

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on May 12, 2005. Vice Mayor Jack Buckman called the meeting to order in Council Chambers at 7:30 PM.

OPENING CEREMONIES

Vice Mayor Buckman led those assembled in the Pledge of Allegiance.

ROLL CALL

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

MEMBERS ABSENT: Mayor Rick Bryan and Councilman James Sumner

Vice Mayor Buckman moved, Councilwoman Stoller seconded to excuse Mayor Bryan and Councilman Sumner from the meeting. A voice vote was taken. All members present voted yes. Motion carried.

ALSO PRESENT: City Manager Marvin Thompson, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Assistant City Manager David Waltz, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, and interested citizens

PUBLIC HEARING – 7:30PM – Consideration of an amendment to Section 1167.01 of Chapter 1167 of the Blue Ash Code regarding permitted uses in the M-4 Light Industrial District (Ordinance No. 2005-24)

The Clerk of Council was asked to read Ordinance No. 2005-24 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-24

AMENDING SECTION 1167.01 OF CHAPTER 1167 OF THE BLUE ASH CODE OF ORDINANCES REGARDING PERMITTED USES IN THE M-4 LIGHT INDUSTRIAL DISTRICT; AND DECLARING AN EMERGENCY

Carol Neckel, Cincinnati franchise owner of Camp Bow Wow, was present to represent her proposed project. She desires to locate a dog kennel within the M-4 Industrial district at 4955 Creek Road; however, currently the Code would not allow this as a permitted use. Ordinance No. 2005-24 (to be voted upon May 19th) adds this use, with restrictions, to the list of permitted uses for the M-4 Light Industrial District.

Ms. Neckel explained that her business is an upscale dog day care and overnight boarding facility. It is a national franchise with 50 locations nationwide. She has been working with the City for several weeks to address concerns, the major ones being noise and odor control. Regarding the noise concern, she explained that yesterday, she met at the site with the City's sound technician, Tom Murphy. Earlier that day, they recorded barking dogs at a similar facility located in Evendale. Using a sound reader at the Creek Road site, they re-created the sound of barking dogs both inside and outside the building, and at no time, did the sound at the property line (Wolfenberger residence) exceed the limit for the district of 60 decibels at the property line (it measured 52 decibels). She also noted that this test was done without the planned seven-foot high solid wood fence, as well as other acoustical/sound related plans to reduce potential sound problems including insulation of the exhaust fan and utilization of an acoustical treatment on the ceiling.

She explained the concept of the dog care (during the day) that the dogs would only be outside for a short time, and when they were (probably for 10 minutes or so at a time), they would be accompanied by a staff person. She explained their actions to assure no odor problems, including immediate pickup and removal of feces as well as use of an effective environmentally friendly product to control the smell associated with urine. She explained that their desire is to keep the day care clean at all times as there are web cams that

customers can use to watch at all times. She explained her respect of Blue Ash and intent to take care of the facility and not to allow it to be an annoyance to Blue Ash or its residents.

City Manager Thompson explained that this project has been before the Planning Commission, and unanimous approval (all five members present) was received. It is the Administration's prevailing thought that there are more restrictions incorporated in the ordinance relating to noise and odor associated with this use as compared to other already allowed uses in the M-4 District. He emphasized that this ordinance does not address the Creek Road address only. The change to the code as outlined in the ordinance would address the M-4 Districts in all sections of Blue Ash (with the same stringent sound and odor requirements). He also explained that this ordinance is not scheduled to be voted upon tonight, but will be at the May 19th meeting, when all seven Council members are expected to be present.

Ellen Wolfenberger, 5066 Brasher Avenue (the residence behind the proposed location for Camp Bow Wow) expressed concerns with noise, odor, and overall property values. Mrs. Wolfenberger also read a letter from a neighbor unable to attend tonight's Council meeting (Monica Pieper, 5050 Brasher Avenue), with that letter expressing similar concerns. Mrs. Wolfenberger complimented Councilwoman Stoller's efforts to keep the area residents updated on this proposed issue.

Glen Ross, 5039 Brasher Avenue, lives on the other side of Brasher Avenue. He explained that in the past, he has experienced odors from this same building from different uses (i.e., a label company). In addition to potential odor problems, he also expressed concerns with property values and noise. He expressed concern with the fire engines from the north fire station setting off the dogs, adding to that noise problem.

Charlie Wolfenberger, 5066 Brasher Avenue, expressed concerns with the potential number of dogs that could be at the facility (70). He reiterated concerns with noise, and the likeliness that the fence will not contain the noise (much like the I-71 barriers do not).

In addressing questions from Councilman Stacey, Ms. Neckel confirmed that the facility could handle 70 dogs. She explained that the dogs are always with staff, inside and outside. She would expect that no more than 15 or 20 dogs maximum would be outside at any one time, and she is very confident that noise will not be an issue. In addressing questions from Vice Mayor Buckman and Councilman Czerwonka, Ms. Neckel explained that a state-of-the-art cleaning product (Consume Equalizer) will be used. There will always be at least two staff members at the facility, with a minimum of one staff person for every 15 dogs. At night, the dogs are all inside (and extremely tired from their day's activity), and dogs are not let outside before 8AM nor after 7PM (as stipulated in the ordinance). Ms. Neckel's Biochemist, John Schauff, further explained that the product being used is very effective in eliminating odor (before it is produced) and is used effectively in many large operations, including the Greater Cincinnati International Airport, at international level dog shows, and within many other industries.

In addressing questions from Councilwoman Stoller, Ms. Neckel explained that the outside sound test was conducted from the Wolfenbergers' back yard. Both she and Tom Murphy heard no detectable noise. She also reiterated that the test was done before her additional efforts to contain sound, including a solid wooden seven foot fence (around the outside area, which is along the Creek Road side, with a large portion of the building situated between it and the residential areas), the insulation planned around the exhaust fan, and the spray insulation planned for the ceiling. The door that faces the residences is a fire exit only, and it will not be open unless there's an emergency.

In addressing questions from Councilwoman Stoller, Mr. Thompson explained that it is his opinion that trucks utilizing a loading dock (which could be a use for this building, requiring no further Council review) would be much more of a nuisance than the proposed dog day care. He explained that he has lived in three homes abutting similar industrial properties, and trucks are more of a problem. The restrictions in the ordinance for this use are much more restrictive than most uses that could locate in this building with no Council review being required. Though comparing the proposed business to the I-71 sound wall situation is not comparable in his opinion, Mr. Thompson commented that in comparison

to ODOT sound standards, what Blue Ash is requiring is much more restrictive. Complying with this sound requirement is not discretionary – the property owner must comply.

Wendy Coldwell, owner of two Camp Bow Wow franchises in Denver, commented that one of her facilities' outside pet areas fall within 35 feet of a residence (much closer than in this case in Blue Ash), and they have never had a complaint as the franchise is very conscious of neighboring properties (one picture on the slide show was pointed out showing this proximity).

This public hearing was declared closed at 8:25PM.

PUBLIC HEARING – 7:35PM – Consideration of an amendment to Section 1181.05(f) of Chapter 1181 of the Blue Ash Code regarding sign regulations in the Downtown district (Ordinance No. 2005-25)

The Clerk of Council was asked to read Ordinance No. 2005-25 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-25

AMENDING SECTION 1181.05(f) OF CHAPTER 1181 OF THE BLUE ASH CODE OF ORDINANCES REGARDING SIGN REGULATIONS IN THE D-1 DISTRICT; AND DECLARING AN EMERGENCY

Mr. Thompson explained that the Administration recently found an oversight in the Downtown Code in that it is not clear that pole signs are not allowed. This change is being recommended to be consistent with what the City did in the other sections of the Code in the Commercial and Industrial districts.

There being no questions from Council or the public, this hearing was declared closed at approximately 8:27 PM.

PUBLIC HEARING – 7:40PM – Consideration of the issuance of \$11.2 million economic development revenue bonds related to the expansion of Ursuline Academy (Ordinance No. 2005-33)

The Clerk of Council was asked to read Ordinance No. 2005-33 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-33

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$11,200,000 VARIABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2005 OF THE CITY OF BLUE ASH, OHIO, IN ORDER TO ASSIST URSULINE ACADEMY OF CINCINNATI, IN THE FINANCING OF COSTS OF A COMMERCIAL EDUCATION FACILITY IN THE CITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LOAN AGREEMENT WITH RESPECT TO THE PROCEEDS DERIVED FROM THE SALE OF SAID BONDS; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT AND A TAX REGULATORY AGREEMENT; AUTHORIZING THE ASSIGNMENT BY THE CITY OF BLUE ASH, OHIO, OF A PROMISSORY NOTE FROM URSULINE ACADEMY OF CINCINNATI PURSUANT TO THE LOAN AGREEMENT; AND TO DECLARE AN EMERGENCY.

Sharon Redmon, President of Ursuline Academy, Diane Brunst of Ursuline Academy, and Attorney Dean Spoor were present to explain this project.

Ms. Redmon explained that the \$11.2 million bonds would be used to finance the expansion of the existing high school by approximately 28,431 square feet, including a new two-story science and math addition; a new library, music room, entrance, and administrative area; a cafeteria expansion; and renovations to the existing areas. As a result of the expansion, the two existing modular units located in the northeastern corner of the parking lot would be eliminated. To accommodate the expansion, the existing storm water system will be expanded, and 51 parking spaces will be added. She anticipates that student enrollment could increase by 10% as a result of this state-of-the-art expansion. She displayed colored renderings of the project.

Mr. Spoor commented that although City of Blue Ash will issue the bonds, the City would have no obligation regarding their repayment.

In addressing a question from Councilwoman Stoller, it was explained that the project complied with all setback and buffering requirements of the Code.

City Manager Thompson commented that Ursuline has been working very cooperatively with Blue Ash on this project, especially in regards to protection of the adjacent residential areas. This legislation addresses only the financing of the project as it has already received approval from the Board of Sites. He commented that Ursuline officials have always been cooperative and have been a good citizen of Blue Ash and that the Administration is happy to see Ursuline stay in Blue Ash and expand.

There being no further questions from Council or the public, this hearing was declared closed at approximately 8:35PM.

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

ACCEPTANCE OF AGENDA

Councilwoman Stoller moved, Councilman Czerwonka seconded to accept the revised 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. PUBLIC HEARING - 7:30PM - Consideration of an amendment to Section 1167.01 of Chapter 1167 of the Blue Ash Code regarding permitted uses in the M-4 Light Industrial District (Ordinance No. 2005-24)
5. PUBLIC HEARING - 7:35PM - Consideration of an amendment to Section 1181.05(f) of Chapter 1181 of the Blue Ash Code regarding sign regulations in the Downtown district (Ordinance No. 2005-25)
6. PUBLIC HEARING - 7:40PM - Consideration of the issuance of \$11.2 million economic development revenue bonds related to the expansion of Ursuline Academy (Ordinance No. 2005-33)
7. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
8. ACCEPTANCE OF AGENDA
9. APPROVAL OF MINUTES
 - a. Regular Meeting of April 14, 2005
10. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor's Report - April 2005 - Honorable Rick Bryan
 - d. Financial Report - Motion to accept the report for April 2005
 - e. Proclamation - Public Works Week, May 15-21, 2005 - Honorable Rick Bryan
11. HEARINGS FROM CITIZENS
12. COMMITTEE REPORTS
 - a. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Ordinance No. 2005-33, authorizing the issuance of \$12 million of economic development revenue bonds related to the expansion of Ursuline Academy
 2. Ordinance No. 2005-34, authorizing a cooperative agreement for participation in the Hamilton County Community Development Program

- b. Finance & Administration Committee, Mark F. Weber, Chairperson
 - 1. Motion setting 7:30PM, Thursday, July 14, 2005 as public hearing for consideration of the 2006 Tax Budget
 - 2. Motion setting 7:30PM, Thursday, August 11, 2005 as public hearing related to the Time Warner Cable franchise agreement in Blue Ash
- c. Public Works Committee, Henry S. Stacey, Chairperson
 - 1. Ordinance No. 2005-36, authorizing an agreement for railroad crossing improvements at the Blue Ash and Hunt Roads crossing

13. MISCELLANEOUS BUSINESS

14. EXECUTIVE SESSION – Property Acquisition & Personnel Matters

15. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Stacey moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of April 14, 2005. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

The City is in receipt of two liquor permit requests summarized below. Both transfers represent a transfer of ownership. The Police Department reviewed both and has no objection to either:

Permit #: 5326105:

To: LTL Ventures LLC – DBA Blue Ash Chili

From: Donald W. Liggett – DBA Blue Ash Chili

Permit #: 2712183

To: Fiesta Vrava Inc. – 4270 Hunt Road

From: India Garden Inc. – 4270 Hunt Road

Council expressed no objection to either permit described above.

Reports From Outside Agencies

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

Mayor's Report – April 2005

RECEIPTS:

Fines	\$36,571.00
Bonds & BMV fees carried over.....	\$1,150.00
Interest Earned.....	\$7.13
Bonds collected.....	\$500.00
TOTAL RECEIPTS:.....	\$38,228.13

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$26,786.13
To the State of OH.....	\$9,734.00
Refund of Overpaid Fine	\$ 58.00
Bond Money applied.....	\$830.00
Bond Money returned	\$520.00
TOTAL DISBURSEMENTS.....	\$37,928.13

BALANCE IN BONDS:..... \$300.00

Mayor's Court traffic citations..... 305

Mayor's Court criminal citations 24

TOTAL..... 329

April Revenue from Mayor's Ct. Cases: \$26,786.13

Financial Report – April 2005

Councilman Czerwonka moved, Councilman Stacey seconded to accept the Financial Report for April 2005 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT
FOR THE MONTH ENDING APRIL 30 2005**

MONTH TO DATE	2004	2005
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START OF MONTH FUND BALANCE: 4-1-05	\$11,050,114.02	\$9,291,349.60
Revenues:		
Earnings Tax Collections:	2,140,654.95	2,684,637.42
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>420,154.65</u>	<u>1,135,821.25</u>
= Total Monthly Receipts	2,560,809.60	3,820,458.67
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>2,980,758.25</u>	<u>2,726,538.83</u>
= Total Monthly Expenditures:	<u>-2,980,758.25</u>	<u>-2,726,538.83</u>
ENDING FUND BALANCE: 4-30-05	10,630,165.37	10,385,269.44

YEAR TO DATE	2004	2005
START OF YEAR FUND BALANCE:	\$9,092,894.75	14,622,289.87
Revenues:		
Earnings Tax Collections:	7,535,442.94	8,219,687.13
Debt Financing (long term)	0	0
Debt Financing (short term)	5,100,000.00	0
Other Revenue Received:	<u>2,628,375.59</u>	<u>2,499,569.51</u>
= Total Monthly Receipts	15,263,818.53	10,719,256.64
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	3,100,000.00	5,100,000.00
Other Expenditures:	<u>10,626,547.91</u>	<u>9,856,277.07</u>
= Total Monthly Expenditures:	<u>-13,726,547.91</u>	<u>-14,956,277.07</u>
ENDING FUND BALANCE: 4-30-05	10,630,165.37	10,385,269.44

100% of the fund balance was invested as of 4-30-05. Interest paid to date on matured investments: \$81,434.90. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY
FOR MONTH ENDING APRIL 30, 2005**

MONTH-TO-DATE STATUS	2004	2005
Business Net Profit	379,876.09	796,611.73
Resident Net Profit	190,139.14	261,944.67
Non-Resident Net Profit	62,874.24	89,136.97
Subcontractor Net Profit	5,802.22	6,443.22
Net Profit Total	<u>638,691.69</u>	<u>1,154,136.59</u>
Withholding	1,471,447.71	1,504,503.39
Subcontractor Withholding	30,515.55	25,997.44
Withholding Total	<u>1,501,963.26</u>	<u>1,530,500.83</u>
Monthly Collection Totals	2,140,654.95	2,684,637.42
YEAR-TO-DATE STATUS	2004	2005
Business Net Profit	1,281,862.96	1,721,527.12
Resident Net Profit	299,433.72	385,272.25
Non-Resident Net Profit	96,144.12	124,751.20
Subcontractor Net Profit	8,848.22	11,174.91
Net Profit Total	<u>1,686,289.02</u>	<u>2,242,725.48</u>
Withholding	5,740,575.12	5,883,501.20
Subcontractor Withholding	108,578.80	93,460.45
Withholding Total	<u>5,849,153.92</u>	<u>5,976,961.65</u>
Year-to-date Collection Totals	7,535,442.94	8,219,687.13
Year-To-Date Refund Totals	<u>373,758.69</u>	<u>308,323.39</u>

Proclamation – Public Works Week, May 15-21, 2005 – Honorable Rick Bryan

Vice Mayor Buckman asked that the following proclamation be spread in the minutes:
“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, Rick Bryan, Mayor of the City of Blue Ash, Ohio, do hereby proclaim May 15 through May 21, 2005 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 12th day of May in the Year of Our Lord Two Thousand and Five.”

HEARINGS FROM CITIZENS

No citizens present 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 items included on the May 12th Council Agenda:

Item 4. – Public Hearing – 7:30PM – Consideration of an amendment to Section 1167.01 of Chapter 1167 of the Blue Ash Code regarding permitted uses in the M-4 Light Industrial District (Ordinance No. 2005-24)

As Council is aware, the City is in receipt of a request for the location of a dog kennel/day care at 4955 Creek Road, just east of the Kenwood/Creek intersection within the M-4 Light Industrial District.

Currently the Code does not permit this type of use within the M-4 District. However, as has been discussed with Planning Commission as well as Council, it seems appropriate to allow this type of use within this district. Therefore, Ordinance No. 2005-24 revises the wording for the appropriate Code section to include kennels within the permitted uses. Specifically, the recommended change would add #20 to the list of permitted uses within this District:

“Dog and/or cat boarding facilities with the following conditions:
animals may not be allowed in an outside area between the hours of 8:00PM and 8:00AM; excessive barking must be controlled and subject to the City’s noise standards per Section 1717.02(c) of the Codified Ordinances of the City of Blue Ash; no odors may occur outside the building; animal waste and cleaning product runoff shall be contained on the existing property, with prompt and proper removal and disposal of waste products; and landscape and buffer standards shall be applicable as per Section 1188.07 of the Codified Ordinances of the City of Blue Ash.”

The Planning Commission reviewed this item at their April 21st meeting (with unanimous approval), and the above wording reflects their comments/suggested changes, as well as other concerns brought forth by Council members over the past several weeks.

Given that both the Mayor and the Chairperson of the Planning & Zoning Committee of Council are not able to attend this meeting, the City Manager and Mayor determined that it would be most appropriate to hold the public hearing at this meeting as has been advertised. However, formal vote on the ordinance itself has been scheduled for the May 19th meeting, when all Council members are expected to be in attendance.

Please direct questions regarding this issue to the City Manager.

Item 5. Public Hearing – 7:35PM – Consideration of an amendment to Section 1181.05(f) of Chapter 1181 of the Blue Ash Code regarding sign regulations in the Downtown District (Ordinance No. 2005-25)

As Council is aware, the Administration has discovered an oversight within the planning and zoning downtown code relating to pole signs.

The ordinance changes Section 1181.05(f) of the Blue Ash code as summarized below:

- ?? Changes the maximum height of any building identification sign to be six feet, regardless of frontage. Existing Code would allow some higher signs, depending upon frontage.
- ?? Regarding tenant identification signs, the existing Code stipulates that "...if a tenant is a major building "anchor" and/or occupies an unusually large percentage...". The proposed change deletes the wording "an unusually large percentage" and offers the more definitive term: "fifty (50) percent or more...". This change was recommended by the Solicitor.
- ?? #6 of this section is changed to specify that a maximum of one freestanding *ground* sign would be allowed, and that *pole signs are prohibited*.

Given that both the Mayor and the Chairperson of the Planning & Zoning Committee of Council are not able to attend this meeting, the City Manager and Mayor determined that it would be most appropriate to hold the public hearing at this meeting as has been advertised. However, formal vote on the ordinance itself has been scheduled for the May 19th meeting, when all Council members are expected to be in attendance.

Please direct questions regarding this ordinance to the City Manager.

Item 6. Public Hearing and 12.a. 1.- Consideration of the issuance of \$12 million economic development revenue bonds related to the expansion of Ursuline Academy (Ordinance No. 2005-33)

As Council is aware, Ursuline Academy is planning a major expansion, and would like to utilize City-issued economic development revenue bonds to finance this project. Ordinance No. 2005-33 was prepared by Ursuline's bond counsel (as approved by Fred Kiel, Blue Ash's bond counsel and our City Solicitor). The costs associated with preparation of this legislation, as well as other costs with advertising, prevailing wage compliance, etc., will be borne by Ursuline. The City of Blue Ash will issue the bonds, but shall not have any obligation regarding their repayment.

The project involves expansion of the existing high school by approximately 28,431 square feet. The expansion would include a new two-story science and math addition; a new library, music room, entrance, and administrative area; a cafeteria expansion; and renovations to the existing areas. As a result of the expansion, the two existing modular units located in the northeastern corner of the parking lot would be eliminated. To accommodate the expansion, the existing storm water system will be expanded, and 51 parking spaces will be added.

The applicant and its representatives have been very cooperative with the City, and recommendations from all departments have been incorporated within the final plans. It is their desire to complete the project by August 2006, with construction to begin this summer and continue through the next school year.

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

12.a.2. Ordinance No. 2005-34 - Authorizing a cooperative agreement for participation in the Hamilton County Community Development Program

The City of Blue Ash has participated through the Hamilton County Department of Community Development for a number of years in order to be qualified for the receipt of Community Development Block Grant funding through the Department of Housing and Urban Development. The City is ending a recent three-year commitment with Hamilton County, and it is time to renew another three-year commitment for the period extending March 1, 2006 through February 28, 2009. The County Commissioners have requested that this consent legislation be forwarded to them by June. This fall, project recommendations will be made to the Hamilton County Department of Community Development for inclusion in the next three-year plan. At that time, the City will be required to submit a formal application for funds as approved by resolution or ordinance of the City. Though recommendations for the next period have not yet been determined, in the recent past, Block Grant Funds have assisted with projects related to Revitalization activities, as well as some Senior Center projects/purchases (including vans).

This ordinance approves the consent legislation and authorizes the signing of the Cooperation Agreement that must be submitted to the Hamilton County Department of Community Development.

Please direct questions regarding this legislation to the City Manager or Assistant City Manager.

12.b.1. Motion setting 7:30PM, Thursday, July 14, 2005 as public hearing for consideration of the 2006 Tax Budget

As is customary this time of year, this motion sets the public hearing date for the 2006 Tax Budget for July 14, 2005 at 7:30 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 approximately July 1st.

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

12.b.2. Motion setting 7:30PM, Thursday, August 11, 2005 as public hearing related to the Time Warner Cable franchise agreement in Blue Ash

As was explained by the Deputy Solicitor at the April 14th Council meeting, the Time Warner Cable (TWC) franchise agreement is due to expire within three years. That franchise agreement stipulated that within 30 to 36 months of its expiration there be a public hearing held (within six months of the request from TWC, which was received March 18th) to identify any cable requirements, address concerns with the current franchise, and/or identify future needs. That public hearing would be required no later than September 18th, and the City Manager is recommending that the hearing be scheduled for the regular August meeting.

Please direct questions regarding this issue to the City Manager.”

A second memo describing the reason for the revised agenda was also distributed:

“The Administration recommends an additional ordinance for Thursday’s meeting to take advantage of the opportunity presented to move forward with the rubberization of the railroad crossing at Blue Ash and Hunt Roads (as is included in the Final Budget).

As Council is aware, this railroad crossing is in need of improvement. Some remedial work has been done over the years while the City contemplated the future of this crossing as it related to potential light rail plans or to include its repair in the recent SCIP grant applications (which were rejected).

The City has been in contact with I&O Railroad since last November requesting plans and a proposal for the installation, in 2005, of a rubbergrade crossing at this location. The City has requested that materials remaining from the Kenwood Road crossing work completed as part of the Kenwood Road project be used in the new installation if possible. I&O was able to get a company to agree to this, which will result in a savings of approximately \$150 a linear foot. The City also requested that the rubbergrade crossing be extended an additional 10 feet on either side of the crossing so pedestrians wishing to cross the tracks in this area would not have to walk on the roadway.

On Wednesday (5/11) morning, the City finally received a written proposal from Railworks Track Services (the same company that installed the crossing on Kenwood Road) for the work at Hunt and Blue Ash Roads for the length requested (62 feet). Railworks has a “window of opportunity” to perform the work almost immediately (i.e., within the next two to three weeks), and the Administration would like Council approval to proceed with the work via approval of Ordinance No. 2005-36 to take advantage of this quick timeframe.

Please direct questions regarding this ordinance or project to the Service Director.

A Note regarding Ordinance No. 2005-33 – Ursuline IRB

Regarding the Ursuline bond ordinance, we will have revised versions at the meeting for the Clerk of Council only. The only difference is that they have determined the need to bond less than the version you received in your packets on Tuesday -- \$11.2 million in lieu of \$12 million that the previous ordinance reflected. The attorneys for Ursuline have explained that the reduced amount is a result of cost savings resulting from project modifications and a lower cost estimate from the contractor.

Representatives from Ursuline’s legal counsel are expected to be in attendance at the meeting to address questions from Council or the public.”

Planning & Zoning Committee, James W. Sumner, Chairperson

In Councilman Sumner’s absence, Councilman Stacey was asked to preside.

Councilman Stacey asked the Clerk of Council to read Ordinance No. 2005-33 by title only.

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THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-33

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$11,200,000 VARIABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2005 OF THE CITY OF BLUE ASH, OHIO, IN ORDER TO ASSIST URSULINE ACADEMY OF CINCINNATI, IN THE FINANCING OF COSTS OF A COMMERCIAL EDUCATION FACILITY IN THE CITY; AUTHORIZING THE ISSUANCE OF ADDITIONAL BONDS; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING A LOAN AGREEMENT WITH RESPECT TO THE PROCEEDS DERIVED FROM THE SALE OF SAID BONDS; AUTHORIZING A TRUST INDENTURE APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND FURTHER TO SECURE THE PAYMENT OF SAID BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT AND A TAX REGULATORY AGREEMENT; AUTHORIZING THE ASSIGNMENT BY THE CITY OF BLUE ASH, OHIO, OF A PROMISSORY NOTE FROM URSULINE ACADEMY OF CINCINNATI PURSUANT TO THE LOAN AGREEMENT; AND TO DECLARE AN EMERGENCY.

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

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2005-33. In addressing a concern from Councilman Weber, Mr. Spoor explained (and Deputy Solicitor Pacheco confirmed) that this legislation would not detail the method of repayment of the bonds. Mr. Spoor reiterated that repayment of the bonds would be the responsibility of Ursuline Academy (not Blue Ash). There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, and Vice Mayor Buckman voted yes. Five yeses. Ordinance No. 2005-33 passed.

Councilman Stacey asked the Clerk of Council to read Ordinance No. 2005-34 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-34

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH HAMILTON COUNTY, OHIO, PURSUANT TO PROVISIONS OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-34. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Stacey, Czerwonka, and Vice Mayor Buckman voted yes. Five yeses. Ordinance No. 2005-34 passed.

Finance & Administration Committee, Mark F. Weber, Chairperson

Councilman Weber moved, Councilwoman Stoller seconded to set 7:30PM, Thursday, July 14, 2005 as public hearing for consideration of the 2006 Tax Budget. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to set 7:30PM, Thursday, August 11, 2005 as public hearing related to the Time Warner Cable franchise agreement in Blue Ash. A voice vote was taken. All members present voted yes. Motion carried.

Public Works Committee, Henry S. Stacey, Chairperson

Councilman Stacey asked the Clerk to read Ordinance No. 2005-36 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-36

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR RAILROAD CROSSING IMPROVEMENTS AT HUNT AND BLUE ASH ROADS FOR AN AMOUNT NOT TO EXCEED \$42,000; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-36. Addressing a question from Councilman Stacey, Service Director Dennis Albrinck explained that the length of the railroad being replaced is 62 feet, which would include a request from Blue Ash to extend past the road intersection itself to better accommodate pedestrian traffic. There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, and Vice Mayor Buckman voted yes. Five yeases. Ordinance No. 2005-36 passed.

MISCELLANEOUS BUSINESS

City Manager Thompson suggested that June would be an appropriate work session to discuss the Hunt House (which was postponed from next week's meeting to allow discussion of the performing arts center). After some discussion, it was determined that June 30th may be a workable date (assuming it works for absent members Bryan and Sumner).

City Manager Thompson commented on upcoming July 1st expirations on the boards and commissions. Sue Bennett will E-mail that information to Council in the near future to gather thoughts.

Service Director Denny Albrinck commented that Saturday is Neighborhood Cleanup Day, when the Service Garage will be open between 9AM and 3PM, and open top dumpsters will be placed in the Arcadia and Hazelwood neighborhoods to assist residents with clean-up efforts.

Councilman Weber asked about the status of the uncompleted house on the south side of Mohler Road (which has been under construction for a very long time). It is the Administration's understanding that the inspection corporation, NIC, is aware of this problem, and the status of this property complaint will be reported to Councilperson Weber.

In addressing a question from Councilwoman Stoller regarding the builder signs at the Cooper Road/Cooper Lane residential project, it was explained that the developer is Bob Davis, but the home builder is Kurlemann (on the signs). Mr. Waltz commented that the project should start this summer, and they are in the process of requesting sewer taps. In addressing a question from Councilwoman Stoller regarding cats, Solicitor Pacheco commented that part (b) of the Code section asked about (505.19) regarding "... if left unattended" would be the enforcement tool which should be able to be utilized.

In addressing a comment from Councilman Czerwonka, Parks & Recreation Director Chuck Funk commented that he will have someone look at the problem Ash tree at the Kenwood Road park area (north of Pfeiffer, west side of Kenwood).

Councilman Stacey complimented the Administration on the multiple E-mail communications earlier this week regarding the Airport. He also commented that he enjoyed the trip to Ilmenau, Germany tremendously. He mentioned that this was his first trip outside the United States, that the citizens in Germany were extremely friendly, and that the communities and businesses they visited seem to face similar issues that

communities in America face.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilwoman Stoller moved, Councilman Stacey seconded to convene an Executive Session to discuss matters pertaining to property acquisition and potential litigation. The Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Stoller, and Vice Mayor Buckman voted yes. Five yeses. Motion carried.

After matters pertaining to property acquisition and potential litigation were discussed, Councilman Stacey moved, Councilwoman Stoller 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 Stacey moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:27 PM.

Robert J. Buckman, Jr., Vice Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council