

BLUE ASH CITY COUNCIL

June 12, 2008

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on June 12, 2008. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at approximately 7:02 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, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Mike Duncan, Fire Chief Rick Brown, Economic Development Director Judy Clark, Assistant to the City Manager Kelly Osler, member(s) of the media, and interested citizens

Mayor Buckman appointed Kelly Osler to read the legislation in its entirety in the rear of Council Chambers.

ACCEPTANCE OF AGENDA

Councilman Bryan moved, Councilman Stacey 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 May 22, 2008
7. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor’s Report – May 2008 – Honorable Robert J. Buckman, Jr.
 - d. Financial Report – Motion to accept the report for May 2008
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
 - a. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Resolution No. 2008-5, reappointing members to the Planning Commission and Board of Site Arrangement/Zoning Appeals
 2. Ordinance No. 2008-32, authorizing an economic development and real estate conveyance agreement relating to redevelopment within the D-1 Downtown District (second & final reading)
 3. Motion setting 7:05PM, Thursday, July 10, 2008 as public hearing for consideration of a special use permit related to the Park Manor residential development
 - b. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Resolution No. 2008-6, reappointing members to the Civil Service Commission, Charter Revision Committee, and Board of Tax Review
 2. Ordinance No. 2008-33, transferring funds
 3. Ordinance No. 2008-34, amending Ordinance No. 2006-77 regarding finance/tax related computer software
 4. Ordinance No. 2008-35, amending Chapters 131 and 133 of the Blue Ash Code of Ordinances
 - c. Parks & Recreation Committee, Lee Czerwonka, Chairperson

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- 1. Resolution No. 2008-7, reappointing a member to the Recreation Board
- 2. Ordinance No. 2008-36, amending Ordinance No. 2007-36 regarding the Recreation Center renovation & expansion project
- d. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Resolution No. 2008-8, authorizing the filing of a grant request related to the Drug Abuse Resistance Education (DARE) program
 - 2. Ordinance No. 2008-37, establishing a special revenue Fund No. 281 (OVI Task Force) and designating the City of Blue Ash as the lead/administering agency for Hamilton County’s participation in the GHSO OVI grant program
- e. Public Works Committee, Henry S. Stacey, Chairperson
 - 1. Ordinance No. 2008-38, authorizing an agreement with the Greater Cincinnati Water Works for coordinated repaving of the Terra Alta Subdivision

10. MISCELLANEOUS BUSINESS

11. EXECUTIVE SESSION – Property Acquisition & Personnel Employment Matters

12. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Bryan moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of May 22, 2008. 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.

Mayor's Report – May 2008

RECEIPTS:

Fines	\$ 16,184.00
Bonds & BMV fees carried over	\$ 0
Interest Earned	\$0.42
Bonds collected	\$ 650.00
TOTAL RECEIPTS:	\$ 16,834.42

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)..	\$12,286.42
To the State of OH.....	\$4,098.00
Refund of Overpaid Fines	\$0.00
Bond Money applied.....	\$130.00
Bond Money returned	\$ 20.00
BMV	\$0.00
TOTAL DISBURSEMENTS	\$16,534.42

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

Mayor’s Court traffic citations	156
Mayor’s Court criminal citations.....	23
Total Mayor’s Court cases	179
April revenues from Mayor’s Ct. Cases:.....	\$12,297.42

Financial Report – May 2008

Councilman Bryan moved, Vice Mayor Weber seconded to accept the Financial Report for May 2008 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

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CITY OF BLUE ASH FINANCIAL POSITION STATEMENT MONTH ENDING MAY 31, 2008

MONTH TO DATE	2007	2008
START OF MONTH FUND BALANCE: 5-1-08	\$16,965,804.15	\$26,809,473.44
Revenues:		
Earnings Tax Collections:	2,012,351.04	1,967,180.54
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,781,372.56	2,278,660.80
= Total Monthly Receipts	3,793,723.60	4,245,841.34
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	4,361,854.56	2,955,384.86
= Total Monthly Expenditures:	-4,361,854.56	-2,955,384.86
END OF MONTH FUND BALANCE: 5-31-08	16,397,673.19	28,099,929.92
YEAR TO DATE	2007	2008
START OF YEAR FUND BALANCE:	\$17,286,456.32	\$24,395,221.48
Revenues:		
Earnings Tax Collections:	11,683,267.75	13,683,324.64
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	4,910,485.02	5,062,322.47
= Total Monthly Receipts	16,593,752.77	18,745,647.11
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	17,482,535.90	15,040,938.68
= Total Monthly Expenditures:	-17,482,535.90	-15,040,938.67
YTD FUND BALANCE:	16,397,673.19	28,099,929.92

100% of the fund balance was invested as of 5/31/08. Interest paid to date on matured investments: \$356,548.14. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY -
FOR MONTH ENDING MAY 31, 2008**

MONTH-TO-DATE STATUS	2007	2008
Business Net Profit	180,501.98	53,905.83
Resident Net Profit	32,038.91	25,794.80
Non-Resident Net Profit	6,660.43	5,813.96
Subcontractor Net Profit	453.00	782.60
Net Profit Total	219,654.32	86,297.19
Withholding	1,751,152.97	1,846,810.12
Subcontractor Withholding	41,543.75	34,073.23
Withholding Total	1,792,696.72	1,880,883.35
Monthly Collection Totals	2,012,351.04	1,967,180.54
YEAR-TO-DATE STATUS	2007	2008
Business Net Profit	1,427,475.24	2,468,622.29
Resident Net Profit	530,836.54	561,641.25
Non-Resident Net Profit	132,681.92	146,933.38
Subcontractor Net Profit	45,555.72	39,839.69
Net Profit Total	2,143,549.42	3,217,036.61
Withholding	9,312,676.17	10,241,530.29
Subcontractor Withholding	227,042.16	224,757.74
Withholding Total	9,539,718.33	10,466,288.03
YTD Collection Totals	11,683,267.75	13,683,324.64
YTD Refund Totals	1,138,838.10	566,045.87

HEARINGS FROM CITIZENS

There being many citizens in attendance, Mayor Buckman explained that this point in the meeting would be the appropriate time for citizens to address Council, and anyone wishing to address Council should speak at the podium, in the microphone, and provide his/her name and address. He emphasized that this would be the only time in the meeting appropriate for citizens to speak about the downtown item. When the downtown-related ordinance comes up

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later on the agenda, that time is intended to provide opportunity for Council discussion only.

Terri McDonough, 4323 Berryhill Lane, expressed concerns about the proposed Towne Square development. The drawings appear to show a large condominium development, and she is concerned with the loss of open and green space where families can gather. She urged Council to seek more open dialogue with citizens about this issue before moving forward.

Michelle Gillespy-Goldstein, 4329 Berryhill, commented on how proud she has been to live in Blue Ash for the past 17 years. She commented favorably on the concept that Blue Ash has areas for business development, areas for residential development, and public areas. She expressed concern with the citizen survey being used to justify the giving away of public land, especially when that specific concept was not asked in the survey. It is her opinion that citizens want funds expended towards projects such as the airport park, the Recreation Center improvements, and similar projects; however, not this proposed development. She expressed concerns with this development being done covertly with no public knowledge, and she urged Council to consider looking at this proposed development longer to allow opportunity for additional public discussion.

Mary Overman, 5461 Kenridge Drive, suggested that before a City can sell a public property, it should consider how it was purchased originally. If the property was bought by public vote, then it is her opinion that to sell it has to be by public vote as well.

Orba Arnold, 4839 Myrtle Avenue, commented that many years ago, the City sold the former Malsbary Park property, and many citizens objected at that time as well. She commented that if the City is considering selling the Towne Square property, then perhaps the City should reconsider.

Allen Goldstein, 4329 Berryhill, commented that the City's efforts towards planning in the past have been important, and he urged that the City's 50-year plan be revisited. He mentioned that moving ahead is important, but interpreting data in this way can result in a narrow look on things. He urged Council to pause on the potential of moving ahead with this downtown retail development.

Clayton Werden, 4400 Chesswick, expressed concern with the potential of moving the entertainment venues, as it is his opinion that the open space shown in the drawings would be too small to host events such as the Friday evening concerts. He suggested that now might be the time to redevelop other places, rather than the existing green space in downtown.

Jamie Pike, 4907 Myrtle Avenue, commented that she agrees our downtown needs to be redeveloped. However, she also expressed her opinion that the Towne Square is the best part of downtown and that it is already very family-oriented. She urged change on the outskirts and commented that other things need more attention than what is being proposed.

Ron Grzegorzewski, 4326 Berryhill, commented that there were about 75 people at the 6PM meeting this evening, and that he would like to see the basic questions posed at that meeting answered. He commented that Council has done a good job and that the use of green space and more of it was a priority. He suggested the sequencing of the airport park be revisited and that the City do that project first before taking apart what is currently here. He mentioned that previous comment indicated that the downtown area was too quiet, and he suggested that the residents like to be able to visit downtown without much else going on. He likes the fact that people leave Blue Ash after 5PM. He urged the City to conduct another survey and to be more specific with its questions, and also urged the City to slow down and re-visit the questions.

Ken Van Horn, 4913 Fairview Avenue, commented that he agrees that we should take our time to make the right decision. However, he suggested that if the City were to put everything to a vote, then nothing would happen. He urged the City to keep progressing and encouraged his fellow citizens to give the Council a chance to come up with the ideas since that is what they were elected to do.

Gary McDowell, 9334 Lansford Drive, commented that he was one of the citizens who participated in the telephone survey. It is his opinion that the survey was not valid, was not the best kind of survey to gather citizens' input, and suggested that it be done over.

John Dillon, Chesswick Drive, expressed his plea that the Veterans Memorial stay in the

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same site it is currently located in downtown. He commented the Memorial is a jewel in the crown of downtown and is the best place to visit. He suggested that the act of wanting to move it in itself is an act of disrespect.

There being no further citizens who wished to be heard, Hearings from Citizens was declared closed at approximately 7:18PM.

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 June 12th Council agenda:

9.a.1. Resolution No. 2008-5 - Reappointing members to the Planning Commission and Board of Site Arrangement/Zoning Appeals

As directed by the Mayor, Resolution Nos. 2008-5, 2008-6, and 2008-7 provide for reappointments for positions to the various volunteer boards and commissions of the City as summarized below:

- Reappointing Ray Schafer and Paul Collett to the Planning Commission and Board of Site Arrangement/Zoning Appeals respectively (Resolution No. 2008-5).
- Reappointing Sal Wertheim, Jamie Pike, and David Rachmiel to the Civil Service Commission, Charter Revision Committee, and Board of Tax Review respectively (Resolution No. 2008-6).
- Reappointing Elaine Kerr to the Recreation Board (Resolution No. 2008-7).

All expressed an interest in continuing to serve in their respective volunteer positions. Please direct questions regarding these reappointments to the Mayor.

9.a.2. Ordinance No. 2008-32 - Authorizing an economic development and real estate conveyance agreement relating to redevelopment within the D-1 Downtown District (second & final reading)

As was explained at this ordinance's first reading at the May 22nd Council meeting, a number of months ago, Miller-Valentine contacted the City regarding the Towne Court property at 9514 Kenwood Road, which was in foreclosure and was only partially occupied. The City expressed an interest in working with Miller-Valentine on their plan to possibly acquire and redevelop that property into a look and use more consistent with the City's plans. Miller-Valentine later proposed to the City Manager a redevelopment plan that would include the Towne Court land and incorporate surrounding City-owned properties into a larger project.

Discussions continued and it became apparent that the potential existed for a significant new and exciting development upon the properties south of Cooper, east of Kenwood, and west of Hunt, including a number of parcels owned by the City in the area. The potential for redevelopment of that area consistent with the concept and intent of the updated downtown plan made it clear that a development agreement between the City and Miller-Valentine could, over the next several months, result in the kind of downtown "center," or "sense of place" that the City has been striving to create.

Although much of the City's Towne Square and surrounding properties would be incorporated into the mixed-use project, Miller-Valentine was clearly supportive of a design that would create new areas accessible to the public and to create a "sense of place" for use by our citizens and seek to preserve and incorporate parts of our current amenities. The creation of a development that had restaurant, retail, office, and even residential uses would be a perfect fit with the intent of the downtown plan and would generate the kind of excitement and atmosphere to help keep downtown viable, and to encourage further investment.

The agreement being considered provides a mechanism, or process, with numerous milestones, whereby the City and Miller-Valentine's entity (MV Towne Square LLC) can identify all of the steps, approvals, properties, types of uses, and incentives that may be needed to transform this proposal into a reality for downtown Blue Ash. Over the next few months, the developer and City look forward to working together toward a plan that meets with City Council's approval and which also satisfies the long-term objectives of Miller-Valentine regarding this significant investment.

Given the scope of this potential change for our downtown area, it was recommended that this ordinance have two readings, the first which occurred at the May 22nd Council meeting. Presentation at this meeting represents the second reading, along with a formal Council vote.

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

9.a.3. Motion setting 7:05PM, Thursday, July 10, 2008 as public hearing for consideration of a special use permit related to the Park Manor residential development

The City is in receipt of a request from the Park Manor residential development owners for a special use permit. This issue was reviewed by Planning Commission at its June 5th meeting. The owner is seeking approval of a change in the density of the development, with the proposed plan doubling the number of units in seven of the eight remaining buildings, resulting in a total of 71 units in the entire development (the original plan included a total of 42 units in 12 buildings). This request is being driven by the applicant's concern to the overall marketability of the development. The special use permit requires a public hearing before Council, which this motion would appropriately establish for the July Council meeting. More details about the plans and request will be provided at that hearing.

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9.b.1. Resolution No. 2008-6 - Reappointing members to the Civil Service Commission, Charter Revision Committee, and Board of Tax Review

See description above under Item 9.a.1.

9.b.2. Ordinance No. 2008-33 - Transferring funds

A number of adjustments to the 2008 Final Budget are necessary at this time.

The most significant item, totaling \$1,240,000, relates to the City's contingent obligation to acquire 9514 Kenwood Road (the Re/Max property) relative to a repurchase agreement authorized by Council under Ordinance No. 2008-22. Because this agreement was recently finalized, the need does exist for the City to reserve or encumber the funds that may be necessary for the City to purchase this property in accordance with that agreement. The source of funding for this transfer includes \$700,000 from the approximate \$800,000 originally included in the General Government Downtown Streetscaping account, as well as a shift in resources from the General Fund Reserve of \$540,000.

As the City's efforts to move forward with the development opportunity described under Ordinance No. 2008-32 in the downtown area evolve, a point will be reached where the need will not exist for the City to reserve these funds, the purchase order will be cancelled, and the funds will be released for likely use within the D-1 zone. The amounts comprising this transfer are shown on the attachment as the final two items on the page.

Next, a total of \$19,000 is being shown as a transfer into the Technology Capital Equipment area relating to the addition of the income tax module for the Tax Office software further described under Ordinance No. 2008-34. There are three other items, each in the amount of \$5,000, one relating to supplemental funding needed in The Landings TIF Fund for audit fees, supplemental funding in the Administration Travel, Training & Transportation account, as well as a similar accommodation in the Miscellaneous Contractual area of the Administration group of accounts.

Any questions related to the transfer can be addressed to the Treasurer.

9.b.3. Ordinance No. 2008-34 - Amending Ordinance No. 2006-77 regarding finance/tax related computer software

In December 2006, the Technology Officer, Treasurer, and Finance Officer approached City Council for consideration of Ordinance No. 2006-77. That ordinance requested funding and authority to provide for a significant update and upgrade to most of the City's proprietary software packages utilized in the Finance area. That ordinance was favorably considered by Council, funding was set aside via an encumbrance, and work proceeded on the timetable and plan for the implementation of these changes.

The programs utilized within the Finance, Tax, and a portion of the Administration offices, were originally developed "on-site" during 1981 by a then-small software company called Creative Microsystems, Inc. (CMI). The City of Blue Ash represented one of CMI's initial municipal accounts, and CMI's programs developed here have been widely accepted in the municipal area within the State of Ohio. CMI proved to be a very successful venture, and it was acquired by Sanderson a number of years ago. Given the complexity, and critical function, of some of these programs, the City moved cautiously in preparing for this shift from a character-based type of program to one that was compatible with a Windows platform. We waited for the "conversion" to be completed in a number of other cities, to make sure that any problems were worked out before we took the significant step of modifying these programs.

Initially, the Tax Office program was not included in the intended conversion to a Windows format. However, discussions with Sanderson CMI over the past six months have indicated that conversion of the Tax Office program would be a significant benefit to the success of the overall project. Therefore, we have secured a quotation from Sanderson CMI and are requesting that Ordinance No. 2006-77 be amended by an additional amount not to exceed \$19,000.

It could be said that the City has certainly gotten its money's worth out of our initial investment back in 1981. However, we have "resisted" this upgrade for some time, and it is clear that waiting any longer might jeopardize the ability of Sanderson CMI to properly maintain and take care of our systems. Therefore, the Technology Officer, Deputy Treasurer, and Treasurer request Council's favorable consideration of this ordinance so that we may move forward with the various components of this upgrade during the remainder of 2008.

Any questions regarding this ordinance can be directed to the Treasurer.

9.b.4. Ordinance No. 2008-35 - Amending Chapters 131 and 133 of the Blue Ash Code of Ordinances

Several changes are recommended at this time relating to the following sections of the Blue Ash Code of Ordinances:

Amending Sections 131.07-1 and 131.07-20 of the Blue Ash Code of Ordinances to reflect changes to the Position Classification Plan

- Adding the new full-time classification of Engineering Technician. This position is being requested by the Service Department to enhance our in-house capabilities relating to the inspection of roadways, traffic patterns, our sidewalk and bike path system, the annual paving program and major street/traffic improvement projects, the creation of bid and specs for projects, in-field inspection, monitoring storm drainage systems, as well as aiding with citizen requests for information and assistance. Additionally, this position will be required to assist with snow removal responsibilities at the direction of the Service Director. The position will

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work closely with the Service Director, our engineers, contractors and the Economic and Community Development Department. Although a newly created position, the Engineering Technician position (131.07-20) will ultimately reduce the City's dependence on outside firms to handle such responsibilities- thereby, generating cost savings and likely improving results.

Amending all Chapters and Sections of the Blue Ash Code of Ordinances to reflect changes to the title of Service Director, including 131.07-6 (job description).

- The title of "Service Director" is no longer commonly used to describe the work and responsibilities of this position. The title of Public Works Director however, is more widely recognized and accepted nomenclature in the profession for this position, and more descriptive of the function and duties associated with this position. Therefore the proposed change from "Service Director" to "Public Works Director" will help bring the title for this position in line with the designations used by regional, state, and federal organizations such as the American Public Works Association. These changes will be made to all Chapters and Sections of the code which make reference to the Service Director. The name of the City's Service Department will not be affected by this change in the department director's title.

Amending Section 133.18-2(a) of the Blue Ash Code of Ordinances to reflect changes to the Minimum Wage

- Incorporate the new Federal minimum wage. The only pay schedule that incorporates minimum wage is the part-time wage schedule and it has been modified to include a step for the new federal minimum wage rate of \$6.55. New minimum wage levels become effective late in June of this year, so changes are necessary at this time.

Please direct questions regarding this ordinance to the Treasurer or Human Resources Director.

9.c.1. Resolution No. 2008-7 - Reappointing a member to the Recreation Board

See description above under Item 9.a.1.

9.c.2. Ordinance No. 2008-36 - Amending Ordinance No. 2007-36 regarding the Recreation Center renovation & expansion project

Ordinance No. 2008-36 authorizes a second change order for one of the vendors associated with the Phase I work completed in connection with the Recreation Center project – J. Construction, the masonry contractor. Ordinance No. 2007-36 first awarded work to J. Construction for the masonry category of work (among other trades), and Ordinance No. 2008-4, passed by Council in January 2008, amended that category of work, authorizing an additional expenditure not to exceed \$55,891 to accommodate work associated with the addition of the firewall as required.

The need exists to again amend the masonry category of work due to conditions and issues which have arisen in the completion of the finish items related to construction of the firewall not addressed in the original construction drawings (i.e., brick cladding of columns and relocation of the Tot Room door). Ordinance No. 2008 authorizes an additional \$11,057 to the J. Construction contract., making the total to-date threshold for this masonry category of Phase I work not to exceed \$283,957.

This change order and any further change orders related to Phase I will be to shift expense from one trade to another, and will not increase the overall project expenditure for Phase I beyond Ordinance Nos. 2007-36 and 2008-4. The overall project expenditures associated with Phase I (as authorized originally via Ordinance Nos. 2007-36, with amendments via 2008-4) are less than the total amount as authorized by Council via ordinance.

Please direct questions regarding this project to the Parks & Recreation Director.

9.d.1. Resolution No. 2008-8 - Authorizing the filing of a grant request related to the Drug Abuse Resistance Education (DARE) program

This resolution expresses City Council's continued support for the DARE program and authorizes the Police Department to submit a grant application to the Office of the Ohio Attorney General. The Department plans on Officer Ken Johnson continuing to instruct the nine-week program at the Greene School. The grant request is for matching funds, and is anticipated to be in the \$3,700 range. Funds would be used to support the equipment and supplies necessary to operate the DARE program.

Please direct questions regarding this grant request to Police Chief Chris Wallace.

9.d.2. Ordinance No. 2008-37 - Establishing a special revenue Fund No. 281 (OVI Task Force) and designating the City of Blue Ash as the lead/administering agency for Hamilton County's participation in the GHSO OVI grant program

The Police Department has been offered the opportunity to apply for a grant from the Ohio Governor's Highway Safety Office (GHSO) for the Hamilton County OVI (Operating Vehicle Intoxicated) Task Force for the State's fiscal year 2009. Currently there are 10 such OVI Task Forces in the State of Ohio, most of which are located in counties with the greatest number of accidents involving fatalities.

The administering agency for the 2008 program was the Sharonville Police Department, and they have been serving in this role for the past several years. Although Sharonville would continue to be involved in the Task Force, they are asking assistance from Blue Ash in taking over as the administering agency. The administration of the grant involves both police and finance personnel, and the Blue Ash Treasurer, Deputy Treasurer/Tax Commissioner, and Police Administration are accepting of the City's serving as the lead agency for this program.

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Being the applicant for the grant, the Blue Ash Police Department would serve as the lead agency for 2009. There are 24 police agencies within Hamilton County that participate in the grant program, and funding for 2009 is anticipated to be in the \$120,000 to \$125,000 range. This amount would be awarded to Blue Ash for distribution to participating agencies according to the terms of memorandums of understanding executed by officials of those 24 agencies. Funding through the program is essentially completed on a reimbursement basis. Participating agencies pay officer's overtime, and submit for reimbursement from the lead agency (i.e., Blue Ash). It is also anticipated that the administering agency would need to advance \$40,000 to \$50,000 for distribution purposes prior to being reimbursed by the GHSO from their grant award. Reimbursements are done on a monthly basis. The City of Blue Ash would be repaid their advance at the time another agency takes over as the lead agency.

Ordinance No. 2008-37 essentially establishes a separate fund to appropriately account for the revenues and dispersion of funds received from the State, as well as gives Council approval for Blue Ash to serve as the leading agency. Please direct questions regarding this ordinance to the Police Chief.

9.e.1. Ordinance No. 2008-38 - Authorizing an agreement with the Greater Cincinnati Water Works for coordinated repaving of the Terra Alta Subdivision

The Greater Cincinnati Water Works (GCWW) began a major water main replacement project in the Terra Alta subdivision this summer – the neighborhood south of Hunt Road, including Floral, Ellman, Elsmere, etc. These streets were included in the City's 2008 paving budget, anticipating that GCWW would reimburse the City 50% of those paving costs.

After further examination, the Service Director has recommended a different approach - to allow GCWW to handle the paving work with their contractor, who is already in Blue Ash working on the Arcadia subdivision, with Blue Ash to reimburse GCWW half the cost for paving. Since work is already underway in this area and for the Arcadia subdivision, it makes economic sense for the GCWW contractor already on site to complete the final paving work which was planned by Blue Ash for these streets. Adjustments to the budget will be addressed at a future transfer ordinance.

Ordinance No. 2008-38 authorizes the City to reimburse GCWW an amount not to exceed \$47,000. Please direct questions regarding this ordinance to the Service Director."

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Resolution No. 2008-5 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-5

PROVIDING FOR THE REAPPOINTMENT OF RAYMOND E. SCHAFFER OF 9640 SYCAMORE TRACE COURT TO THE PLANNING COMMISSION FOR THE TERM EXPIRING JULY 1, 2012 AND PROVIDING FOR THE REAPPOINTMENT OF PAUL E. COLLETT, JR. OF 9530 BENCHMARK LANE TO THE BOARD OF SITE ARRANGEMENT/ZONING APPEALS FOR THE TERM EXPIRING JULY 1, 2013

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Resolution No. 2008-5. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2008-5 passed.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2008-32 by title only (it having been read in full at the May 22, 2008 Council meeting, representing the ordinance's first reading, and being read in full in the back of the room this evening).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-32

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN ECONOMIC DEVELOPMENT AND REAL ESTATE CONVEYANCE AGREEMENT DESIGNATING MV TOWNE SQUARE LLC AS PREFERRED DEVELOPER RELATING TO REDEVELOPMENT WITHIN THE D-1 DOWNTOWN DISTRICT; AND DECLARING AN EMERGENCY

Councilman Sumner moved, Councilman Bryan seconded to adopt Ordinance No. 2008-32. Councilman Sumner reminded the audience that this time in the meeting would be appropriate only for Council comment. Councilman Sumner commented that he likes the

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proposed development for downtown and has confidence in Miller-Valentine as a developer. He has reservations about relocating the Veterans Memorial; however, believes it would be done appropriately and with respect. He commented that this area of downtown is currently one of the best assets in the City. Overall, the proposed development has many positives about it, except for one thing in his opinion: the parcel being proposed for its location. He commented that given the crowd present at tonight's meeting and the number of e-mails received, he believes the City has not done enough, and he struggles to support this ordinance.

Councilman Sumner moved to table Ordinance No. 2008-32 to consider this issue at the July Council meeting. There was no second to this motion. With no second offered to that motion (hence, its failure), Councilman Sumner asked the Clerk to call the roll (for the previous motion, which was moved and seconded, to adopt Ordinance No. 2008-32). Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Councilman Sumner voted no. Six yeses. One no. Ordinance No. 2008-32 passed.

In addressing a question from Councilman Bryan, resident Jamie Pike proudly gave Council an update on her daughter's (Stacie) activity related to her future as a U.S. Marine. She is expected to graduate from her current Marine activity in Paris Island, South Carolina, in August.

Councilman Sumner moved, Councilman Bryan seconded to set 7:05PM, Thursday, July 10, 2008 as public hearing for consideration of a special use permit related to the Park Manor residential development. A voice vote was taken. All members voted yes. Motion carried.

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk of Council to read Resolution No. 2008-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-6

PROVIDING FOR THE REAPPOINTMENTS OF SAL WERTHEIM TO THE CIVIL SERVICE COMMISSION, JAMIE PIKE TO THE CHARTER REVISION COMMITTEE, AND DAVID RACHMIEL TO THE BOARD OF TAX REVIEW

Councilman Bryan moved, Councilman Stacey seconded to adopt Resolution No. 2008-6. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeses. Resolution No. 2008-6 passed. Mayor Buckman administered the Oath of Office to Jamie Pike who was in attendance at the meeting.

Councilman Bryan asked the Clerk to read Ordinance No. 2008-33 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-33

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2008-3 FOR THE YEAR 2008 (AS SHOWN ON ATTACHMENT); 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 Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-33. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2008-33 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2008-34 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2008-34

AMENDING/CONFIRMING ORDINANCE NO. 2006-77
REGARDING A PROFESSIONAL SERVICES AGREEMENT
FOR THE PURCHASE OF COMPUTER SOFTWARE,
SOFTWARE UPGRADES, AND RELATED
IMPLEMENTATION AND INSTALLATION SERVICES FROM
SANDERSON CMI AND ALLOWING AN ADDITIONAL
\$19,000 FOR PURCHASES TO INCORPORATE A
NECESSARY EARNINGS TAX MODULE UPGRADE; AND
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-34. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-34 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2008-35 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-35

AMENDING SECTIONS 131.07-1, 131.07-2(a), 131.07-6, 131.07-20, AND 133.18-2(a) OF THE BLUE ASH CODE OF ORDINANCES; AND AUTHORIZING VARIOUS UPDATES THROUGHOUT THE BLUE ASH CODE OF ORDINANCES AND OTHER OFFICIAL CITY DOCUMENTS, PLANS, ADMINISTRATIVE POLICIES, AND/OR DIRECTIVES TO REFLECT THE CHANGE IN TITLE OF THE "SERVICE DIRECTOR" TO THE "PUBLIC WORKS DIRECTOR"; 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 Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-35. In addressing questions from Council, it was explained that the minimum wage issue being addressed in the pay plan relates to Federal level requirements, and that the title change of "Service Director" to "Public Works Director" does not involve a change in salary. There being no further discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-35 passed.

Parks & Recreation Committee, Lee Czerwonka, Chairperson

Councilman Czerwonka asked the Clerk of Council to read Resolution No. 2008-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-7

PROVIDING FOR THE REAPPOINTMENT OF ELAINE KERR TO
THE RECREATION BOARD OF THE CITY OF BLUE ASH, OHIO

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Resolution No. 2008-7. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2008-7 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-36 by title only.

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THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-36

AMENDING SECTION III OF ORDINANCE NO. 2007-36
REGARDING THE MASONRY CATEGORY OF WORK
ASSOCIATED WITH PHASE I OF THE RECREATION
CENTER EXPANSION AND RENOVATION PROJECT; AND
DECLARING AN EMERGENCY

Councilman Czerwonka moved, Councilwoman Stoller 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 Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2008-36. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-36 passed.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk of Council to read Resolution No. 2008-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-8

SUPPORTING THE DRUG ABUSE RESISTANCE EDUCATION
(D.A.R.E.) PROGRAM AND AUTHORIZING THE FILING OF A
GRANT REQUEST WITH THE OHIO ATTORNEY GENERAL'S
OFFICE FOR THE CONTINUING EFFORTS OF THE D.A.R.E.
PROGRAM

Councilman Sumner moved, Councilman Bryan seconded to adopt Resolution No. 2008-8. Councilman Bryan commented favorably on the DARE program and complimented Blue Ash's Auxiliary Patrol Officer Ken Johnson on the excellent job he does representing Blue Ash as the City's DARE Officer in the Sycamore Schools. Councilman Bryan commented further on the positive influence he has with the students. Mayor Buckman added that he recently attended the DARE graduation and mentioned how much the students admire Office Johnson. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2008-8 passed.

Councilwoman Stoller asked the Clerk to read Ordinance No. 2008-37 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-37

DESIGNATING THE CITY OF BLUE ASH POLICE
DEPARTMENT AS THE LEAD/ADMINISTERING AGENCY
FOR HAMILTON COUNTY'S PARTICIPATION IN THE
GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSSO) OVI
(OPERATING VEHICLE INTOXICATED) GRANT PROGRAM
AND ESTABLISHING A SPECIAL REVENUE FUND NUMBER
281 ASSOCIATED WITH OVI POLICE EFFORTS; AND
DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Czerwonka seconded to adopt Ordinance No. 2008-37. In addressing a question from Councilman Sumner, City Manager Waltz explained that the Police Administration expressed a desire to perform as the lead agency for a year or two, and if the responsibilities result in too much of a burden, the City's participation in this role would be reanalyzed. There being no further discussion, the Clerk called the roll.

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Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-37 passed.

Public Works Committee, Henry S. Stacey, Chairperson

Councilman Stacey asked the Clerk to read Ordinance No. 2008-38 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-38

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GREATER CINCINNATI WATER WORKS (GCWW) ALLOWING REIMBURSEMENT TO GCWW FOR COORDINATED REPAVING OF STREETS WITHIN THE TERRA ALTA SUBDIVISION (FLORAL, ELSMERE, ETC.) IN BLUE ASH FOR AN AMOUNT NOT TO EXCEED \$47,000; 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 Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-38. In addressing a question from Council, Service Director Mike Duncan explained that the Water Works' contractor's paving subcontractor is Barrett Paving. Barrett has received several bid awards for various projects by Blue Ash in the past and has done a good job. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-38 passed.

MISCELLANEOUS BUSINESS

Service Director Mike Duncan reported that OKI approved adding the I-71/Pfeiffer interchange lane project to their long-range plan and that their 2009 LTIP was amended to include design and engineering for that project. Construction is estimated to start in 2012. City Manager Waltz added that the aspect of the project originally slated to include an additional southbound lane was removed; however, the additional northbound lane remains. Mr. Duncan added that the concept of a continuous right-turn lane off eastbound Pfeiffer onto the access ramp to southbound I-71 is currently being re-evaluated. In addressing a question from Councilman Czerwonka relating to area traffic signals, Mr. Duncan commented that this project when complete should improve the coordinated signal system. In addressing a question from Councilwoman Stoller regarding sound walls, Mr. Duncan commented that as a part of the environmental requirements of the project, a noise analysis will be completed. If the results of that noise analysis suggest a sound wall is necessary, then it will be incorporated into the project. Mr. Duncan commented that he would keep Council apprised of this project.

Parks & Recreation Director Chuck Funk gave a brief update on the Recreation Center renovation project. The excavation for the basement space was recently completed, and the project is close to being on schedule. The walls for the basement should be poured next week, and in coming weeks, more above-ground structure (including steel) will be seen – probably after July 4th.

City Manager Waltz commented that he has been working with the Economic Development Director regarding an existing Blue Ash business, Advanced Testing Laboratory (ATL). This fast-growing company is currently evaluating its options, and it is considering additional substantial investment at its Blue Ash site on Cornell Road near the eastern corporation boundary. The company is working with the State of Ohio's Department of Development through potential participation in its Ohio Job Creation Tax Credit program. If ATL chooses to remain and expand in Blue Ash, their participation in this State program would require Blue Ash participation as well. The City has participated in this State incentive program successfully in the recent past with other companies. Therefore, future legislation may be presented to Council regarding this issue.

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Mr. Waltz gave a brief update on the airport project. Recently, positive conversations have taken place with the AOPA, and a meeting with the FAA is likely to happen sometime in July. Also, the AOPA has forwarded material to the City for its information and review. Overall, recent activity has picked up, and airport relocation efforts are encouraging.

City Manager Waltz commented that the Parks & Recreation Director and other staff are currently reviewing the tree issue in Blue Ash, especially given last year's drought situation. The goal is to be proactive in review of this situation. Future efforts are likely to include the re-evaluation of the City's tree program, among other ideas, and the Administration's expectation is to come to Council in the future with recommendations to address the difficulty. Councilman Bryan commented that he is pleased the City is addressing this issue and suggested that consideration be given to the City's removal of dead trees in areas where they abut a major thoroughfare, such as Reed Hartman Highway. Mr. Funk commented that this is probably the beginning of the tree-related problems as his staff is seeing even more stress. He commented that some funds have been included in each year's budget to replace trees in certain areas; however, more may likely be needed in future years.

City Manager Waltz reminded Council of the upcoming Red, White & Blue Ash event and mentioned that even larger crowds could occur since this year July 4th falls on a Friday.

Councilman Sumner commented favorably on the re-issue and reminder of the City's Smog Alert policy.

Vice Mayor Weber commented that he has heard from a few constituents that they were not aware of enough information regarding the proposed downtown development discussed earlier and that they have not read anything in the local paper (*Northeast Suburban Life*). Vice Mayor Weber urged the City to increase its education efforts and to remind citizens that the BlueAsh.com website is where they should look first to learn the latest about important projects in the Blue Ash community. The idea of utilizing an e-mail sign-up list was also suggested. Councilman Bryan added that with a residential population of 12,000, it should be expected that Council hear an occasional "I didn't know about this" comment.

Councilman Stacey agreed with the suggestions to continue to educate residents, particularly on the downtown project. He also commented favorably on the recent letters from State of Ohio officials indicating the City's being selected to receive \$150,000 from the State's capital program towards the future Performing Arts & Conference Center.

Councilman Stacey commented favorably on information forwarded regarding the potential of a dog park on the City-owned parcel on the west side of Kenwood north of Pfeiffer/ Glendale-Milford. After brief discussion, it was agreed that the Administration would further discuss and present this idea at the July meeting. Mr. Waltz added that since this park was not included in the 2008 Budget, perhaps the best way to move forward is for additional discussion and contemplation to occur between now and the end of this year. If it appears to be the consensus of Council that this item should move forward, then it could be included in the 2009 Budget.

Councilman Bryan commented briefly on the downtown discussion held previously in the meeting. He summarized that he felt comfortable with the vote and adoption of the ordinance knowing that there are several steps to be involved in this process and much future opportunity for additional public input. He mentioned that there are many answers that we do not know yet. In commenting on some comments he has read regarding this potential downtown project's "desecration" of the Veterans Memorial, Councilman Bryan commented that in his opinion, the Memorial's current location promotes even more such activity. For example, especially during the larger events, often times he and others have seen children playing and hanging on the statues, trash being left on the Memorial, etc. He added that perhaps the best form of honor is to not have the Memorial in the middle of a carnival-type activity space.

Mayor Buckman praised the staff on the successful SummerBration event, and lightheartedly complimented the Vice Mayor on the beautiful weather over that weekend.

Councilman Czerwonka complimented the flowers in the downtown area.

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EXECUTIVE SESSION

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

After matters pertaining to property acquisition and personnel employment 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 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 9:00 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council