

BLUE ASH CITY COUNCIL

May 10, 2012

Page 1

**1. MEETING CALLED TO ORDER**

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on May 10, 2012. Mayor Mark F. Weber called the meeting to order in Council Chambers at 7:00 PM.

**2. OPENING CEREMONIES**

Mayor Weber led those assembled in the Pledge of Allegiance.

**3. ROLL CALL**

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

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Assistant City Manager James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Gordon Perry, Administrative Assistant Karla Plank, and interested citizens

**4. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS**

Mayor Weber appointed James Pfeffer to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

**5. ACCEPTANCE OF AGENDA**

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

1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL –Clerk of Council Jamie K. Eifert
4. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
  - a. Regular Meeting of April 26, 2012
  - b. Special Meeting of May 1, 2012
7. COMMUNICATIONS
  - a. Communications to Council –Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Proclamation – Public Works Week, May 20-26, 2012 – Honorable Mark F. Weber
  - d. Proclamation – Click It or Ticket, May 21-June 3, 2012 – Honorable Mark F. Weber
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Motion setting 7:00 PM, Thursday, July 12, 2012 as public hearing for consideration of the 2013 Tax Budget
    2. Ordinance No. 2012-26, authorizing the City Manager to grant exceptions to existing limitations on conversions of vacation and compensatory time
    3. Ordinance No. 2012-27, authorizing the creation of a new capital project construction fund #444 (Carver Road Rehabilitation Project)
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION
  - a. Personnel Matters
  - b. Property Acquisition
12. ADJOURNMENT

BLUE ASH CITY COUNCIL

May 10, 2012

Page 2

**6. APPROVAL OF MINUTES**

Councilman Buckman moved, Vice Mayor Czerwonka seconded to approve the minutes of the regular meeting of, April 26, 2012 and special meeting of May 1, 2012. A voice vote was taken. All members present voted yes. Motion carried.

**7. COMMUNICATIONS**

**a. Communications to Council**

There were no communications presented to Council.

**b. Reports From Outside Agencies**

There were no communications presented to Council.

**c. Proclamation – Public Works Week, May 20-26, 2012 – Honorable Mark F. Weber**

The Clerk was asked to read in full the following proclamation designating the week of May 20 to 26, 2012 as “Public Works Week”:

“**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, sidewalks and bike paths, facilities, 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 these efforts and skill of public works personnel and officials; 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, Mark F. Weber, Mayor of the City of Blue Ash, Ohio, do hereby proclaim May 20 through May 26, 2012 as “**PUBLIC WORKS WEEK**” in the City of Blue Ash, Ohio, and hereby 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 every day 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, Two Thousand and Twelve.”

**d. Proclamation – “Click It or Ticket” Mobilization Awareness, May 21-June 3, 2012 – Honorable Mark F. Weber**

The Clerk was asked to read in full the following proclamation designating the week of May 21 to June 3<sup>rd</sup> as “Click It or Ticket” Mobilization Awareness:

“**WHEREAS**, the safety and security of the citizens of the City of Blue Ash, Ohio and surrounding areas are vitally important; and

**WHEREAS**, a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and

**WHEREAS**, the use of seat belts in passenger vehicles saved an estimated 12,546 lives in 2010; and

**WHEREAS**, regular seat belt use is the single most effective way to protect people and to reduce fatalities in motor vehicle crashes; and

**WHEREAS**, the use of seat belts is supported by the laws of the City of Blue Ash, Ohio; and

**WHEREAS**, May 21 through June 3, 2012, has been selected as the national “*Click It or Ticket*” mobilization enforcement period; and

**WHEREAS**, across the country, law enforcement offices will actively be participating in the

BLUE ASH CITY COUNCIL

May 10, 2012

Page 3

mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes; and

**WHEREAS**, increased enforcement of seat belt laws, coupled with publicity, has proven to be an effective method to increase seat belt use rates and decrease fatal crashes.

**NOW, THEREFORE**, I, Mark F. Weber, Mayor of the City of Blue Ash, do hereby proclaim May 21 through June 3, 2012 "**Click It or Ticket**" mobilization in the City of Blue Ash, Ohio, and hereby urge Blue Ash citizens to always wear seat belts when driving or riding on our roadways.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and caused the seal of the City of Blue Ash, Ohio, to be affixed this 10<sup>th</sup> day of May, Two-Thousand and Twelve."

**8. HEARINGS FROM CITIZENS**

Scott Meyer, 7107 Overton Way, Deerfield Township, spoke about the Blue Ash Airport. Within the last 30 days, a lot of pieces of information were learned about our airport. At the last Council Meeting, Ralph Hill from Greenwood, Indiana, spoke that running a profitable airport is not only possible, but Mr. Hill has been doing it for the last several years in what is arguably the worst economy that many of us has lived through. It was also presented that dealing with the FAA is certainly possible and Mr. Hill hires out that responsibility. Bob Ready indicated that he would pledge up to \$1.5 million to build a hangar and to house his B-17 Memorial. The airport reconfiguration can be done for a fraction of what was originally thought. He stated that Blue Ash's portion of the reconfiguration is less than \$2 million which is already earmarked for that purpose. A number of local airports have received millions of dollars in FAA funding over the last several years. Mr. Meyer represented that the runway can be resurfaced for around \$400,000 and not \$4 million as previously stated. In addition, the FAA has grant money readily available to accomplish the resurfacing task. Finally, Cincinnati has unrealistic expectations of the value of that land. Considering this, Mr. Meyer believes that Council owes it to themselves and the community to make an offer for the remaining 98-acres of property. Mr. Meyer indicated that he spoke yesterday morning to John Curp, Cincinnati's City Solicitor, who was very clear that Cincinnati is still open to accepting offers and he would certainly consider something from Blue Ash.

Mr. Meyer thanked Council for their time over the last few weeks.

Dorie Comer, 11123 Jardin Place, discussed with Council storm water issues that resulted in damage to her finished, carpeted, lower level condo. The same thing happened to her last year. Her property has an existing French drain put in place by the Home Owners Association. Last year, Ms. Comer had two additional drains installed – one adjacent to the foundation and another drain at the edge of her neighbor's property which is called the Woodlands area. The water in her home is not a seepage problem because with the three drains in operation, the rushing water from the Woodlands area directly behind her home, totally overwhelms the system. The ground behind her is sloped toward her home. She is that last home in the channel of about 3 yards where the water cascades into her backyard like a waterfall. Her property line is next to the Woodlands. She requests the City of Blue Ash and Council Members to look at the slope of the land on the adjacent properties to assess the situation. A drain on that property diverting the water away from Ms. Comer's foundation is suggested. The drain could be set in the southward direction toward the creek which is a natural downward flow and would not affect any of the homes in the area, both the Woodlands and Jardin Des Fleur.

City Manager David Waltz indicated to Ms. Comer that Public Works Director Gordon Perry will discuss this matter after the meeting or can give her a call.

Joe Semrad, 11127 Jardin Place, indicated there is a metal treatment plant on the road beyond Bonnie Lynn Bakery that recently installed new scrubbers. The noise that comes out of the scrubbers comes directly into his property. The residents cannot sit outside of their property as the scrubbers run from early morning to midnight throughout the week. On Saturdays, the plant is supposed to be finished working at noon; and at times, the plant works on Sundays. It was Mr. Semrad's understanding that someone from Blue Ash came out and measured the ambient noise level which exceeds the City's standards. He would like to know from the City what is happening with this matter because the noise is constant. His property is more than two blocks from the plant and it is unbearable to sit on his patio.

Hearings from Citizens was declared closed at 7:16 PM.

May 10, 2012

Page 4

**9. COMMITTEE REPORTS**

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

“This memo offers a brief description of the topics included on the May 10<sup>th</sup> Council agenda.

**9.a.1. Motion setting 7PM, Thursday, July 12, 2012 as public hearing for consideration of the 2013 Tax Budget**

As is customary this time of year, this motion sets the public hearing date for the 2013 Tax Budget for July 12, 2012 at 7:00 PM. It is necessary to hold a public hearing and, 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.a.2. Ordinance No. 2012-26 - Authorizing the City Manager to grant exceptions to existing limitations on conversions of vacation and compensatory time**

The recommendation has been made by the Administration, given current economic times, to consider the possibility of granting exceptions to the City's existing limitations upon the payout of an employee's accrued vacation and/or compensatory time. This recommendation was first made (and approved by Council) in 2009, and would not only assist an employee in a time of need (for instance, should a spouse be laid off or for HSA funding), but it also could benefit the City as such a disbursement could minimize future expense to the City of such payouts. The ordinance, if approved by Council, would allow the City Manager to continue to apply guidelines upon which individual requests could be submitted, and would also take into consideration the need to amend the collective bargaining unit contracts in place. Evaluation of each request would be made on its own merit, considering the overall benefit to the City as well as to the employee. The recommendation would be to provide this authority through the 2012 pay year.

Please direct questions regarding this ordinance to the City Manager or Treasurer.

**9.a.3. Ordinance No. 2012-27 – Authorizing the creation of a new capital project construction fund #444 (Carver Road Rehabilitation Project)**

The Public Works Director, working with the City's engineering firm, CDS associates, continues to work on this major project, which is expected to begin in Spring 2013. Carver Road requires significant “full-depth” renovation, and this project also includes new storm drainage components as well as sidewalks. The City has been awarded a 10-year no interest loan to assist with financing this work. It is, therefore, necessary for City Council to authorize the creation of the project fund within the City's accounting structure.

The Treasurer has assigned Construction Fund #444 to this project and seeks authorization to establish necessary revenue and expenditure components of this fund so that financial transactions associated with the project can be properly tracked, in accordance with good accounting practice.

Please direct questions regarding this ordinance to the Treasurer, or to the Public Works Director.”

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

Councilman Bryan moved, Councilman Adamec seconded to set 7PM, Thursday, July 12, 2012, as public hearing for consideration of the 2013 Tax Budget. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Bryan asked the Clerk to read Ordinance No. 2012-26 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2012-26

AUTHORIZING THE CITY MANAGER TO GRANT EXCEPTIONS THROUGH THE END OF THE 2012 PAY YEAR TO LIMITATIONS ON CONVERSIONS OF ACCRUED VACATION AND COMPENSATORY TIME AS OUTLINED WITHIN CHAPTER 133 OF THE BLUE ASH CODE OF ORDINANCES OR WITHIN COLLECTIVE BARGAINING AGREEMENTS; AND DECLARING AN EMERGENCY

BLUE ASH CITY COUNCIL

May 10, 2012

Page 5

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2012-26. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2012-26 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2012-27 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2012-27

ESTABLISHING A CAPITAL IMPROVEMENT FUND: CARVER  
ROAD REHABILITATION PROJECT – FUND NUMBER 444; AND  
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Buckman seconded to adopt Ordinance No. 2012-27. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2012-27 passed.

**10. MISCELLANEOUS BUSINESS**

Mr. Perry indicated that the construction on Plainfield Road overpass at Ronald Regan Highway is an ODOT project which involves the rehabilitation of the bridge overpass. It has been a difficult construction project because of it being one of the heaviest used intersection of the City. Public Works has been working with the Police Department to try to make the traffic situation as good as it can be and appreciates their help. Traffic has eased considerably as people are finding alternate routes through the City. The contractor is making progress in getting this project completed. A lane change will be made towards the end of the month, once the existing section is completed in the center four lanes. The closure will then be moved to the outside lanes and that should help ease the traffic issues that have been experienced. The contractor is trying to expedite the project because of the burden that is being placed on the City and to have it completed prior to the July 4<sup>th</sup>.

Mr. Perry further indicated that today the City was notified of a sanitary sewer water leak on Hunt Road by Bluewing. MSD has been contacted who are dispatching crews to begin working on it. This could add to the traffic issues at the interchange.

Vice Mayor Czerwonka questioned if either of the projects could be worked on in the evening?

Mr. Perry responded that MSD is trying to get crews on the project this evening but will know more as it develops. The ODOT project, unfortunately, is a road closure of an overpass and cannot be open until the project is complete. Currently, there are portions of the overpass completely out so there would be a drop down to the highway below which is a safety/traffic concern.

Lastly, Mr. Perry indicated that during the retreat in January with Council, Assistant to the City Manager Kelly Osler discussed the energy improvements project for the City facilities through a Hamilton County Program where they had competitively bid to a performance based contractor to do energy improvements for City facilities. As part of that project, the consultant had investigated all the City facilities and was able to come up with multiple items. If the project is implemented, it would give the City a great deal of benefit financially for replacing old and deteriorating equipment to the order of \$100,000 of energy efficiencies yearly which is about a 20% reduction in the City's energy usage. In addition, the County and the Greater Cincinnati Energy Alliance is combining grants of nearly \$500,000 to the City to help subsidize the program. It is something that Administration would like to move forward with and would be able to provide Council with additional information prior to the next meeting.

Councilman Adamec indicated that it would be important to obtain a process as what project the

BLUE ASH CITY COUNCIL

May 10, 2012

Page 6

City would select and which one not to select.

Mr. Perry indicated that the consultants broke it down based on returns. The longer return items are offset by shorter return items. They all provide a lot of benefit for the efficiencies and also the opportunity to replace aging equipment which would be a good opportunity for the City.

Councilwoman Stoller requested clarification from Mr. Semrad in that the City was out to test the noise issue and there are no results.

Councilman Bryan indicated that Assistant Community Development Director Dan Johnson did the measurement of the noise level issue. There is no dispute that when they put in the new equipment that it created a noise problem. The company is in violation and Mr. Johnson has instructed them to make the changes necessary to remediate the problem.

Councilwoman Stoller wanted to make sure that Mr. Semrad had somewhat of an answer tonight and assured him that the City will figure out a way to solve it. She indicated to Mr. Semrad that if the problem is not resolved in a reasonable amount of time, he is to call her or Councilman Bryan.

Councilman Bryan complimented Mr. Meyer and his team regarding their presentation at the last Council meeting. The minutes from tonight's meeting should reflect that as a result of the meeting, a Committee was put together which composed of people who were both advocating for keeping the Blue Ash Airport open and members of City government. The people advocating for keeping the Airport open were represented by Bob Ready, Scott Ready and Scott Meyer who was the driving force behind the presentation. The City was represented by the City Manager David Waltz, Assistant City Manager Jim Pfeffer, Public Works Director Gordon Perry, and Parks and Recreation Director Chuck Funk. That Committee was tasked with determining three things: 1) the price of the land; 2) the cost of reconfiguring the Airport to the standard of Greenwood, Indiana Airport; and 3) the ongoing operating costs of the Airport. At one time, it was posted on the website that the Airport could be purchased for \$1. That number then changed to \$5 million to \$7 million. The Cincinnati City Solicitor indicated that Cincinnati was looking at selling the Airport for \$23 million which is three times that price, which is factual. Mr. Meyer indicated several other facts in his presentation, but at some point in the future, those facts should not be confused with the facts that Council receives as a result from the work of the Committee. Frankly, if there were the same degree of errors around the potential purchase price for the Airport, it could be off significantly.

**11. EXECUTIVE SESSION**

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

After matters pertaining to personnel matters and property acquisition were discussed, Vice Mayor Czerwonka moved, Councilman Adamec seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

**12. ADJOURNMENT**

All items on the agenda having been acted upon, Councilman Bryan moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:32 PM.

---

Mark F. Weber, Mayor

---

Jamie K. Eifert, Clerk of Council

MINUTES RECORDED AND WRITTEN BY:

---

Karla Plank, Administrative Assistant