

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on January 12, 2006. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Buckman led those assembled in the Pledge of Allegiance.

**ROLL CALL**

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

ALSO PRESENT: Solicitor Mark Vander Laan (entered at approximately 7:30PM), Deputy Clerk of Council Sue Bennett, Assistant City Manager David Waltz, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, member of the press, and interested citizens

Mayor Buckman appointed Parks & Recreation Director Chuck Funk and Service Director Denny Albrinck to read the legislation in its entirety in the rear of Council Chambers. Mr. Buckman explained to the audience that anyone interested in hearing the ordinances and resolutions read in their entirety is welcome to move to the rear of the Chambers. He also mentioned that written copies of the legislation on tonight's agenda may be found on the ledges near the City Administration's desks.

**ACCEPTANCE OF AGENDA**

Vice Mayor Weber moved, Councilman Sumner 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 – Deputy Clerk of Council Susan K. Bennett

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 15, 2005

7. COMMUNICATIONS

a. Communications to Council – Deputy Clerk of Council Susan K. Bennett

b. Reports From Outside Agencies

8. HEARINGS FROM CITIZENS

9. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Ordinance No. 2006-3, final appropriations ordinance

2. Ordinance No. 2006-1, approving architectural and engineering service rates for 2006

3. Ordinance No. 2006-2, granting or amending easements on properties near the southeast corner of Kenwood and Pfeiffer Roads

4. Ordinance No. 2006-8, amending Ordinance No. 2003-114 (regarding professional legal fees)

5. Ordinance No. 2006-10, authorizing payment to Blue Ash Sister City, Inc. in 2006

b. Parks & Recreation Committee, Lee Czerwonka, Chairperson

1. Ordinance No. 2006-4, authorizing a multi-year contract with the Blue Ash/Montgomery Symphony Orchestra

2. Ordinance No. 2006-5, authorizing contracts for professional class instruction, printing, and mowing/spraying services in 2006

3. Motion authorizing bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials; mowers and other grounds maintenance and snow removal equipment and vehicles; electric golf carts and batteries; fitness and athletic equipment; paver repair; renovation of maintenance facilities; and the sale of excess property and equipment
  - c. Public Works Committee, Henry S. Stacey, Chairperson
    1. Ordinance No. 2006-6, authorizing change orders associated with the 2005 paving program (amending Ordinance No. 2005-21)
    2. Ordinance No. 2006-7, authorizing 2006 professional services contract related to the disposal of hazardous household waste
  - d. Planning & Zoning Committee, James W. Sumner, Chairperson
    1. Motion setting a public hearing for 7:00 PM, Thursday, February 9, 2006 for consideration of a development plan in the C-2 Planned Commercial District at 4100 Hunt Road (Kroger)
    2. Motion setting a public hearing for 7:05 PM, Thursday, February 9, 2006 for consideration of a request for an appeal by Daryl Crear regarding a Board of Zoning Appeals decision
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION – Collective Bargaining/Personnel Matters
12. ADJOURNMENT”

### **APPROVAL OF MINUTES**

Councilman Sumner moved, Councilman Bryan seconded to approve the minutes of the regular meeting of December 15, 2005. A voice vote was taken. All members present voted yes. Motion carried.

### **COMMUNICATIONS**

#### **Communications to Council**

There were no communications.

#### **Reports From Outside Agencies**

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

### **HEARINGS FROM CITIZENS**

Orba Arnold, 4839 Fairview Avenue and a member of the Hartzell United Methodist Church, asked if the property owned by the County near the church (used as a dump) is safe. She commented on frequent congestion problems experienced by her and perhaps others when near the property. It was suggested that the City would confer with the Hamilton County Department of Environmental Services.

Jim Dyer, 5275 Myerdale Drive, expressed concerns with teardowns. He purchased his house in 1978, and has made improvements regularly since. He believes the tear down of older existing homes and construction of newer larger homes threatens his quiet neighborhood. He expressed concerns that there are no notification requirements for adjacent or nearby homeowners when a demolition or building permit is granted. He commented that to have no notification requirements for demolitions or new construction, but to require homeowners to notify adjacent neighbors as well as attend a meeting when they want to make a simple addition to their homes is not consistent. He asked the City to consider passing requirements that would require a public hearing as well as notification of property owners before demolition and building permits are granted.

Assistant City Manager David Waltz commented that the Community Development staff is working on legislation that would address some of the concerns expressed by residents relating to the tear down issue. It is his hope that such legislation in the form of an amendment to the zoning text will be presented to Council in February. It was suggested that when that meeting and timing is confirmed that this information be posted to the website. Mr. Waltz also clarified that if a homeowner is extending his/her home, they would be required to attend a Board of Zoning Appeals meeting only if that addition would extend into the required setback area. Not all home changes are required to go to the Board.

Brent Fisher, 5000 Myerdale Drive, also expressed concerns with the recent teardowns. He commented that such changes could adversely affect drainage for the neighborhood and nearby properties. He commented that when a home is torn down, it creates a mess and also sometimes an unsafe area for children, especially at night. It is his belief that neighbors have a right to know when a house is planning to be torn down.

Sarah Huskey, 5061 Myerdale Drive, expressed concerns of her neighborhood regarding the teardowns, as well as other area residents as she spent time this past weekend talking with many. Although she and other citizens realize the City is attempting to address these concerns, the following are examples of concerns that she heard during her talk with other residents, as well as concerns of her family:

- ?? Setback requirements were established a long time ago. Their residence was denied a permit for the addition of a front porch. Requirements now allow a new house that could be built 30 feet closer to the street than her house currently sits. That adversely changes the view from her home.
- ?? Some of the new houses being built are oriented differently on the site than the previous home. For example, when once their residence faced the front of another house, a new home was constructed in such a way that their house now faces the side of the house.
- ?? There are long-time drainage problems in the neighborhood, and new homes built above grade exacerbate those already existing problems. A later comment suggested that existing drainage problems be solved before more houses are built to contribute to them.
- ?? Residents are concerned with increased population density.
- ?? Residents are concerned in being priced out of their homes. Homes sometimes four to five times larger than the existing homes are being added to neighborhoods.
- ?? Residents are concerned with the loss in diversity in the schools.
- ?? Residents are concerned that police officers and firefighters are being priced out of homes and cannot live in the communities they protect.
- ?? Residents are concerned that older neighbors will no longer be able to afford to live in Blue Ash.
- ?? Residents are concerned with increased traffic.
- ?? Residents are concerned that Blue Ash is losing its charm and that the character of existing established neighborhoods is changing.
- ?? Residents are concerned that Council does not hear residents as loud as they hear developers.
- ?? Not one resident she spoke with believed that development should be stopped. Most were impressed by the plans for potential projects presented in the 2006 Calendar. However, residents did believe that the City should plan residential development as closely as they plan and control for commercial development.
- ?? Residents are concerned with the lack of a plan for needed improvement for existing neighborhoods, such as curbs and gutters, sidewalks, etc.
- ?? Residents are concerned with the look of irregularly setback homes, or homes built too close together.
- ?? Residents are concerned that there will no longer be a broad range of homes available in Blue Ash, including enough for the elderly.
- ?? Residents are concerned with varying roof pitches.
- ?? Residents are concerned with basements above grade that makes new houses look even taller.
- ?? Mrs. Huskey encouraged Council to consider a short-term moratorium (perhaps 30

to 120 days) on demolition and building permits to allow time for the City to evaluate and set in place improved standards.

Dick Huskey, 5061 Myerdale Drive, commented on concerns regarding the Blue Ash Airport. He commented that the new Cincinnati Mayor was quoted in December 2004 regarding his interest in the potential sale of the Airport. Mr. Huskey encouraged Blue Ash to actively pursue the potential of purchasing the Airport from Cincinnati. He supports the City's desire to keep the airport on reduced acreage. Mr. Waltz clarified that the City of Cincinnati did authorize its Administration to investigate the various options related to the Airport. A brief meeting was held late in the year with the new Cincinnati Mayor, and Mr. Waltz believes discussion between the two cities will continue in 2006.

Hearings from Citizens was declared closed at approximately 7:25PM.

### **COMMITTEE REPORTS**

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

"The following offers a brief description of the items included on the January 12th Council Agenda:

#### **9.a.1. Ordinance No. 2006-3 - Final appropriations ordinance**

On November 28th, the City Manager presented to Council the 2006 Proposed Budget which was subsequently adopted under Interim Appropriations Ordinance No. 2005-73 on December 15<sup>th</sup>. The Proposed Budget was based upon estimates of fourth quarter 2005 revenue and expenditure activity as well as projections for all of 2006. 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 necessary 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 2006 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 estimated Proposed Budget balances.

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 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 2005 totaled \$22,419,840. Of the 2005 collections, 27.3% were net profit related, with withholding representing 72.7% (as compared to 21% / 79% in 2004). As reviewed earlier by the City Manager, a conservative posture for the 2006 projection remains appropriate. Combined 2006 projected earnings tax collections in the Final Budget are reflected at \$21,600,000, a 3.7% decrease relative to actual 2005 results. A +2.5% factor was applied to 2005 actual collections for estimated withholding tax for 2006, and net profit was kept at the 2005 Proposed Budget level of \$4,900,000. Please refer to the enclosed memo for further information on the conversion of the Proposed Budget to its final recommended form.

The attachment to the ordinance will be very similar to the Proposed Budget, with the exception of the use of actual (not estimated) fund balances and the items described in the related memo.

Please direct questions regarding the closing or adjustment process or any of the adjustment items to the Treasurer.

#### **9.a.2. Ordinance No. 2006-1 - Approving architectural and engineering service rates for 2006**

In late 2002, Council approved a five-year contract with the City's long-standing engineering firm (Blue Ash based CDS Associates) for general engineering services. The contract associated with that approval requires annual review and approval by the City of the updated hourly rates for that year. The Administration has reviewed the proposed rates from CDS, and recommends approval via passage of Ordinance No. 2006-1 (rates as attached to that ordinance).

The second portion of the ordinance authorizes 2006 hourly rates with Steed Hammond Paul Inc., the firm assisting the City with potential future capital projects, including the performing arts center, Recreation Center expansion, and Golf Clubhouse project. At the time Council would give the go-ahead for any of these projects, the

Administration would provide total cost estimates for that project, including those associated with design. Please address questions regarding this ordinance to the Assistant City Manager.

**9.a.3. Ordinance No. 2006-2 - Granting or amending easements on properties near the southeast corner of Kenwood and Pfeiffer Roads**

A memo was included in the previous Council packet describing the need for supplemental parking for the office building located at 5151 Pfeiffer Road, owned by Duke Realty Ohio. This building, which was constructed in 1998 and 1999 by a partnership of Neyer and Duke, has always had United Medical Resources (UMR) as an anchor tenant. The lease that UMR has with the current owner, Duke Realty Ohio, will be expiring within a year, and UMR approached Duke about various alternatives to provide supplemental parking for their employees. UMR has experienced continual growth since initially occupying the building, and they do require additional parking to accommodate their needs.

As explained in the earlier memo, Duke Realty Ohio has approached the City about converting the existing storm water retention facility (the lake or pond) into an underground retention system, and to thereafter pave the surface above it to provide the additional parking spaces. The owner examined a number of other alternatives for the provision of these parking spaces, and there were issues that could not be resolved involving construction costs, intrusion into the southern buffer, flood zone issues, or access problems. The conversion of the Pfeiffer Woods facility appears to be the only viable solution for providing this parking and keeping UMR as one of the top 15 taxpayers in the City of Blue Ash.

In order to accomplish this objective, Duke has prepared detailed construction drawings of the parking area, the conversion to underground stormwater retention, and for the landscaping/buffering that will be installed between the edge of the parking lot and the northbound lanes of Kenwood Road. The parking lot and drainage plans have been presented to the City's Community Development office, and the City's engineers, CDS Associates, have reviewed them as well. The accommodations that are required of a formal nature involve securing City Council's authorization to amend or revise the easements that were granted to Neyer/Duke in 1999 and 2000 related to this facility under Ordinance Nos. 98-92, 97-103, and 99-66.

As Council may recall, the City of Blue Ash acquired three of the four residential parcels in the vicinity of the Pfeiffer Woods Park. Neyer/Duke acquired the other parcel and conveyed it to the City of Blue Ash as well – giving the City complete ownership of all four residential parcels. Easement agreements were worked out which provided for the owner of 5151 Pfeiffer Road to design, construct, maintain, and operate the Pfeiffer Woods Park area on City property. Formal stormwater easements were granted over three of the four properties, and a small parking easement was granted over ten feet of the eastern-most portion of the northern two parcels.

In order to accomplish the objective of constructing this parking expansion and retaining UMR as a business citizen, it is necessary to secure City Council's authorization to revise or amend these easements, to accommodate the change in the stormwater system, and also to provide parking easement rights, where necessary, over the properties.

Duke Realty Ohio is currently having their engineers and attorneys review the earlier documents, and they will present their findings to the City, who will work with Dinsmore & Shohl on the necessary documentation or amendments to the easements.

Please direct questions regarding this ordinance or project to the Assistant City Manager, Treasurer, or the Assistant Community Development Director. A supplemental memo, with illustrations regarding the parking lot design and landscaping, has been included for Council's review.

**9.a.4. Ordinance No. 2006-8 - Amending Ordinance No. 2003-114 (regarding professional legal fees)**

The Solicitor has asked that Council approve a rate increase for Dinsmore & Shohl legal services effective in January 2006. Essentially, the rate increase represents a \$15 per hour increase for work performed by attorneys (to \$175 per hour) and a \$10 per hour increase for work performed by paralegals (to \$115 per hour). The Administration recommends approval of this increase.

Please direct questions regarding this ordinance to the Solicitor.

**9.a.5. Ordinance No. 2006-10 - Authorizing payment to Blue Ash Sister City, Inc. in 2006**

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. 2006-10 authorizes the payment of up to \$28,000 targeted in the Budget for these efforts to BASC. In October 2006, an Ilmenau delegation is scheduled to visit Blue Ash.

Please direct questions regarding this ordinance to the Assistant City Manager.

**9.b.1. Ordinance No. 2006-4 - Authorizing a multi-year contract with the Blue Ash/Montgomery Symphony Orchestra**

As Council is aware, the City of Blue Ash has been providing financial assistance to the Blue Ash/Montgomery Symphony Orchestra (BAMSO) for several years. The most recent ordinance authorizing a five-year contract was passed in 2001, covering the 2001 through 2005 performance years. Ordinance No. 2006-4 would authorize the next five-year period, 2006 through 2010 for an amount not to exceed \$20,000 each year, subject to annual

inclusion in each year's Budget. Similar to past years, this would include no less than two full orchestra concerts each year in Blue Ash (or in a nearby Sycamore School building if prior approval is granted).

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

**9.b.2. Ordinance No. 2006-5 - Authorizing contracts for professional class instruction, printing, and mowing/spraying services in 2006**

The first portion of Ordinance No. 2006-5 authorizes a contract with Sharon Struewing for professional aerobic dance instruction services associated with the popular Jazzercise classes. Ms. Struewing continues to lead several classes each week at the Recreation Center. The ordinance authorizes a not-to-exceed amount of \$60,000 in 2006.

The second portion of Ordinance No. 2006-5 authorizes a contract with Cincinnati Graphics Group for artwork and printing of various Recreation Department brochures and flyers for an amount not to exceed \$30,000 in 2006. 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 (now done twice per year), 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. 2006-5 authorizes a contract with The Brickman Group for contractual mowing and/or spraying services for an amount not to exceed \$120,000 in 2006. The City's Parks Maintenance Division has been very satisfied with the landscaping work performed by this vendor and wishes to continue utilizing their services in 2006.

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 bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials; mowers and other grounds maintenance and snow removal equipment and vehicles; electric golf carts and batteries; fitness and athletic equipment; paver repair; renovation of maintenance facilities; 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 in the Parks & Recreation areas of responsibility.

**9.c.1. Ordinance No. 2006-6 - Authorizing change orders associated with the 2005 paving program (amending Ordinance No. 2005-21)**

Ordinance No. 2006-6 authorizes payment for Change Order #1 and Change Order #2 for the 2005 Paving Program.

Change Order #1 is necessary because the City directed the contractor to do additional work on some of the side streets off Cornell Road, the roadway that was the primary object of our 2005 Paving Program - Phase I. The additional work included items for which a lump sum figure had been bid for the work on Cornell Road (temporary pavement marking, thermoplasty pavement marking, maintaining traffic, and raised pavement marking) which sums did not include the additional work on the side streets; higher unit price figures were needed for certain items since the work was more difficult and time consuming on the side streets as opposed to the straight way nature of the work on Cornell Road (pavement planing, asphalt concrete surface course, and SAMI – Stress Absorbing Membrane Interlayer); and lastly, two items were “new” because they had not been anticipated (railroad insurance and adjust water boxes). All other items were the same (asphalt rejuvenating agent and concrete curb and gutter partial replacement) or were not needed.

Change Order #2 involved the same type of work needed for the additional work we ordered for Hunt Road. We had wanted to use the same unit prices as originally bid but like the additional work in Change Order #1, the work involved items that had originally been bid lump sum; more difficult and time consuming work under certain line items; and new items not originally bid, one of which was needed because we changed the process used due to the inability of a subcontractor to timely schedule a piece of equipment needed for the SAMI application; one item was the same unit price and many items were not used because they were not needed.

It should be noted that even with the additional work order (value \$41,671.80) for Cornell Road, the total for this phase was only \$7,878.12 more than the base bid because the number of some units were less than originally estimated. The work for Hunt Road amounted to \$69,277.19, far below the initial estimate of \$90,000 to \$120,000 for this work. Both “phases” came in well below the \$600,000 we had allotted for paving in 2005.

Please direct questions concerning this ordinance to the Service Director.

**9.c.2. Ordinance No. 2006-7 - Authorizing 2006 professional services contract related to the**

**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 four years ago, the City changed contractors to acquire better and more responsive services. Ordinance No. 2006-7 authorizes the City Manager to enter into a contract with Midwest Environmental for services for 2006 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 (costs in 2002 were \$34,000; 2003 - \$35,000; and 2004 - \$31,000).

Please direct questions concerning this ordinance to the Service Director.

**9.d.1. Motion setting a public hearing for 7:00 PM, Thursday, February 9, 2006 for consideration of a development plan in the C-2 Planned Commercial District at 4100 Hunt Road (Kroger)**

Kroger has submitted development plans for the demolition of their existing store on Hunt Road, and construction of a new facility at that same location. During the construction period, Kroger plans to utilize the former Thriftway location as a temporary location. More details, including plans, will be presented at the February 9<sup>th</sup> public hearing.

Please address questions regarding this ordinance to the Assistant City Manager.

**9.d.2. Motion setting a public hearing for 7:05 PM, Thursday, February 9, 2006 for consideration of a request for an appeal by Daryl Crear regarding a Board of Zoning Appeals decision**

The Board of Zoning Appeals recently denied the request of a property owner to allow storage on property located on LaBelle Avenue, near Cornell Road. Part of the property is zoned C-2 and the other portion is zoned R-3. The applicant, Daryl Crear (owner of the property, but not a resident thereof), has requested that Council formally reconsider this decision. This motion would appropriately establish a time for Council to consider that decision (at the February 9<sup>th</sup> regular meeting). More information will be provided for Council at that meeting.

Please direct questions regarding this issue to the Assistant City Manager or the Assistant Community Development Director."

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

Councilman Bryan asked the Deputy Clerk to read Ordinance No. 2006-3 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-3

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE CITY OF BLUE ASH, OHIO, FOR THE FISCAL YEAR OF 2006; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-3. There being no discussion, the Deputy Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-3 passed.

Councilman Bryan asked the Deputy Clerk to read Ordinance No. 2006-1 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-1

AUTHORIZING GENERAL ENGINEERING, ARCHITECTURAL AND RELATED SERVICE RATES FOR 2006 WITH CDS ASSOCIATES, INC. AND STEED HAMMOND PAUL INC.; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2006-1. Councilman Sumner expressed concern with authorizing additional architectural work on projects not yet approved to move forward. Assistant City Manager Waltz commented that the ordinance is not intended to cover major architectural expenses with any of the potential projects. Its intent is to cover incidental architectural work that may be required. For example, if Council has a future work session and further refinements or minor revisions are requested for the plans (not major design work), this authorization would allow payment for work that may be required from the architect. Vice Mayor Weber commented that he does not have an objection authorizing such services since it is not the Administration's intent to proceed with final plans – only to request minor help to get to the next steps as Council may direct. There being no further discussion, the Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-1 passed.

Councilman Bryan asked the Deputy Clerk to read Ordinance No. 2006-2 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-2

AUTHORIZING THE CITY MANAGER TO AMEND OR REVISE EXISTING EASEMENTS, OR TO GRANT NEW STORMWATER MANAGEMENT/PARKING EASEMENTS, AFFECTING CITY-OWNED PARCELS 25, 26, 27, AND 28 OF BOOK 612, PAGE 131 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS (10344, 10334, 10322, 10310 KENWOOD ROAD); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Weber seconded to adopt Ordinance No. 2006-2. There being no discussion, the Deputy Clerk called the roll. Councilpersons Bryan, Stoller, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Councilman Sumner voted no. Six yeses. One no. Ordinance No. 2006-2 passed.

Councilman Bryan asked the Deputy Clerk to read Ordinance No. 2006-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-8

AMENDING SECTION I OF ORDINANCE NO. 2003-114  
REGARDING PROFESSIONAL LEGAL SERVICES; AND  
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-8. There being no discussion, the Deputy Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-8 passed.

Councilman Bryan asked the Deputy Clerk to read Ordinance No. 2006-10 by title only.  
THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-10

AUTHORIZING THE CITY MANAGER TO ENTER INTO A  
PROFESSIONAL SERVICES AGREEMENT WITH BLUE ASH  
SISTER CITY, INC. FOR YEAR 2006 PROFESSIONAL SERVICES  
ASSOCIATED WITH THE SISTER CITY PROGRAM WITH  
ILMENAU, GERMANY; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-10. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-10 passed.

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

Councilman Czerwonka asked the Deputy Clerk to read Ordinance No. 2006-4 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-4

AUTHORIZING A MULTI-YEAR CONTRACT WITH THE BLUE  
ASH/MONTGOMERY SYMPHONY ORCHESTRA; AND  
DECLARING AN EMERGENCY

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

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-4. There being no discussion, the Deputy Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-4 passed.

Councilman Czerwonka asked the Deputy Clerk to read Ordinance No. 2006-5 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-5

AUTHORIZING THE CITY MANAGER TO ENTER INTO 2006 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 Bryan seconded to suspend the rules of Council requiring a second reading of the ordinance. The Deputy Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeses. Motion carried.

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-5. Councilman Sumner explained that he will abstain from voting due to a potential conflict of interest as a relative works for one of the vendors. There being no discussion, the Deputy Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Councilman Sumner abstained. Six yeses. One abstention. Ordinance No. 2006-5 passed.

Councilman Czerwonka moved, Councilman Stacey seconded to authorize bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials; mowers and other grounds maintenance and snow removal equipment and vehicles; electric golf carts and batteries; fitness and athletic equipment; paver repair; renovation of maintenance facilities; and the sale of excess property and equipment. A voice vote was taken. All members voted yes. Motion carried.

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

Councilman Stacey asked the Deputy Clerk to read Ordinance No. 2006-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-6

AMENDING ORDINANCE NO. 2005-21 REGARDING THE 2005 PAVING PROGRAM, PART ONE; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Weber seconded to adopt Ordinance No. 2006-6. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-6 passed.

The Deputy Clerk was asked to read Ordinance No. 2006-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-7

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR HAZARDOUS HOUSEHOLD WASTE MATERIALS DISPOSAL SERVICES IN 2006; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-

7. There being no discussion, the Deputy Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-7 passed.

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

Councilman Sumner moved, Councilwoman Stoller seconded to set a public hearing for 7:00 PM, Thursday, February 9, 2006 for consideration of a development plan in the C-2 Planned Commercial District at 4100 Hunt Road (Kroger). A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to set a public hearing for 7:05 PM, Thursday, February 9, 2006 for consideration of a request for an appeal by Daryl Crear regarding a Board of Zoning Appeals decision. A voice vote was taken. All members voted yes. Motion carried.

**MISCELLANEOUS BUSINESS**

Service Director Denny Albrinck commented that Cincinnati Water Works recently began a large water main replacement project on Cooper Road. The project ranges from a starting point near Otterbein Drive in Evendale almost to the Golf Course Clubhouse drive in Blue Ash. He mentioned the need for the project as there have been several breaks in the main over recent years. A detour will be set up around Mohler Road; however, local traffic, including school buses, will be allowed on the "closed" portion of Cooper, between the two legs of Mohler Road. The project is expected to last no more than 150 days – hopefully to be completed before summer. The asphalt will be ground down and paved the full width in the project area. In addressing questions from Council, Mr. Albrinck commented that no water pressure problems for residents are anticipated as this involves the replacement of a main. Information about this project was posted to the website recently, signage is in place, and the contractor is in the process of notifying nearby residences.

Assistant City Manager David Waltz commented that the firearms simulator will be here at the Police Department in early February and will be available for demonstration prior to the February 9<sup>th</sup> Council meeting. If interested, Council members are encouraged to call Sue to advise of their interest in participating.

After comment from Mr. Waltz, Councilman Bryan moved, Councilwoman Stoller seconded to cancel the January 26<sup>th</sup> Council meeting. A voice vote was taken. All members voted yes. Motion carried.

Mr. Waltz commented that he anticipates a number of Zoning Code changes will be recommended at the February meeting. Not all will relate to the tear-down issue discussed earlier in the meeting.

Mr. Waltz commented that most of the senior staff is planning to attend an OCMA Work session on January 24<sup>th</sup> related to "lean thinking." It is a day-long seminar in the Columbus area.

Mr. Waltz commented that he anticipates annual reports will be provided to Council at the February 9<sup>th</sup> Council meeting.

Councilwoman Stoller, addressing the audience, commented that the City is working to address not only concerns with the tear downs, but also with the Blue Ash Airport.

Councilwoman Stoller asked about the potential for having a fund-raising drive associated with the Hunt House. She believes such involvement may make the project more of a community effort, not just one funded by the City.

Councilman Sumner commented that at the last Historical Society meeting, the idea of a Hunt House advisory committee was again discussed. He believes this would be an effective venue for people to express interest in the project. He would like the City to move forward with this idea. Councilman Bryan commented that he believes, if such effort would move forward, that everyone needs to be in agreement as to what this committee's role would be. Given that defined role, different people might be selected to serve on that committee to match whatever given role is defined. After some discussion, it seemed the consensus of

Council that the Parks & Recreation Director would check with other similar historical projects to see what documents or information may be available related to similar efforts.

Councilman Bryan commented favorably on the complimentary letter received from the Rippergers regarding Sergeant Paul Hartinger.

Councilman Stacey commented that the status of the Airport is not based upon inaction by Blue Ash. He suggested that the City develop a public statement as to this current Council, especially since Council members today have changed from when legislation was originally passed. Councilman Bryan commented that Council's passage of the Comprehensive Plan updates have successfully expressed that. After some discussion, it was agreed that information designed to bring all Council up-to-date on Airport related issues and options, etc. will be presented in late January or early February. Afterwards, if Council believes more discussion is warranted, perhaps this could be a future work session topic.

***EXECUTIVE SESSION***

After all items on the agenda were acted upon, Councilman Sumner moved, Councilman Bryan seconded to convene an Executive Session to discuss matters pertaining to Collective Bargaining/Personnel Matters. The Deputy Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeses. Motion carried.

After matters pertaining to Collective Bargaining/Personnel were discussed, Vice Mayor Weber moved, Councilman Sumner 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, Vice Mayor Weber moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:15 PM.

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Robert J. Buckman, Jr., Mayor

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council