

BLUE ASH CITY COUNCIL

January 25, 2018

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1. MEETING CALLED TO ORDER

A special meeting of the Council of the City of Blue Ash, Ohio, was held on January 25, 2018. Mayor Thomas C. Adamec called the meeting to order in Council Chambers at 7:00 PM.

2. OPENING CEREMONIES

Mayor Adamec led those assembled in the Pledge of Allegiance.

3. ROLL CALL

MEMBERS PRESENT: Vice Mayor Marc Sirkin, Councilwoman Linda Bauer, Councilman Joe Leet, Councilman Pramod Jhaveri, Councilman Jeff Capell, Councilman Lee Czerwonka, and Mayor Tom Adamec

ALSO PRESENT: City Manager David Waltz, Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Assistant City Manager Kelly Harrington, Treasurer Sherry Poppe, Parks & Recreation Director Chuck Funk, Public Works Director Gordon Perry, Fire Chief Rick Brown, Police Chief Scott Noel, Administrative Assistant Karla Plank, Economic Development Director Neil Hensley, Community Development Director Dan Johnson, Communications Coordinator Breanna Gilroy, and interested citizens

4. ACCEPTANCE OF AGENDA

Councilman Czerwonka moved, Councilwoman Bauer 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. ACCEPTANCE OF AGENDA
5. HEARINGS FROM CITIZENS
6. COMMITTEE REPORTS

a. *Planning & Zoning Committee, Marc Sirkin, Chairperson*

1. Resolution No. 2017-81, approving a preliminary subdivision plan for Neighborhoods at Summit Park
2. Resolution No. 2017-82, approving a final development plan for a new mixed-use commercial and multi-family residential building and site development for the District at Summit Park
3. Resolution No. 2017-83, approving a final development plan for a new senior living building and site development for the Life Plan Community
4. Resolution No. 2018-1, authorizing City Manager to enter into an agreement with Summit View Development, LLC

7. ADJOURNMENT

5. HEARINGS FROM CITIZENS

Linda Raterman, 45 Carpenters Run, requested Council not be complacent and allow assurances from developers. She questioned the manner in which the City provides information to the citizens. She requested Council not to rush in voting on a project without fully understanding it.

Robert Ryan, 9514 Conklin Avenue, feels that if the developers do not have a business/corporation, the mixed-use at the ground level will suffer as businesses are dependent on traffic. As discussed during the last Council meeting, he does not feel there is any comparison to the P&G complex in Mason and what the developers are presenting as mixed-use in Blue Ash.

Ralph Holtman, 9370 Opal Court, indicated that he was pleased that the Victor Avenue extension is going to be done right. He expressed his concerns with further development that could happen on the remaining lots and feared the park will eventually go away.

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Renee Byrd-Shaw, 4524 Victor Avenue, stated that construction workers for the developer of the homes on Victor Avenue were on site and stated that the developer intended on making it a through street to Floral Avenue.

City Manager David Waltz assured there would be no through street to Floral Avenue.

Robert Shelton, 4524 Victor Avenue, stated that he researched and spoke with directors at Hamilton County and feels any road extensions on Victor Avenue goes against what Hamilton County has on their books. Mr. Shelton was concerned about the water runways and flooding at the entrance of the park.

Robert Clark, 9627 Landsford Drive, requested Council to be careful in their consideration of the development on the 98-acres and limit the number of apartments.

Dan Tyszka, Peppermill Farms, requested Council to carefully consider what is in the best interest of Blue Ash when making their decision on the 98-acre development.

Matt Dunn, 108 Bentwood Court, recommended that Council take time to consider the development of the 98-acre development. He feels additional housing could lead to more crime and other City-related matters.

Sally Hodgson, 22 Trailbridge Drive, stated that the City of Blue Ash does not want to aspire to be a business community that has residential housing placed in it. She feels Blue Ash should not aspire to be a community for millennials because they do not want to live in a residential community. She requested Council carefully consider making their decision before voting.

Hearings from Citizens was declared closed at 7:28 PM.

a. **Planning & Zoning Committee, Marc Sirkin, Chairperson**

Vice Mayor Sirkin moved, Councilman Jhaveri seconded to remove from the table Resolutions No. 2017-81, 2017-82, and 2017-83. A voice vote was taken. All members present voted yes. Motion carried.

Mayor Adamec stated that what Council is voting on tonight is not about apartments because it has already been approved by Council in the Concept Plan. The City, along with the developers and the schools, negotiated and agreed to a TIF Agreement that limited the number of two bedroom apartments and raised the number of one bedroom apartments. Currently, the developer has put forth a commitment of a maximum of 290 apartments on the site. The apartments will be high-end with rents in the range of \$1,600 to \$2,000 per month. Assurances (through an Agreement) by the developer that corporate would be the next priority in the development and that the City will receive a \$1 million bond with the condition a corporate company will be permitted within 24 months. Competition is fierce with large corporate businesses. It is important for the corporate businesses, when locating their business, to be where its employees are going to live and want to provide as many amenities as they can. The development is to be a vibrant employment center with supporting residential. There will be approximately 39,000 sq. ft. of retail which will be an asset to the residents. With regard to Phase 3, Council will have the opportunity to approve any and all plans for Phase 3. Mayor Adamec appreciated everyone's viewpoints. He feels there are a lot of similar ideas but different ways of getting there.

Vice Mayor Sirkin indicated that Council has to balance the property owner's rights, residence preferences, business requirements, long-term financial obligations for the City, as well as the health and well-being for everyone that lives and works in Blue Ash. There will be a permanently limited number of apartments, single-family homes, senior and assisted living, and a significant incentive to obtain corporate tenants. Blue Ash is going to remain a city in that evenings and weekends will be peaceful, but will foster energy and night life on the eastern side of the 98-acre property. This is important for the existing restaurants, the new restaurants, and retail in the mixed-use. The development will serve as a destination for family, friends, and neighbors to live, work, play and exercise. The City needs to look at how it can economically incentivize the retirement of some of our older apartment complexes which is a very different product than what is being built at Summit Park.

Councilman Capell expressed mixed and undecided views on the development proposal. He believes Blue Ash could do mixed-use development but in a way that is more beneficial to

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the citizens. Younger employees are looking for work that is in a mixed-use development so they can get up, walk to work, walk to dinner afterwards, and walk home; but in this plan, they will be living right next to a senior living center. Unfortunately, a lot of the decisions have already been made based on the Concept Plan and the development plan. An agreement set forth by the developer's guarantees that there will be no additional apartments in addition to a \$1 million performance bond where if the developer has not made substantial progress on the corporate building within twenty-four months, they will have to surrender \$1 million to the City. Any further delays in voting on the resolutions could jeopardize recruiting corporate if the project continues to stay in limbo. If the resolutions get approve, he would expect quick movement from the developers on the commercial side.

Councilwoman Bauer believes the senior living center next to the young professionals is an opportunity for seniors to spend time with young people and be close to a park where they can watch young children at play, walk, and be active. Seniors, along with young professionals will be able to go to restaurants and walk to retail and not have to get into their cars. She believes these amenities would be a draw for everyone.

Councilman Leet indicated that a majority of the constituents have indicated that they do not want the development. They are not against development but rather the way it is styled.

Vice Mayor Sirkin asked the Clerk to read Resolution No. 2017-81 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2017-81

APPROVING A PRELIMINARY PLAN FOR THE
NEIGHBORHOODS AT SUMMIT PARK SUBDIVISION ON
APPROXIMATELY 78 ACRES

Vice Mayor Sirkin moved, Councilman Czerwonka seconded to adopt Resolution No. 2017-81.

There being no discussion, the Clerk called the roll. Councilpersons Bauer, Capell, Czerwonka, Sirkin, and Mayor Adamec voted yes. Councilpersons Leet and Jhaveri voted no. Five yeses; two nos. Resolution No. 2017-81 passed.

Vice Mayor Sirkin moved, Councilman Jhaveri seconded to revise Resolution Nos. 2017-82 and 2017-83 as set forth in the amended highlighted version provided to Council. A voice vote was taken. All members present voted yes. Motion carried.

Vice Mayor Sirkin asked the Clerk to read Resolution Nos. 2017-82 and 2017-83 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2017-82 – **AMENDED**

APPROVING A FINAL DEVELOPMENT PLAN FOR A MIXED-USE
COMMERCIAL AND RESIDENTIAL DEVELOPMENT ON
APPROXIMATELY SIX ACRES IN THE NEIGHBORHOODS AT
SUMMIT PARK SUBDIVISION

Vice Mayor Sirkin moved, Councilman Czerwonka seconded to adopt Resolution No. 2017-82.

There being no discussion, the Clerk called the roll. Councilpersons Capell, Czerwonka, Sirkin, Bauer, and Mayor Adamec voted yes. Councilpersons Leet and Jhaveri voted no. Five yeses; two nos. Resolution No. 2017-82 passed.

Vice Mayor Sirkin asked the Clerk to read Resolution No. 2017-83 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2017-83 – **AMENDED**

APPROVING A FINAL DEVELOPMENT PLAN FOR A
SENIOR LIVING DEVELOPMENT ON APPROXIMATELY
FOUR AND ONE HALF ACRES IN THE NEIGHBORHOODS
AT SUMMIT PARK SUBDIVISION

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Vice Mayor Sirkin moved, Councilwoman Bauer seconded to adopt Resolution No. 2017-83.

There being no discussion, the Clerk called the roll. Councilpersons, Capell, Czerwonka, Sirkin, Bauer, and Mayor Adamec voted yes. Councilpersons Jhaveri and Leet voted no. Five yeses; two nos. Resolution No. 2017-83 passed.

Vice Mayor Sirkin asked the Clerk to read Resolution No. 2018-1 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2018-1

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH SUMMIT VIEW DEVELOPMENT, LLC
FOR CERTAIN ADDITIONAL CONDITIONS TO THE
PROPOSED FINAL DEVELOPMENT

Vice Mayor Sirkin moved, Councilwoman Bauer seconded to adopt Resolution No. 2018-1.

Councilman Capell questioned wherein it states: "*This Agreement may not be amended, changed, modified or assigned except by written agreement executed by each of the parties*" which is basically stating that the agreement can be changed. He is concerned that the Agreement could be changed by future Council.

Mr. Waltz confirmed that the agreement could be changed. In accordance with all laws and all agreements, Council can make future different decisions. It is not arbitrarily capricious and Council has the legal authority to change it in the future. The developer cannot have an expectation of asking Council to change it which is the key difference.

There being no further discussion, the Clerk called the roll. Councilpersons Capell, Czerwonka, Sirkin, Bauer, and Mayor Adamec voted yes. Councilpersons Leet and Jhaveri voted no. Five yeses; two nos. Resolution No. 2018-1 passed.

Mr. Waltz responded to certain comments made in Hearings from Citizens and wanted to be clear and unambiguous that there is no street going from Victor Avenue through Hunt Park or Floral Avenue. Mr. Waltz also clarified that the City did not sell any land for the development of the houses on Victor Avenue. The land, in which the homes are being built, was privately owned by private home owners. As for the remaining parcels, the City of Blue Ash owns those. The only way they could be developed is if the City was to sell them which is not in the City's plans. He considers the City of Blue Ash to have a very pro-park and recreation Council and Administration. The City has no plan of selling any portion of any park land.

Mayor Adamec thanked residents for providing their input.

6. ADJOURNMENT

All items on the agenda having been acted upon, Mayor Adamec moved, Councilman Capell seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:08 PM.

Thomas C. Adamec, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES RECORDED AND WRITTEN BY:

Karla Plank, Administrative Assistant