

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on May 10, 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, Solicitor Mark Vander Laan, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, Assistant to the City Manager Kelly Osler, 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.

ACCEPTANCE OF AGENDA

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

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL – 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 April 26, 2007
7. COMMUNICATIONS
 - a. Communications to Council – Deputy Clerk of Council Susan K. Bennett
 - b. Reports From Outside Agencies
 - c. Proclamation – Public Works Week – May 20-26, 2007
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
 - a. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Ordinance No. 2007-27, transferring funds
 2. Motion setting 7:00PM, Thursday, July 12, 2007 as public hearing regarding the 2008 Tax Budget
 - b. Public Works Committee, Henry S. Stacey, Chairperson
 1. Ordinance No. 2007-28, awarding bid for the Creek Road/Reed Hartman Highway Sidewalk project
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION – Personnel Matters
12. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Czerwonka moved, Councilman Bryan seconded to approve the minutes of the regular meeting of April 26, 2007. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were no communications presented to Council.

Reports From Outside Agencies

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

Proclamation – Public Works Week

Mayor Buckman announced the issuance of a Public Works Week proclamation, proclaiming May 20-26, 2007 as Public Works Week. That proclamation is spread below:

“Whereas, public works services in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, solid waste collection, snow removal, and waste reduction activities, such as recycling; and

Whereas, the health, safety, and comfort of this community greatly depend on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials and personnel; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Now, Therefore, I, Robert J. Buckman, Jr., Mayor of the City of Blue Ash, Ohio, do hereby proclaim May 20 through May 26, 2007 as PUBLIC WORKS WEEK in Blue Ash, Ohio and call upon all citizens and civic organizations to acquaint themselves with the challenges involved in providing our public works and to recognize the contributions that public works officials and personnel make everyday to our health, safety, and comfort.

In Witness Whereof, I have hereunto subscribed my name and caused the Seal of The City of Blue Ash, Ohio to be affixed this 10th day of May in the Year of Our Lord Two Thousand and Seven.”

HEARINGS FROM CITIZENS

No citizens wished to address Council.

COMMITTEE REPORTS

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

“The following offers a brief description of the topics included on the May 10th Council Agenda:

9.a.1. Ordinance No. 2007-27 - Transferring funds

Several issues require the presentation of a transfer ordinance to Council at this meeting. Although an attachment is provided summarizing the recommended adjustments to the Final Budget for 2007, it is unusually complex and somewhat difficult to follow. Therefore, we are recommending reliance upon this description for explanation.

Although there are two minor shifts in the Technology and Facilities Maintenance areas within existing expenditure appropriations, the primary purpose of this transfer is to address the following four issues:

- To provide for the closure of the Reed Hartman Highway Widening (Phase II) Fund No. 448 and to provide for the transfer of balances in that fund to the General Bond Retirement Fund.
- To provide funding in the Bond Fund for the issuance of a bond in 2007 for the Recreation Center project.
- To provide the resources to pay an expected, but unbudgeted, net profit refund to a major taxpayer in the amount \$750,000.
- To provide for a shift of salary and benefit expenditure appropriations from the Service Department accounts (SCMR) to Community Development to accommodate the newly-created Community Development Program Administrator position occupied by Rich Dole.

Although a portion of the Phase II widening of Reed Hartman Highway project was funded internally, significant resources were secured through the issuance of a General Obligation Bond in the amount of \$3,700,000 in October 2005. Now that the project has been completed and all components finalized, the opportunity exists to appropriate any remaining interest revenue earned in that fund, and to provide for the transfer of all balances to the General Bond Retirement Fund No. 331. It is required by State law that unused funds provided for the issuance of a bond be returned to the General Bond Retirement Fund upon closure. The amount of funding contained within Fund No. 448 is \$464,379.51.

At the time the Proposed and Final Budgets were prepared for the current year, it was anticipated that this fund would close during 2007. However, no provision was provided within the Budget given the uncertainty as to the amount that would be available. As a result, these funds represent supplemental resources to the General Bond Retirement Fund and allow a reduction in support (via transfer) from the General Fund. This effort essentially frees up General Fund resources.

Although the Tax Commissioner and Treasurer do monitor all net profit accounts with a significant credit balance (and thus the potential for request of a refund), no provisions were contained within the Proposed or Final Budgets for such an occurrence. A major Blue Ash taxpayer has requested a net profit refund of \$750,000, and funding adjustments are needed via transfer to accommodate the payment of that refund request. As Council is aware, it is not unusual for Blue Ash businesses with significant net profit accounts to accumulate significant credit balances for either potential refund or utilization in satisfying the current year's declaration liability.

The transfer is structured to satisfy that refund payment from three sources. A total of \$100,000 will be utilized from the Net Profit Refund Account as contained in the Final Budget. The remaining \$650,000 will be funded partially through the appropriation of a 2007 overcollection in inheritance tax of \$319,000. (The budget was \$450,000 – we collected \$744,164.), with the remaining amount from the utilization of a portion of General Fund transfers freed up through the closure of the Reed Hartman Highway Fund No. 448. These adjustments to the General Bond Retirement Fund also include the appropriation of additional expenditure appropriations to accommodate the plan to issue a bond to expand the Recreation Center, as compared to the intended usage of Bond Anticipation Notes.

Finally, the need exists to transfer a total of \$61,500 from the Service Department Salary and Benefit Accounts to the Community Development area to provide funding for the shift in staff and the creation of the Community Development Program Administrator under Ordinance No. 2007-26.

Please direct questions regarding the transfer to the Treasurer at 745-8507.

9.a.2. Motion setting 7:00PM, Thursday, July 12, 2007 as public hearing regarding the 2008 Tax Budget

As is customary this time of year, this motion sets the public hearing date for the 2008 Tax Budget for July 12, 2007 at 7:00 PM. It is necessary to hold a public hearing and to thereafter present Council with a resolution for the Budget's acceptance, as has been the practice in the past. A copy of the Tax Budget will be available for review by the public, and

Council's copy will be delivered in early July.

Please direct any questions regarding this motion or the tax budget process to the Treasurer.

9.b.1. Ordinance No. 2007-28 - Awarding bid for the Creek Road/Reed Hartman Highway Sidewalk project

As Council is aware, Ethicon Endo-Surgery has requested the City's assistance in constructing sidewalks in the Creek Road/Reed Hartman Highway area to assure safe passage for its employees and clients to and from its campus from surrounding buildings and hotels. The City has previously installed crosswalks and walk/wait lights at the intersection of Creek and Reed Hartman as part of this endeavor and has now designed a sidewalk/bikepath project to complete the effort. This project will also address the City's desire to construct various connective pathways throughout the City for pedestrians and bicyclists to easily and safely navigate from one neighborhood to another and to various City amenities such as parks, schools, shopping areas, restaurants, banks, etc. (It should also be noted that Ethicon plans on making a financial contribution related to this sidewalk construction project of \$25,000.)

The construction project was advertised in the *Northeast Suburban Life Press* on Wednesday April 18, 2007, and bids were publicly opened on Wednesday May 2, 2007. Bids were received from four companies, all of which met project requirements. The Service Director and CDS's engineering personnel reviewed the bids, and the recommendation is to award the project to Jackson Construction, Inc of Trenton, Ohio.

Please direct questions regarding this ordinance to the Service Director.

Miscellaneous Business

A separate memo has been included with Council packets regarding updates to the design of the Recreation Center expansion project. Mike Schuster will be at the meeting to make a brief presentation and to answer questions. Based upon Council's reaction to the discussion, the Administration anticipates asking Council's approval to move forward with preparation of final plans and bid advertisement soon thereafter.

Please call the Parks & Recreation Director if you have questions regarding this issue."

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Deputy Clerk to read Ordinance No. 2007-27 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-27

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2007-3 FOR THE YEAR 2007 (AS SHOWN ON ATTACHMENT); 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 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. 2007-27. There being no discussion, the Deputy Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2007-27 passed.

Councilman Bryan moved, Councilman Sumner seconded to set 7:00PM, Thursday, July 12, 2007 as public hearing regarding the 2008 Tax Budget. 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. 2007-28 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-28

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

Councilman Stacey 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 yeases. Motion carried.

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2007-28. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2007-28 passed.

MISCELLANEOUS BUSINESS

Recreation Center Expansion Discussion

The following memo was provided to Council prior to the meeting relating to the first item of discussion under Miscellaneous Business:

“Since the last presentation by Michael Schuster Associates (MSA), we have been researching basement options and other items affecting the Recreation Center Expansion Project.

An item that we would like to discuss under Miscellaneous Business at Thursday’s meeting relates to the basement option. We are now proposing that the optional basement be located beneath the new fitness area component, in lieu of an optional basement beneath the new gymnasium. This option has several advantages:

- It allows us to retain the existing racquetball courts and, in effect, maintain all of our current amenities.
- It connects the original 1978 basement with the basement under the newer current gymnasium and meeting rooms.
- It allows elevator access from the new two-story addition down to the basement level.
- It allows for future meeting room expansion if desired.
- It reduces the need for the relocation of some utilities, such as storm sewer located to the south of gymnasium two (the existing newer gym).

The cost ramifications of this option are summarized below:

- The cost estimate for the 9,150 square foot basement, as proposed below the new fitness center, is \$885,000. The previous cost estimate for the basement beneath the new gymnasium was \$800,000.
- If the decision is made to include basement space underneath the fitness center area, then it would make sense for the optional expense associated with HVAC improvements to a basement space (to make that space functional for potential additional meeting room space) to be made to this new portion of the basement – not the area proposed previously within the existing 1993 basement space. The estimated cost for this HVAC work to the basement area under the fitness center is essentially the same as was previously proposed: \$120,000.

- There is a savings of an estimated \$65,000 resulting from the deletion of an entry feature that would no longer be required near new gymnasium.

The intention is to bid the expansion project in phases, and the first phase of the project would consist of construction of the new gymnasium. To keep the project on schedule, at this Thursday's meeting, the Administration will request Council's verbal authorization to proceed with plan and spec development given these new options and subject to the two scheduled Open Houses. The Administration and Architect will keep in mind the potential of fine-tuning based upon suggestions or comments that could result from input at the upcoming Open Houses.

If Council approves moving forward as suggested this Thursday, it does not necessarily mean that a new basement will be built. It simply means that the specifications will be written in such a way to include these items (HVAC and basement under fitness center) as options. The changes discussed above allow for the racquetball courts to be salvaged and would eliminate the option of a basement below the new gymnasium. If Council would determine later not to proceed with the basement option under the fitness center, then there will be no opportunity to revisit the gymnasium basement option as that facility will already be under construction."

Parks & Recreation Director Chuck Funk explained that a brief presentation is planned this evening regarding the Recreation Center expansion project. Architect Michael Schuster from Michael Schuster Associates and Construction Manager Doug Murdock of Schumacher Dugan were present to discuss the project.

Mr. Schuster explained that since the last presentation, the team has been looking more closely at the basement options and other items affecting the expansion project. The current thought is to locate an optional basement under the new fitness center area as compared to the previous thought of including a basement option under the new gym. He explained benefits of including basement area under the fitness center portion of the new building, such as the potential of additional meeting space in the basement level; the ability to keep the existing racquetball courts (while still having a small lobby and additional restrooms near the gym areas); improved connectivity between the existing basement areas (1979 and 1993) and the new potential basement area, including elevator access from the new two-story fitness addition down to the basement level; and efficiencies related to the reduced need to relocate some utilities compared to the basement-under-the-new-gym scenario.

Mr. Murdock commented that the previous cost estimate of the basement under the new gym was approximately \$800,000. The cost estimate with the revised scenario of constructing the basement under the fitness area is approximately \$820,000. He added that this latter scenario would also allow the City to maintain the racquetball courts, thereby alleviating staff concern of eliminating an existing Center amenity.

Mr. Schuster explained the intent to phase the project's construction. Phase I would consist of the construction of the new gym. If Council decided this evening to proceed with the thought to include optional basement area under the new fitness area (a portion of Phase II construction), then plans and specs for Phase I would move forward with no basement option. Phase II, to be bid later in the summer, would include the optional basement under the fitness area, as well as the bulk of the construction project (all but the new gym). It was explained to Council that if the decision was made at that point (after bidding of Phase II and after Phase I construction began) not to move forward with the basement option under the fitness area, then "there's no going back" with the basement option – there would be none with the project since at that point, Phase I (construction of the new gym) will already be underway.

In addressing a question from Councilman Czerwonka, Mr. Schuster commented that with the revised scenario, the elevator would be able to be extended to the lower level.

Councilman Bryan commented that including the basement option under the fitness area would provide storage space as well as potential meeting room space (if so desired). It is his belief that this option offers more project functionality and would be the smart thing to

Page 7

do. Mr. Murdock added that this scenario would also expedite the overall construction process.

In addressing a question from Councilwoman Stoller, Mr. Schuster pointed out where on the plans current meeting room space is located in the existing basement. Mr. Schuster mentioned that he believes the revised basement option would make it necessary to separate the existing meeting rooms in the basement; however, additional overall meeting room space would result. He mentioned that it is early in the process and once more detailed plans are completed, they will know more about this area. There may be a potential need for additional restrooms or mechanical work to accommodate that additional meeting room space. It was also mentioned that the existing "Blue Conference Room" (on ground level) would remain unchanged.

In addressing questions from Councilman Sumner, Mr. Schuster commented that the new proposed open staircase, along with elevator access, would assure the lower level areas available for public use would be easily accessible. Mr. Schuster also mentioned that bringing in more natural light to the lower level, other than through the already-planned open staircase, would be difficult since level 1 is at grade.

In addressing questions regarding timing, Mr. Funk explained that the desire is to award Phase I construction (new gym) in July, with construction to begin in August. Phase II bidding would take place later in the summer or in the fall, with construction beginning later in the fall. Once the new gym is constructed (and before the final floor is placed), that new area would be used as temporary locations of other functions of the center to be affected by Phase II construction.

City Manager Waltz summarized that Council approval this evening to move forward with work on detailed plans and design under the revised scenario of including an optional basement under the fitness center area, as a part of Phase II construction, would eliminate the opportunity to have a basement in the rear (under the new gym). If the basement option in Phase II were not chosen after bidding, then there is no opportunity otherwise for the addition of basement space with this expansion project. There would also be opportunity to make adjustments to plans based upon suggestions or comments received from citizens at the May open houses. After some discussion, no Council member expressed objection to the revised scenario of including a basement option within Phase II (under the fitness center area). Council also expressed no objection to moving forward with development of final design and plans.

Other Miscellaneous Business

City Manager Waltz asked that Council review information that was placed on desks this evening relating to the future Performing Arts & Conference Center (PACC) and the potential of County hotel/motel tax monies being directed towards its construction. He explained that the report represents a position statement that is planned for near-future presentation to Hamilton County Commissioners (those meetings planned for late May and June).

Councilman Czerwonka complimented the City on the flower boxes recently placed in downtown.

Mayor Buckman wished City Manager David Waltz a belated happy fortieth birthday.

EXECUTIVE SESSION

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

After matters pertaining to personnel were discussed, Councilman Sumner moved, Councilman Bryan seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Stacey seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:47 PM.

Robert J. Buckman, Jr., Mayor

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council