projects, and includes a contingency of \$400,000; a General Reserve of \$3,377,105; an Issue 15/capital reserve of \$4,853,800; \$500,000 in the land bank within Community Development; and \$300,000 available for economic development incentives. The sum of these items totals \$9,430,905 – an amount that could be recognized as non-committed, or reserved, funding expected at the end of 2008.

Please direct questions regarding the closing or adjustment process or any of the adjustment items to the Treasurer at 745-8507 or jpfeffer@blueash.com.

9.a.2. Ordinance No. 2008-2 - Amending Chapters 131, 133, and 135 of the Blue Ash Code of Ordinances

Ordinance No. 2008-2 authorizes minor adjustments in the payplan sections of the Code of Ordinances, as summarized below:

- Changes to Sections 131.07-2(a) and 133.18-2(a) reflect the fact that the State of Ohio minimum wage was recently revised in conjunction with the Consumer Price Index. The hourly minimum wage has changed from \$6.85 to \$7.00. This change will affect a limited number of staff only the part-time wage scale.
- A change to Section 135.02 amends the section relating to benefits for part-time Fire and EMS employees. Offering benefits does give the Fire Department an advantage to hiring part-time workers in an extremely competitive market. However, we do want to avoid instances in which a part-time employee is eligible for benefits elsewhere, yet elects coverage under Blue Ash's benefit package instead.

Please direct questions regarding these recommended changes to the Human Resources Officer at 745-8530 or mmain@blueash.com, or to the Treasurer at 745-8507 or jpfeffer@blueash.com.

9.a.3. Ordinance No. 2008-10 - Amending Ordinance No. 2003-114 regarding rates for professional legal services

The Solicitor has asked that Council consider a rate increase for Dinsmore & Shohl legal services effective in January 2008. Essentially, the rate increase represents a \$10 per hour increase for work performed by attorneys (to \$195 per hour) and a \$10 per hour increase for work performed by paralegals (to \$135 per hour).

Please direct questions regarding this ordinance and request to the Solicitor.

9.a.4. Ordinance No. 2008-1 - Authorizing payment to Blue Ash Sister City, Inc. in 2008

As Council is aware, in 2002, the non-profit organization Blue Ash Sister City, Inc. (BASC) was formed (with the assistance of Dinsmore & Shohl) to assist the City in its sister city program efforts with Ilmenau, Germany. Ordinance No. 2007-1 authorizes the payment of up to \$29,750 included in the Budget for these efforts to BASC. In mid September 2008, an Ilmenau delegation is scheduled to visit Blue Ash.

Please direct questions regarding this ordinance to the City Manager.

9.b.1. Ordinance No. 2008-4 - Amending Ordinance No. 2007-36 regarding Phase I of the Recreation Center renovation project

The basis for the change orders addressed in Ordinance No. 2008-4 was presented to Council in discussion at the December 13th meeting. All seven change orders presented in this ordinance are directly related to the installation of the firewall and the relocation or adjustment of mechanical, electrical and plumbing facilities to accommodate its installation.

In the course of the design process for Phase II of the Recreation Expansion and Renovation Project, it was confirmed that the entire structure would be subject to a much more stringent fire and building code than that in force during the 1993 construction process. The existing center is classified an A-3 type IIB, one story structure, while the new facility changes the classification to an A-3 type IIA, two story structure, which requires full installation of fireproofing of all structural members of both the new as well as the existing building. This process is not only an extremely expensive and disruptive process, but also results in a less desirable cosmetic appearance to the interior of the building.

Michael Schuster Associates and our construction manager, Schumacher Dugan, came up with an alternative plan and applied to the State Building Appeals Board to obtain a variance which includes

the construction a firewall dividing the facility, for code purposes, into two independent structures. A firewall is a fireproof wall that is independent of either part of the building that would remain standing should the building on either side of the wall burn to the ground. The installation of the firewall between the gymnasiums and the remainder of the building allows us to forego the fireproofing requirements for the steel in the gymnasiums providing great monetary savings to the City, maintaining our present cosmetic appearance and preventing operational disruption.

The installation of the firewall will be a very involved and disruptive activity in the area of the entrance to the "blue" gym (i.e., 1993 newer gym) in the hallway and entrance south of the main entrance rendering that entrance unusable during its construction. This south entrance is intended to be the main entrance to the building during the majority of time during construction. While the firewall is actually required as part of the Phase II construction, MSA and Schumacher Dugan advised us that the best use of time is to expedite the construction of the firewall ahead of the commencement of Phase II while final Phase II plans are still being assembled for bidding. This group of change orders should not be viewed as an unexpected increase in Phase I, but a transfer of expense from Phase II to Phase I for the benefit of the entire project. The funds being requested for this change order have been included in previous discussions of Phase II (and overall) project costs.

Ordinance No. 2008-4 authorizes the following:

CATEGORY OF WORK #	TRADE(S)	COMPANY/VENDOR	ADDITIONAL AMOUNT AUTHORIZED
3	Masonry	J. Construction	\$55,891
4, 2, & 6 respectively	General Trades, Concrete, and Metal Building Systems	Mark Spaulding Construction	\$207,900
7	Painting	Lehn Painting	\$1,499
8	Site Utilities/Plumbing	Kenneth R. Rogers Plumbing & Heating	\$3,375
9	Fire Protection	A-1 Sprinkler	\$1,694
10	HVAC/Mechanical	Peck Hannaford + Briggs	\$27,335
11	Electrical	Volpenhein Brothers Electric	\$7,480

Please address any questions regarding this ordinance or the renovation project to the Parks & Recreation Director.

9.b.2. Ordinance No. 2008-6 - Authorizing 2008 contracts for professional class instruction, Recreation Department printing, and contractual mowing services

The first portion of Ordinance No. 2008-6 authorizes a contract with Sharon Struewing for professional aerobic dance instruction services associated with the popular Jazzercise classes offered regularly at the Recreation Center. Ms. Struewing continues to lead several classes each week, and her classes will be able to continue through the Phase II construction period. The ordinance authorizes a not-to-exceed amount of \$65,000 in 2008.

The second portion of Ordinance No. 2008-6 a contract with BTL Graphic Design for artwork and printing of various Recreation Department brochures and flyers for an amount not to exceed \$30,000 in 2008. Although no one brochure or printing project is expected to exceed the \$25,000 ordinance threshold, since the aggregate services required from this vendor will likely exceed \$25,000 in a single year, an ordinance is being sought to fulfill audit guidelines. Examples of the items include the design and printing of the all-color seasonal Recreation brochures (to be done a number of times throughout the year with timing dependent upon construction progress), concert flyers, backstage passes, posters (for concert series), and other informational material. In addition to being mailed to residents and Recreation Center members on a regular basis, this material is also utilized for general promotional purposes throughout the year. Council is requested to waive formal bidding procedures since this work would be difficult, if not impossible, to bid since the seasonal Recreational brochures may not be consistent in coloring, artwork, etc. Future programming is somewhat difficult to predict and therefore difficult to detail in specifications required for such a bid.

The third and final portion of Ordinance No. 2008-6 authorizes a contract with The Brickman Group for contractual mowing and/or spraying services for an amount not to exceed \$130,000 in 2008. The City's Parks Maintenance Division has been very satisfied with the landscaping work performed by this vendor the past several years and wishes to continue utilizing their services in 2008.

It should be noted that a portion of the costs to the City authorized in the first portion of this ordinance are recaptured through the programming fees collected from class participants or through the membership fees collected.

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

9.b.3. Motion authorizing the solicitation of bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials or services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; athletic field lighting; expansion of the Recreation Center facilities; furniture associated with the Recreation Center expansion; and the sale of excess property and equipment

As is routine for the first meeting of the year, this motion appropriately authorizes the solicitation of bids for projects anticipated in the Parks & Recreation areas of responsibility.

9.c.1. Ordinance No. 2008-7 - Awarding bid for the Blue Ash/Hunt Road improvement project

The City of Blue Ash has long planned the Blue Ash and Hunt Road Improvement project. It has made multiple applications to SCIP (State Capital Improvement Program) for monies to help fund the project. It finally received a long term (10 years) no interest loan over two funding years.

The project includes the complete reconstruction of the roadway on all of Blue Ash Road and parts of Hunt Road from West Avenue to Blue Ash Road; new curb and gutter on both streets in the project; new sidewalk on the north side only of Hunt Road (within the project limits); and a new, properly engineered storm sewer system.

The project was advertised in the **Northeast Suburban Life Press** on November 14, 2007. Bid proposals were originally scheduled to be opened and read aloud on Friday, December 7, but the opening was postponed to Tuesday, December 18. Nine bids were received, all of which were found to be in proper form and meeting City requirements.

The Service Director and the City's engineers reviewed the bids and checked for proper extensions and correct additions. Four of the nine contained errors in their calculations. After review, it is recommended that the project be awarded to CJ & L Construction based on unit prices. Base bid was \$2,466,157.46. CJ & L Construction was the company which built Osborne Boulevard in 2000-2001.

Please direct questions regarding this ordinance to the Service Director.

9.c.2. Ordinance No. 2008-8 - Authorizing 2008 professional services related to the proper disposal of hazardous household waste

For many years, the City of Blue Ash has provided household hazardous waste disposal services at the Service Garage. Many residents utilize this valuable and much appreciated service.

About six years ago, the City changed contractors to acquire better and more responsive services. Ordinance No. 2008-8 authorizes the City Manager to enter into a contract with Midwest Environmental for services for 2008 for an amount not to exceed \$40,000. Service Garage personnel are pleased with the services rendered and Midwest Environmental is properly certified for such disposal activities. While monthly or bi-monthly pickup and disposal costs are far below the \$25,000 annual threshold, it is likely that the total yearly cost will exceed said threshold.

Please direct questions concerning this ordinance to the Service Director.

9.d.1. Ordinance No. 2008-9 - Authorizing local support required by State of Ohio for potential new business relocation to Blue Ash

The City of Blue Ash is one of the sites chosen as the potential future expansion of Defender Direct. Defender Direct does business in over 40 states and is a supplier of ADT, Dish Network, and GE Services. The company currently has its inbound response operations in Indiana as well as in Blue Ash and is re-evaluating its current operational layout. The company has a strong presence in Blue Ash and is seriously considering expanding its Blue Ash operations for future growth options. The company currently has about 80 full-time employees in Blue Ash, and would commit to 200 new jobs with average wages of approximately \$40,000 annually. Its capital investment projects are \$351,000 for leasehold improvements, machinery, and equipment.

Defender Direct intends to participate in the State of Ohio's Job Creation Credit program. Based upon their commitment, the estimated local support required by the State, as noted in the ordinance, should not exceed \$74,800.

Though we do not know yet if Defender Direct will expand in Blue Ash, the Administration recommends Council passage of this ordinance to guarantee our commitment should this new business move to Blue Ash. 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.

9.d.2. Motion setting a public hearing for 7:00PM, Thursday, February 28, 2008 regarding a request from citizens to amend the zoning map from R-3 Residential to C-1 General Commercial associated with land addressed 4615 Alpine Avenue, 9092 Blue Ash Road, 9084 Blue Ash Road, 9076 Blue Ash Road, and 9110 Blue Ash Road

The City has received a request from several Blue Ash property owners to rezone certain properties from their current R-3 Residential zoning to C-1 General Commercial District. The Planning Commission has reviewed this item two times – at its regular meeting in December and at a special meeting later in December, at which time they recommended approval.

This motion would set the public hearing on February 28th, allowing appropriate time for the required advertisement and property owner notification required with a rezoning request.

More details will be provided to Council prior to the February 28th public hearing. In the meantime, please direct questions regarding this issue to the Assistant Community Development Director Dan Johnson at 745-8528 or djohnson@blueash.com.”

Finance & Administration Committee, Rick Bryan, Chairperson

In Councilman Bryan’s absence, Councilman Stacey was asked to preside. The Clerk was asked to read Ordinance No. 2008-3 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-3

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE CITY OF BLUE ASH, OHIO, FOR THE FISCAL YEAR OF 2008; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Sumner seconded to adopt Ordinance No. 2008-3.

Councilman Sumner expressed his concern that that there are inadequate funds in the Budget for the Hunt House restoration project. He commented that prior estimates required between \$200,000 and \$250,000 to complete the restoration of the second floor; however, the Budget shows only \$70,000. Councilman Sumner requested that at least \$200,000 be directed to this project in 2008. City Manager David Waltz explained that it was his understanding from the direction provided in the Council Budget Study session that the Administration would talk with the consultant (Jim Fearing) further to determine what he thought needed to be done, and then present revised estimates to Council for further consideration and discussion. They have not yet received that information from the consultant; however, in the meantime, an additional \$48,000 was added to the Budget. If revenues came in higher, and if the consultant recommended additional work, then funds could then be directed towards the project. Much discussion followed, and it was the consensus of Council that before moving forward, the information from the consultant is desired. Council requested no change to the Budget as presented.

There being no further discussion, the Clerk called the roll for adoption of the ordinance. Councilpersons Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeses. Ordinance No. 2008-3 passed.

The Clerk was asked to read Ordinance No. 2008-2 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-2

AMENDING PORTIONS OF CHAPTERS 131, 133, AND 135 OF THE BLUE ASH CODE OF ORDINANCES, INCLUDING SECTION 131.07-2(a) OF CHAPTER 131; SECTION 133.18-2(a) OF CHAPTER 133; AND SECTION 135.02 OF CHAPTER 135; 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 Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2008-2. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-2 passed.

The Clerk was asked to read Ordinance No. 2008-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-10

AMENDING SECTION I OF ORDINANCE NO. 2003-114 REGARDING PROFESSIONAL LEGAL SERVICES; 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, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-10. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-10 passed.

The Clerk was asked to read Ordinance No. 2008-1 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-1

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BLUE ASH SISTER CITY, INC. FOR YEAR 2008 PROFESSIONAL SERVICES ASSOCIATED WITH THE SISTER CITY PROGRAM WITH ILMENAU, GERMANY; 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 Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-1. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-1 passed.

Parks & Recreation Committee, Lee Czerwonka, Chairperson

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-4 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-4

AMENDING ORDINANCE NO. 2007-36 REGARDING VARIOUS CATEGORIES OF WORK ASSOCIATED WITH PHASE I OF THE RECREATION CENTER EXPANSION AND RENOVATION PROJECT FOR THE AMOUNTS AS DESCRIBED WITHIN; 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 yeases. Motion carried.

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-4. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-4 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-6

AUTHORIZING THE CITY MANAGER TO ENTER INTO 2008 CONTRACTS FOR PROFESSIONAL CLASS INSTRUCTION SERVICES FOR PARKS & RECREATION DEPARTMENT SPONSORED AEROBIC DANCE (JAZZERCIZE) CLASSES, FOR VARIOUS PARKS & RECREATION DEPARTMENT PRINTING SERVICES, AND CONTRACTUAL LANDSCAPING AND SPRAYING SERVICES; 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 Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2008-6. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Councilman Sumner abstained. Five yeases. One abstention. Ordinance No. 2008-6 passed. Councilman Sumner explained his abstention vote due to a potential conflict involving one of the vendors.

Councilman Czerwonka moved, Councilman Stacey seconded to authorize the solicitation of bids

for Parks & Recreation Department vehicles; streetscaping and landscaping materials or services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; athletic field lighting; expansion of the Recreation Center facilities; furniture associated with the Recreation Center expansion; and the sale of excess property and equipment. A voice vote was taken. All members present voted yes. Motion carried.

Public Works Committee, Henry S. Stacey, Chairperson

Councilman Stacey asked the Clerk to read Ordinance No. 2008-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-7

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE BLUE ASH AND HUNT ROAD IMPROVEMENTS PROJECT FOR THE UNIT PRICES AS SHOWN ON THE ATTACHED BID SUMMARY; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-7. Councilman Stacey commented that he is looking forward to the completion of this project. There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-7 passed.

The Clerk was asked to read Ordinance No. 2008-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-8

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR HAZARDOUS HOUSEHOLD WASTE MATERIALS DISPOSAL SERVICES IN 2008; 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. 2008-8. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-8 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2008-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-9

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 (DEFENDER DIRECT); 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 Sumner, Weber, Stacey, Czerwonka, Stoller, and Mayor Buckman voted yes. Six yeases. Motion carried.

Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2008-9. In addressing a question from Councilwoman Stoller, City Manager David Waltz explained that the company may choose to expand its current operations in Blue Ash on Lake Forest Drive. This ordinance would allow support from Blue Ash up to that authorized in the ordinance (\$74,800). There being no further discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, Sumner, and Mayor Buckman voted yes. Six yeases. Ordinance No. 2008-9 passed.

Councilman Sumner moved, Councilwoman Stoller seconded to set a public hearing for 7:00PM, Thursday, February 28, 2008 regarding a request from citizens to amend the zoning map from R-3 Residential to C-1 General Commercial associated with land addressed 4615 Alpine Avenue, 9092 Blue Ash Road, 9084 Blue Ash Road, 9076 Blue Ash Road, and 9110 Blue Ash Road. A voice vote was taken. All members present voted yes. Motion carried.

MISCELLANEOUS BUSINESS

City Manager Waltz asked for Council's thoughts on the proposed tentative schedule of 2008 meetings discussed in a memo included in packets. Some discussion was also had regarding another memo included in packets related to a potential business mission trip with the Cincinnati USA Regional Chamber. Councilwoman Stoller moved, Councilman Sumner seconded, to accept the ideas proposed in these memos (i.e., proposed tentative meeting schedule and business trip). Councilman Sumner expressed concern with this proposed trip. He explained that to his recollection, no one from Blue Ash had ever traveled on any non United States economic development missions. Councilman Sumner commented that he thought time and money would be better spent by maintaining focus on the national site selector type conferences which Blue Ash has participated in. Mr. Waltz explained that the Chamber organizes several trips each year to various places around the world, and it was the Administration's thought that this particular trip, which included a brief visit to the Netherlands and thereafter France (coinciding with a Cincinnati Symphony tour), might be particularly applicable to Blue Ash as we do have several existing companies from this part of the world (one of which is also being asked to participate in the trip), as well as many other internationally-owned companies.

Councilwoman Stoller commented that she agreed that this might be a good opportunity for Blue Ash and agreed that our business climate is becoming more international. She cited an example of a company from Italy located near her firm on Millington. Mayor Buckman commented that he had no problems with this proposed business mission trip. Vice Mayor Weber agreed that the benefit of such a trip may be difficult to judge and measure at first; however, there is a potential danger to ignoring the fact that Blue Ash does have a global economy. Councilman Czerwonka agreed in support of this trip, and added that this is not a frequent request. Councilman Stacey agreed that Blue Ash has a global economy and expressed no concern with the proposed trip.

There being no further discussion, a voice vote was requested regarding these items (tentative meeting schedule and business mission trip). Councilpersons Stoller, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Councilman Sumner voted no. Five yeases. One no. Motion carried. The tentative meeting schedule as presented to Council for 2008 is spread below for reference:

- January 10th & 24th – Regular meetings
- February 14th – Work Session – topic: general City strategic planning discussion (more info to follow).
- February 28th – Regular meeting
- March 13th – Regular meeting
- March 27th and April 10th – Cancel these meetings (reference: memo re: business trip)
- April 3rd – schedule this meeting (in place of March 27 & April 10 meetings to be cancelled as noted above). April Planning Commission will have to be rescheduled also.
- April 24th – Regular meeting
- May 8th & 22nd – Regular meetings
- June 12th, July 10th, and August 14th – Regular meetings (Council's summer schedule of one meeting per month).
- September 11th and 25th – Regular meetings

NOTE: The Sister City delegation from Ilmenau is expected in Blue Ash from September 13 – 20.

- October 9th – Cancel this meeting because it falls on Yom Kippur – a major holiday of the Jewish faith.
- October 23rd – Regular meeting

NOTE: Student Government Day will likely fall on one of the September or October meetings. The exact date will be determined after the start of the 2008-09 school year in late August.

- November 13th - Cancel this meeting.
- November 20th - This meeting likely to include the traditional review of capital items to be in the Proposed Budget.
- Monday, December 1st – Proposed Council Budget Study Session
- December 11th – Regular meeting – last of the year.

City Solicitor Mark Vander Laan spoke briefly on recently passed House Bill 9 related to public records law, and encouraged Council members to participate in one of the upcoming discussions coordinated by the Auditor of State explaining this law and its potential impact upon local communities. It was explained that Public Information Officer Sue Bennett and Assistant to the City Manager Kelly Osler both attended a certified session in October, and will have to attend at least one more session on behalf of Council during this current Council term. After some discussion, Councilman Stacey and Vice Mayor Weber expressed interest in attending a future session.

Councilman Stacey commented favorably on the City's receipt of its 20th annual financial award for its CAFR reporting activities. This most recent award represents current Deputy Treasurer Sherry Poppe's ninth consecutive.

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Stacey moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:32 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council