

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on April 26, 2007. 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: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, Fire Chief Rick Brown, Police Chief Chris Wallace and several members of the Police Department and their families, Human Resources Officer Margaret Main, Technology Officer Dan Klapp, Assistant Community Development Director Dan Johnson, Assistant to the City Manager Kelly Osler, member of the press, and interested citizens

Mayor Buckman explained to the audience that this evening is Student Government Day and noted that the students from Sycamore and Ursuline spent much of the day at City Hall and other City facilities learning about Blue Ash government and operations. He introduced the students sitting with Council this evening, including:

- Meghan Ashbrock, 9695 Sycamore Trace (Ursuline), sitting with Councilman Stacey
- Katie Mahoney, 13 Heritage Road (Ursuline), sitting with Councilwoman Stoller
- Natalie Perin, 9781 Cooper Woods Court (Ursuline), sitting with Vice Mayor Weber
- Josh Sharp, 4233 Fox Hollow Drive (Sycamore), sitting with Mayor Buckman
- Stacy Shutts, 4123 Fox Hollow Drive (Sycamore), sitting with Councilman Czerwonka
- Shang Xiang, 9575 Heather Court (Sycamore), sitting with Councilman Bryan

**SPECIAL RECOGNITION FOR POLICE OFFICERS INVOLVED WITH A POLICE PURSUIT ENDING IN LINCOLN HEIGHTS IN LATE 2006**

Police Chief Chris Wallace read a commendation being presented to five Blue Ash Police Representatives related to a police pursuit in late 2006 covering multiple jurisdictions. The details of this commendation presented to Sergeant Paul Hartinger and Patrol Officers Scott Noel, Jun Cho, Robert Rockel, and Robert Gerhardt follow:

“On December 31, 2006, at approximately 03:35 hours, Blue Ash Police units were alerted to a vehicle pursuit that was heading eastbound on Interstate 275 from Miami Township. The vehicle being pursued by police was a stolen Warren County Sheriff’s Office police cruiser being operated by one Lindsey Williams of Turtlecreek Township. Further information on this pursuit alerted police that Williams had been involved in a SWAT standoff at his residence, that he had fired over 100 shots at police at that location, and that he escaped and fled in an unattended police cruiser. Upon the announcement of the approaching pursuit, on-duty Blue Ash Police officers Paul Hartinger, Robert Rockel, Scott Noel, Jun Cho, and Robert Gerhardt immediately responded to the area of Interstate 275 and Interstate 71 to assist in an attempt to terminate the pursuit and to arrest Williams.

As Williams proceeded through Blue Ash, Sergeant Hartinger immediately began a plan of action that demonstrated a high regard for the safety of his fellow police officers and the general public. Sergeant Hartinger and Patrol Officer Gerhardt began blocking entry ramps onto the interstate in an effort to protect innocent motorists from being struck; Officer Gerhardt utilizing a stationary position and Sergeant Hartinger by advancing ahead of the pursuit. Sergeant Hartinger was in constant radio communication with fellow Blue Ash Police officers as well as officers from other police agencies who were involved in the pursuit. Officers Noel and Cho, both in the same police cruiser, joined in the pursuit as did Officer Rockel with his police canine Magnum.

Sergeant Hartinger, now advancing from the rear, became the pursuit officer-in-charge and, upon conferring with Patrol Officer Noel, determined that a Pursuit Intervention Technique, also known as a "PIT maneuver", would be utilized. The PIT, by Police Department policy, can only be conducted by trained officers, and both Sergeant Hartinger and Patrol Officer Noel were trained as such. The PIT involves using the front corner of a pursuing police vehicle to nudge the rear corner of a pursued vehicle in order to spin it out of control. Sergeant Hartinger instructed Patrol Officer Noel to conduct this maneuver when he determined it to be safe for officers and the public.

As Williams entered southbound Interstate 75, Patrol Officer Noel executed the PIT in the vicinity of Sharon Road. The PIT was successful, however Williams was able to gain control of the stolen cruiser and continued on the interstate into the Village of Lincoln Heights where he stopped.

Sergeant Hartinger and Patrol Officers Noel, Cho, and Rockel utilized tactically sound techniques in positioning themselves from harm by Williams, who exited the stolen police cruiser with a long-gun in hand and a pistol in a holster. Williams was ordered to drop the weapon, but instead proceeded to a position of concealment past the front of the stolen police cruiser, towards bridge underpass support columns, and in the direction of a residential neighborhood. Fearing for their own safety as well as the safety of the residents of the neighborhood, Sergeant Hartinger and Patrol Officers Noel, Cho, and Rockel fired at Williams with their firearms, striking him twice in the leg. Williams was successfully taken into custody and survived his wounds. Upon recovery of the long-gun, it was found that Williams was chambering a round into the firing position when wounded.

Needless to say, the quick reaction by these Blue Ash Police officers to a violent and dangerous situation was exemplary. Their ability to work as a team toward the resolution of a perilous problem facing them was an outstanding demonstration of their concern for public safety, and their effective and efficient use of their police training and skills.

Williams' dangerous criminal actions were brought to a sudden conclusion due entirely to the actions of these officers. They responded properly to aggression and are to be commended for their actions under stressful conditions and in the face of armed hostility."

All five police officers came forward and were presented with a commendation pin. The audience included other Blue Ash officers and family members of the five being commended.

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

### **ACCEPTANCE OF AGENDA**

Councilman Stacey moved, Councilman Bryan 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. SPECIAL RECOGNITION FOR POLICE OFFICERS INVOLVED WITH A POLICE PURSUIT ENDING IN LINCOLN HEIGHTS IN LATE 2006
5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
6. ACCEPTANCE OF AGENDA
7. APPROVAL OF MINUTES
  - a. Regular Meeting of March 22, 2007
  - b. Work Session of April 12, 2007
8. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor's Report – March 2007 – Honorable Robert J. Buckman, Jr.
  - d. Financial Report – Motion to accept the report for March 2007
9. HEARINGS FROM CITIZENS
10. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2007-25, authorizing a contract for the redesign of the Blue Ash general website (www.BlueAsh.com)
    2. Ordinance No. 2007-26, amending Chapters 131 and 133 of the Code of Ordinances
  - b. Planning & Zoning Committee, James W. Sumner, Chairperson
    1. Ordinance No. 2007-24, amending Section 509.09 of Chapter 509 of the Blue Ash Code of Ordinances regarding noise
    2. Motion setting 7:00 PM, Thursday, June 14, 2007, as public hearing for consideration of changes to Chapter 1167 regarding noise issues within the M-4 Light Industrial District (Ordinance No. 2007-22)
    3. Motion setting 7:05 PM, Thursday, June 14, 2007, as public hearing for consideration of changes to Chapter 1181 regarding commercial real estate signs (Ordinance No. 2007-23)
11. MISCELLANEOUS BUSINESS
12. ADJOURNMENT"

**APPROVAL OF MINUTES**

Councilman Stacey moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of March 22, 2007 and the Work Session of April 12, 2007. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications to Council.

**Reports From Outside Agencies**

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

**Mayor's Report – March 2007**

**RECEIPTS:**

Fines .....	\$ 16,347.00
Bonds & BMV fees carried over .....	\$ 150.00
Interest Earned .....	\$4.30
Bonds collected .....	\$670.00
<b>TOTAL RECEIPTS:.....</b>	<b>\$17,171.30</b>

**DISBURSEMENTS:**

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$12,315.30
To the State of OH .....	\$4,036.00
Refund of Overpaid Fine.....	\$0.00
Bond Money applied .....	\$500.00
Bond Money returned .....	\$ 0.00
BMV.....	\$ 0.00
<b>TOTAL DISBURSEMENTS.....</b>	<b>\$16,851.30</b>
<b>BALANCE IN BONDS: .....</b>	<b>\$320.00</b>
Mayor's Court traffic citations.....	128
Mayor's Court criminal citations	25
Total Mayor's Court cases .....	153
March rev. from Mayor's Ct. Cases:	\$12,315.30

**Financial Report – March 2007**

Vice Mayor Weber moved, Councilman Czerwonka seconded to accept the Financial Report for March 2007 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

***CITY OF BLUE ASH FINANCIAL POSITION STATEMENT - MONTH ENDING MARCH 31, 2007***

MONTH TO DATE	2006	2007
START OF MONTH FUND BALANCE: 3-1-07	\$13,478,564.70	\$15,508,223.19
<u>Revenues:</u>		
Earnings Tax Collections:	1,458,149.71	1,992,245.51
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>421,564.92</u>	<u>1,436,090.55</u>
= Total Monthly Receipts	1,878,714.63	3,428,336.06
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>4,129,507.79</u>	<u>4,103,945.32</u>
= Total Monthly Expenditures:	<u>-4,129,507.79</u>	<u>-4,103,945.32</u>
<b>ENDING FUND BALANCE: 3-31-07</b>	<b>\$11,227,771.54</b>	<b>\$14,832,613.93</b>
YEAR TO DATE	2006	2007
START OF YEAR FUND BALANCE:	12,916,635.98	17,286,456.32
<u>Revenues:</u>		
Earnings Tax Collections:	5,387,898.68	6,004,519.28
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>1,712,652.14</u>	<u>2,502,835.26</u>
= Total Monthly Receipts	7,100,550.82	8,507,354.54
<u>Expenditures:</u>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>8,789,415.26</u>	<u>10,961,196.93</u>
= Total YTD Expenditures:	<u>-8,789,415.26</u>	<u>-10,961,196.93</u>
<b>YTD FUND BALANCE</b>	<b>11,227,771.54</b>	<b>14,832,613.93</b>

100% of the fund balance was invested as of 3-31-07. Interest paid to date on matured investments: \$203,392.20.  
 Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY  
FOR MONTH ENDING MARCH 31, 2007**

MONTH-TO-DATE STATUS	2006	2007
Business Net Profit	270,163.16	208,611.93
Resident Net Profit	31,525.27	38,182.29
Non-Resident Net Profit	8,193.34	10,680.68
Subcontractor Net Profit	954.08	7,983.00
Net Profit Total	310,835.85	265,457.90
Withholding	1,139,199.45	1,706,508.27
Subcontractor Withholding	8,114.41	20,279.34
Withholding Total	1,147,313.86	1,726,787.61
Monthly Collection Totals	1,458,149.71	1,992,245.51
YEAR-TO-DATE STATUS	2006	2007
Business Net Profit	1,024,879.14	496,975.58
Resident Net Profit	115,490.92	133,468.11
Non-Resident Net Profit	31,720.82	47,573.61
Subcontractor Net Profit	3,385.82	11,196.19
Net Profit Total	1,175,476.70	689,213.49
Withholding	4,137,615.51	5,194,594.10
Subcontractor Withholding	74,806.47	120,711.69
Withholding Total	4,212,421.98	5,315,305.79
YTD Collection Totals	5,387,898.68	6,004,519.28
YTD Refund Totals	196,909.32	165,018.61

**HEARINGS FROM CITIZENS**

Jim Dyer, 5275 Myerdale Drive, welcomed the students and asked that everyone on Council who was planning to run for re-election to their Council positions this year raise their hands. All seven Council members indicated they were planning to run for re-election.

Mike Kelly, 9639 Cooper Lane, commented that although he believes the noise ordinance on tonight's agenda is a step in the right direction, he was disappointed to see that construction activity would be allowed on Sundays. Mr. Kelly also expressed concern with the condition of sidewalks in downtown, particularly around the Park Manor residential neighborhood currently under construction at Monroe and Cooper. He commented that although he understands that construction is still in progress, large portions of sidewalk are currently missing along Cooper Road where he and his family frequently walk. He also expressed concern with trash along Cooper Lane.

Barry Schwartz, 11294 Cornell Woods Drive, commented that he resides behind the Grounds Masters business (on Williamson) which has been a frequent source of complaint to the City from residents related to the noise being generated at all hours. He frequently hears the heavy equipment, beeping of vehicles (when in reverse), clanging of tailgates, and other activity. He commented that the ordinance being presented tonight is a start; however, believes the hours are too lax. He commented that Grounds Masters works every day, and sometimes begins work as early as 3:00AM. He believes the restrictions should begin at 5:30PM to allow his family and neighbors the opportunity to enjoy their back yards and decks.

Hearings from Citizens was declared closed at approximately 7:20PM.

**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 April 26th Council Agenda:

**Student Government Day Activities**

To date, 11 students have signed up for Student Government Day activities on Thursday. Of those students, seven are from Sycamore and four are from Ursuline. The students will spend the day at

City hall beginning at approximately 10:15AM, and their day will include discussions, lunch, and tours of the various City facilities and areas of responsibilities. Those expected to participate include:

- Meghan Ashbrock, 9695 Sycamore Trace (Ursuline)
- Brandon Battle, 11057 Lebanon Avenue (Sycamore)
- Lauren Hazelrig, 5131 Brasher Avenue (Sycamore)
- Rachel Lang, 8884 Castleford Lane (we realize this is not in Blue Ash) - Ursuline
- Katie Mahoney, 13 Heritage Road (Ursuline)
- Eddy O'Connor, 9663 West Avenue (Sycamore)
- Natalie Perin, 9781 Cooper Woods Court (Ursuline)
- Abbey Reedy, 10857 Fallsington Court (Sycamore)
- Josh Sharp, 4233 Fox Hollow Drive (Sycamore)
- Stacy Shutts, 4123 Fox Hollow Drive (Sycamore)
- Shang Xiang, 9575 Heather Court (Sycamore)

**4. Special recognition for Police Officers involved with a police pursuit ending in Lincoln Heights in late 2006**

The Police Chief and others from the Department will be present at Thursday's meeting for a special presentation to five Blue Ash officers involved with a late 2006 shooting incident which ended in Lincoln Heights on I-75, after passing through multiple other jurisdictions including Blue Ash. Details of the incident and commendation are included in Council's packets for reference. All five officers are expected to be at Thursday's meeting to personally receive this commendation.

Please direct questions regarding this to the Police Chief at 745-6227.

**10.a.1. Ordinance No. 2007-25 - Authorizing a contract for the redesign of the Blue Ash general website ([www.BlueAsh.com](http://www.BlueAsh.com))**

Funding was included in the 2007 Final Budget for the redesign of the City's general BlueAsh.com website, and Requests for Proposals (RFP's) were recently solicited for the project. The goals of this redesign project are summarized below:

- To incorporate the City's newer "Aspire. Achieve. Advance." logo, slogan, fonts, and colors to compliment the design and branding of the BlueAshAdvance.com economic development website.
- To update and refresh the site's design and appearance, including more multi-media and other current technical website features.
- To expand resident interaction with the site through, for example, information requests, FAQ lists, and E-mail subscription services.
- To include the ability for staff members from multiple departments to expand their department's information on the site and be responsible for content management and updating. Substantial expansion of information is expected especially for the Parks & Recreation, Police, and Fire areas.
- To have a Content Management System (CMS) that is more "user friendly."
- To incorporate a citizen request/complaint management or tracking system.
- To also include the City's intranet in this redesign effort.

The City received five proposals for this redesign project, and we used a team approach to review the proposals. An internal website design team, including members representative of all the City's departments, was formed. All five vendors who submitted a proposal were offered the opportunity to provide a live demo for the seven-member team. Four chose to participate, with three doing a live demo via the internet, and one opting for an in-person demo.

Vendors were asked to emphasize their CMS product, including typical work process and flow. After review of both the written proposals from vendors and their live demos, comments were gathered from all team members, including their "votes" as to vendor preference. Team member comments and "votes" demonstrated a strong consensus, and it appeared clear that two vendors were desired more than others. These two vendors were asked to do another live demo, with this demo also to include more information related to the citizen complaint management system

proposed.

Again, the team recommendation was clear: the recommended vendor for this project, as is included within Ordinance No. 2007-25, is QScend Technologies, Inc., located in Waterbury, Connecticut. Major factors affecting the QScend recommendation include their extensive experience with municipal and quasi government websites (such as chambers), user-friendly CMS, design/creative abilities (based upon other sites done), excellent references and cooperative nature, and cost. QScend was not the lowest cost proposal submitted; however, it was also not the highest. Including an additional on-site training, the Administration estimates the total cost of this project will be in the \$50,000 range, which is under the budgeted amount of \$54,000.

Assuming Council approval of the contract authorized via Ordinance No. 2007-25, the team plans to begin direct work with QScend in late April, and estimates launch of the redesigned site in July.

If Council has any questions regarding the website redesign project, we encourage you to call the Technology Officer at 745-6245 or the Public Information Officer at 745-8510 prior to Thursday's meeting.

**10.a.2. Ordinance No. 2007-26 - Amending Chapters 131 and 133 of the Code of Ordinances**

Ordinance No. 2007-26 addresses a number of items associated with the City's pay plan affecting Chapters 131 and 133 of the Code of Ordinances. A summary of those items is below:

- Amending Section 131.07-1 (Position Classification Plan) to incorporate the newly created Community Development Program Administrator position within the Community Development Office. As was discussed with Council, this will allow for focused efforts in the areas of property maintenance and enforcement. The position will work closely with both the Director and the Assistant Director to improve customer service to residents and businesses in these areas.
- Amending Section 131.07-1 relating to the pay grade for the position of Police Lieutenant. Salary and wage surveys completed for the purposes of negotiation of contracts indicate that the current pay grade for the position of Police Lieutenant is not consistent with the same position in comparable communities. An increase of approximately 7% brings this classification in line with comparable data, while maintaining a suitable differential internally between both Sergeant's pay grade and Captain's pay grade.
- Amending the position description for Assistant Recreation Leader (131.07-98) to include duties related to the management of the fitness center and aquatics. These are service areas in which demand has been steadily growing over the past five years. The addition of responsibilities to this position description will allow the Parks & Recreation Department to adequately address the needs of its members and patrons for improved fitness and aquatics programming while assuring there is adequate staffing in these same areas for the upcoming expansion of the Recreation Center.
- Amending Sections 133.07(i) and 133.13 (a) to reflect changes in the bargaining agreements for Police Dispatchers. These sections are being amended to remove references to Police Dispatchers since these provisions have been addressed separately within the Dispatchers bargaining agreement.

Please direct questions regarding this ordinance to the Human Resources Officer at 745-8530 or to the City Manager.

**10.b.1. Ordinance No. 2007-24 - Amending Section 509.09 of Chapter 509 of the Blue Ash Code of Ordinances regarding noise**

As was discussed with Council at the April 12<sup>th</sup> Work Session, the changes recommended to Section 509.09 address noise-related issues which are enforced through the Police Department.

The only proposed changes to Section 509.09 from those presented at the April 12<sup>th</sup> Work Session are summarized below:

- In part (d), the standard was changed to "... audible on any adjacent property except between the hours of 7:00 a.m. and 11:59 p.m..." instead of the 10:00 p.m. end-time.
- The addition of part (i)(4), which clearly exempts City operations and activities, since they are deemed to be for the public benefit.

A marked-up copy of this section is included with Council's ordinance to show the changes

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compared to how the section reads today.



Please direct questions regarding this ordinance to the City Manager or the Assistant Community Development Director at 745-8528.

**10.b.2. Motion setting 7:00 PM, Thursday, June 14, 2007, as public hearing for consideration of changes to Chapter 1167 regarding noise issues within the M-4 Light Industrial District (Ordinance No. 2007-22)**

This motion would appropriately set a public hearing for the changes being proposed to Chapter 1167 relating to noise issues within the M-4 (Light Industrial) District of the City. As was explained at the Work Session of April 12<sup>th</sup>, the process for changes to this Chapter of the Code require review by Planning Commission, advertising, and a public hearing.

Please direct questions to the City Manager or Assistant Community Development Director at 745-8528.

**10.b.3. Motion setting 7:05 PM, Thursday, June 14, 2007, as public hearing for consideration of changes to Chapter 1181 regarding commercial real estate signs (Ordinance No. 2007-23)**

Similarly, this motion appropriately sets a public hearing for the changes discussed to Chapter 1181 relating to commercial real estate signs as discussed at the April 12<sup>th</sup> Work Session. Similar to the changes proposed for Chapter 1167, changes to Chapter 1181 require review by Planning Commission, advertising, and a public hearing.

Please direct questions to the City Manager or Assistant Community Development Director at 745-8528.”

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

Councilman Bryan asked the Clerk to read Ordinance No. 2007-25 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-25

AUTHORIZING CONTRACT FOR SERVICES  
ASSOCIATED WITH THE REDESIGN OF THE CITY'S  
GENERAL WEBSITE (WWW.BLUEASH.COM); AND  
DECLARING AN EMERGENCY

Councilman Bryan moved, Councilman Czerwonka 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, Bryan, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2007-25. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2007-25 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2007-26 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-26

AMENDING SECTIONS 131.07-1, 131.07-14, AND 131.07-  
98 OF CHAPTER 131 OF THE BLUE ASH CODE OF  
ORDINANCES; AMENDING SECTIONS 133.07(i) AND  
133.13(a) OF CHAPTER 133 OF THE BLUE ASH CODE  
OF ORDINANCES; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2007-26. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2007-26 passed.

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

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2007-24 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-24

AMENDING SECTION 509.09 OF CHAPTER 509 OF THE BLUE  
ASH CODE OF ORDINANCES REGARDING NOISE; 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 Czerwonka, Bryan, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2007-24. Discussion followed.

Vice Mayor Weber expressed concern with portions of the proposed changes, especially wording within paragraphs (d) and (h). He expressed concern with the attempt to over-regulate noise within residential areas and with the change of the word “objectionable” to “audible” within paragraph (d). Deputy Solicitor Pacheco explained that the change was suggested (and also approved by Solicitor Mark Vander Laan) in attempt to avoid confusion as he believed that the word “objectionable” might be too subjective of a measure. Mr. Pacheco also clarified that the examples of “normal” noise listed within the paragraph are not intended to be all-inclusive – they are simply examples. Councilman Weber commented that the challenge for the City is to strike a balance so that such regulations do not drive out residents. Overall, he believes such issues with noise may be best addressed by way of the City working with the companies causing disruption to allow those companies to continue to do their business; however, in a manner that will also protect our residential areas.

Councilman Sumner also expressed concern with the proposed ordinance and explained his discomfort with what he believes are too-subjective standards. It is his opinion that the most objective measure of noise is based upon numeric standards of sound levels, as the Code currently exists today with the 60-decibel limit. This numeric limit is also how the US EPA measures such problems as well. He also expressed concern with the intent to take the noise issues beyond construction activity and believes it inappropriate to impose legislation impacting businesses that exist in Blue Ash today. He believes such legislation could put Blue Ash at an economic development competitive disadvantage. In addressing a question from Councilman Sumner as to how this ordinance would affect existing businesses, Mr. Pacheco explained that it would be the noise that would be considered unlawful (during those restricted times) – not the underlying activity.

Councilman Bryan commented that he believes the ordinance is appropriate and effective as proposed, especially in those cases where the City has already attempted to work with existing businesses creating sound issues for residential areas, such as Grounds Masters.

In addressing a comment from Councilman Sumner regarding the potential of the ordinance creating an economic development disadvantage, Councilwoman Stoller disagreed, as it is her belief that businesses will still choose Blue Ash; however, certain types of businesses which have the potential of creating outside noise will simply locate within other areas of Blue Ash, rather than near residential areas.

In explaining how the wording in paragraph (d) was derived, Assistant Community Development Director Dan Johnson and Mr. Pacheco commented that other city's codes were researched, with the suggested wording based somewhat upon that research of what has proven effective in other communities. City Manager David Waltz also clarified that it is only during the restricted hours when the noise would become prohibited – not 24 hours a day.

Councilman Sumner moved to table this ordinance to allow further consideration and adjustment to address concerns expressed by Council tonight. (No second to this motion was made.)

After more discussion, it was suggested that wording as currently proposed be amended to satisfy concerns of some Councilpersons as expressed at tonight's meeting. Those amendments include, within paragraph (d), changing the word "audible" to "objectionable," and within paragraph (h) changing the phrase "inside of a structure" to "within a completely enclosed structure."

Vice Mayor Weber moved, Councilman Sumner seconded to amend the ordinance to include the above-described revisions within paragraphs (d) and (h). The Clerk was asked to call the roll on the motion to amend the ordinance as described. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeses. Motion passed. Ordinance No. 2007-24 amended.

The Clerk was asked to read the amended ordinance by title only. That amended Ordinance No. 2007-24 title as read:

ORDINANCE NO. 2007-24

AMENDING SECTION 509.09 OF CHAPTER 509 OF THE BLUE  
ASH CODE OF ORDINANCES REGARDING NOISE, AS  
AMENDED; AND DECLARING AN EMERGENCY

Councilman Sumner moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance as amended. The Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Weber, Stacey, and Mayor Buckman voted yes. Councilman Sumner voted no. Six yeses. One no. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-24 as amended. The Clerk called the roll. Councilpersons Bryan, Stoller, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Councilman Sumner voted no. Six yeses. One no. Motion carried. Ordinance No. 2007-24 passed as amended.

Councilman Sumner moved, Councilwoman Stoller seconded to set 7:00 PM, Thursday, June 14, 2007, as public hearing for consideration of changes to Chapter 1167 regarding noise issues within the M-4 Light Industrial District (Ordinance No. 2007-22). A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilman Stacey seconded to set 7:05 PM, Thursday, June 14, 2007, as public hearing for consideration of changes to Chapter 1181 regarding commercial real estate signs (Ordinance No. 2007-23). A voice vote was taken. All members voted yes. Motion carried.

**MISCELLANEOUS BUSINESS**

In addressing a question from Public Information Officer Sue Bennett, Council indicated no problem with the intent for members to walk in the Memorial Day Parade (vs. riding in vehicles).

City Manager David Waltz offered congratulations to Fire Chief Rick Brown who, in May, will graduate from the Ohio Fire Executive Program. Mr. Waltz commented that Chief Brown is the first Blue Ash fire officer ever to graduate from this 2½-year leadership program, and Mr. Waltz also mentioned that Chief Brown received the highest grade in

the class and has been chosen as the class spokesperson. Council and all those in attendance applauded Chief Brown on his accomplishment.

Mr. Waltz welcomed to the meeting the new Assistant to the City Manager, Kelly Osler, as this is Ms. Osler's first "official" Council meeting. Mr. Waltz commented that Kelly is from the Dayton, Ohio area and served in a similar role for the City of Clayton, which is northwest of Dayton. Ms. Osler earned her Master of Public Administration degree from the University of Dayton and officially began work with Blue Ash on April 16th.

Mr. Waltz commented on a note included within Council's packets regarding proposed dates for Open Houses associated with the Recreation Center expansion project. Those proposed dates and times are Thursday, May 10<sup>th</sup>, from 4:30 to 6:30PM and on Saturday, May 19<sup>th</sup>, from 10:00AM to Noon, at the Recreation Center. Councilman Sumner suggested expanded hours to better accommodate those residents who work. After some discussion, Councilman Stacey moved, Councilwoman Stoller seconded to establish the open houses for Thursday, May 10<sup>th</sup>, from 4:30 to 6:30PM and Saturday, May 19<sup>th</sup>, from 10AM to Noon at the Recreation Center. A voice vote was taken. All members voted yes. Motion carried.

Mr. Waltz suggested that an Executive Session be added to the May 10<sup>th</sup> meeting to allow Council the opportunity to discuss three vacancies that currently exist on the City's volunteer boards and commissions -- one each on the Charter Revision Committee, Board of Tax Review, and Board of Site Arrangement/Zoning Appeals. Council had no objection.

Mr. Waltz mentioned that it is likely that the City's engineers, CDS Associates, will make a presentation at the June 14<sup>th</sup> meeting regarding their recommendations associated with the Plainfield Road/Hunt Road corridor study.

Mr. Waltz gave a brief update of the Golf Course Clubhouse project. The project architect (Steed Hammond Paul) was recently asked to derive four different plans along with related parameters associated with course layout, and was also asked to prepare cost information on these various alternatives. He anticipates this information will be presented to Council sometime this fall.

Mr. Waltz commented that for the May 24<sup>th</sup> Council meeting, a discussion with the downtown streetscaping consultant (Kinzelman Kline Gossman) is anticipated to discuss and present preliminary proposed standards and styles to Council of potential downtown streetscaping themes.

Deputy Solicitor Bryan Pacheco gave a brief update to Council of Ohio House Bill 154 which affects Mayor's Court activity for Ohio municipalities. The Bill has been presented to the General Assembly and proposes to eliminate Mayor's Courts and to create instead "community courts" effective January 1, 2008. He intends to keep Council apprised of the status of this Bill.

Councilman Sumner noted the sad event of the passing of Elizabeth Hunt ("Betty") Bell this week. He commented upon Mrs. Bell's kindness and graciousness and upon the fact that she and her family are so pleased to have the City preserving their family's historic homestead.

Councilman Weber commented upon how much he enjoys the student government day activities and lightheartedly mentioned the unique opportunity for them to witness legislation "in the making," referring to earlier discussion related to Ordinance No. 2007-24.

Councilman Stacey complimented the students on their participation this evening. He also commented on an article within a CDS Associates newsletter relating to potential grants available for construction of sidewalks near schools. He suggested the City investigate whether Blue Ash could benefit from such grant application given their community "connectivity" goals.

Councilman Bryan also complimented the students on their participation and commented

on how well they represented themselves and their schools this evening. He wished them well in their continued studies.

Mayor Buckman mentioned that this is his eighth student government day, and asked if the students had anything to add. All students individually thanked Council and the City for the opportunity to participate in the event and indicated that they greatly enjoyed the day and evening activities.

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilman 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 8:12PM.

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Robert J. Buckman, Jr., Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council