

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on June 14, 2007. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Buckman led those assembled in the Pledge of Allegiance.

**ROLL CALL**

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

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, Fire Chief Rick Brown, Fire Captain Chris Theders, Technology Officer Dan Klapp, Assistant to the City Manager Kelly Osler, City Engineer John Eisenmann and others from CDS Associates, and interested citizens

**PUBLIC HEARING: 7:00PM – Consideration of Ordinance No. 2007-22 – amending portions of Chapter 1167 (M-4 Light Industrial District) of the Blue Ash Code of Ordinances**

The Deputy Clerk was asked to read Ordinance No. 2007-22 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2007-22

AMENDING PORTIONS OF CHAPTER 1167 (M-4 LIGHT INDUSTRIAL DISTRICT) OF THE BLUE ASH CODE OF ORDINANCES, INCLUDING AMENDMENTS TO SECTION 1167.01(a)(15) RELATING TO PERMITTED USES AND THE ADDITION OF SECTION 1167.08(p) RELATING TO SITE DESIGN REQUIREMENTS; AND DECLARING AN EMERGENCY

Monica Kohnen, Attorney with Graydon Head & Ritchey, explained that she is representing the Blue Ash business The Brickman Group/GroundMasters (located on Williamson Road in the M-4 District). She expressed objections to this ordinance on behalf of her client, and stated that in her opinion, if Council adopts these changes to the Code that it will result in a “taking” of her client’s business. She respectfully asked Council to consider not adopting the ordinance, or, in the least, to table it to give further consideration of its effects. She asked that if Council does plan to adopt the ordinance to please consider amendments to what is being proposed. As presented, the proposed regulations would allow no outside storage within 300 feet of a residential area, unless within a completely enclosed structure. Ms. Kohnen displayed a Blue Ash Zoning map, pointing out the M-4 Districts. She contends that the proposed changes are unfriendly to businesses and will have an extreme negative impact upon her client, as they will essentially lose 60% of their property due to the loss of outside storage area. She added that in her opinion, the “defense” of the non-conforming business protection is very limited. For example, she noted that protection will be lost if the current use is discontinued. She also noted that in the case of resale, there is a stigma associated with a property with a non-conforming use. She explained that the Brickman/GroundMasters property is likely not the type of property that one would buy without utilizing it for outside storage. She explained that to imply these proposed Code changes are not significant is incorrect in her client’s case. Her client has been in Blue Ash for over 25 years (though not at the Williamson Road address that entire time), and when relocating to their current location, they purposely sought M-4 zoned property because they knew the nature of their business operations fit within that zoning district. In her opinion, the proposed changes are a matter of over-regulation, and that the noise complaints from nearby residential properties can be addressed via the Code changes previously passed by Council

(Chapter 509). In conclusion, she summarized her beliefs that the changes represent a taking of her client's land; that the changes are overly aggressive; and requested that Council not adopt, or, in the least, table, the proposed ordinance. If Council deemed it appropriate to pass, she asked that they consider a smaller setback restriction – perhaps 100 feet, vs. the proposed 300 feet, as well as clarification of some language.

In addressing questions from Councilwoman Stoller, Ms. Kohnen clarified on the site plan her client's use of certain areas surrounding the building. Ms. Kohnen commented that the outside storage area could not be moved elsewhere on the site due to other setback restrictions from the street.

In addressing a question from Ms. Kohnen regarding her desire to address the noise ordinance previously approved by Council and her client's desire to make improvements and suggestions for the property, it was determined that this would be more appropriately discussed under the "Hearings from Citizens" portion of the agenda.

There being no further comments regarding this ordinance, the public hearing was closed at approximately 7:18PM.

**PUBLIC HEARING: 7:05PM – Consideration of Ordinance No. 2007-23 – amending Section 1181.05 of the Blue Ash Code of Ordinances regarding commercial real estate signs**

The Deputy Clerk was asked to read Ordinance No. 2007-23 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2007-23

AMENDING SECTION 1181.05 (SIGN REGULATIONS) OF  
CHAPTER 1181 OF THE BLUE ASH CODE OF ORDINANCES AS  
SHOWN IN THE ATTACHMENT TO THIS ORDINANCE; AND  
DECLARING AN EMERGENCY

There being no questions from Council or comment from the public regarding this ordinance, this public hearing was closed at 7:21PM.

Mayor Buckman appointed Service Director Denny Albrinck to read the legislation in its entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

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

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL – Deputy Clerk of Council Susan K. Bennett
4. PUBLIC HEARING: 7:00PM – Consideration of Ordinance No. 2007-22 – amending portions of Chapter 1167 (M-4 Light Industrial District) of the Blue Ash Code of Ordinances
5. PUBLIC HEARING: 7:05PM – Consideration of Ordinance No. 2007-23 – amending Section 1181.05 of the Blue Ash Code of Ordinances regarding commercial real estate signs
6. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
7. ACCEPTANCE OF AGENDA
8. APPROVAL OF MINUTES
  - a. Regular Meeting of May 24, 2007
9. COMMUNICATIONS
  - a. Communications to Council – Deputy Clerk of Council Susan K. Bennett
  - b. Reports From Outside Agencies
  - c. Mayor's Report – May 2007 – Honorable Robert J. Buckman, Jr.
  - d. Financial Report – Motion to accept the report for May 2007
10. HEARINGS FROM CITIZENS
11. COMMITTEE REPORTS

- a. Planning & Zoning Committee, James W. Sumner, Chairperson
  - 1. Ordinance No. 2007-22, amending portions of Chapter 1167 (M-4 Light Industrial District) of the Blue Ash Code of Ordinances
  - 2. Ordinance No. 2007-23, amending Section 1181.05 of the Blue Ash Code of Ordinances regarding commercial real estate signs
  - 3. Resolution No. 2007-6, appointing a member to the Board of Site Arrangement/Zoning Appeals
- b. Parks & Recreation Committee, Lee Czerwonka, Chairperson
  - 1. Ordinance No. 2007-32, authorizing purchase of pre-owned golf maintenance equipment
- c. Finance & Administration Committee, Rick Bryan, Chairperson
  - 1. Resolution No. 2007-7, appointing members to the Civil Service Commission and the Board of Tax Review
- d. Public Safety Committee, Stephanie Stoller, Chairperson
  - 1. Resolution No. 2007-8, adopting the revised Hamilton County Natural Hazard Mitigation Plan
  - 2. Ordinance No. 2007-33, authorizing agreement for lease of Police impound lot
  - 3. Resolution No. 2007-9, supporting the DARE program and authorizing filing of a grant request with the Ohio Attorney General's Office
  - 4. Ordinance No. 2007-34, authorizing disposal of surplus City equipment

12. MISCELLANEOUS BUSINESS

13. EXECUTIVE SESSION – Personnel Matter and Property Acquisition

14. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Sumner moved, Councilman Bryan seconded to approve the minutes of the regular meeting of May 24, 2007. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

The Deputy Clerk that the City received a liquor license transfer request for Ringo Lanes related to a change of ownership. The Police Department has reviewed and has no objection to this request. Council expressed no objection.

PERMIT #: 7388168

TO: Ringo Lanes, 9651 Kenwood Road

FROM: none noted

**Reports From Outside Agencies**

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

**Mayor's Report – May 2007**

RECEIPTS:

Fines.....	\$ 19,796.00
Bonds & BMV fees carried over .....	\$ 550.00
Interest Earned.....	\$6.79
Bonds collected .....	\$ 50.00
TOTAL RECEIPTS:.....	\$20,402.79

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Exp/forfeitures) .....	\$14,587.79
To the State of OH .....	\$5,412.00
Refund of Overpaid Fine .....	\$38.00
Bond Money applied.....	\$170.00
Bond Money returned .....	\$180.00
BMV.....	\$15.00
TOTAL DISBURSEMENTS.....	\$20,402.79

BALANCE IN BONDS: ..... \$0.00

Mayor's Court traffic citations .....	203
Mayor's Court criminal citations	22
Total Mayor's Court cases	225
May rev. from Mayor's Ct. Cases:	\$14,587.79

**Financial Report – May 2007**

Councilwoman Stoller moved, Councilman Czerwonka seconded to accept the Financial Report for May 2007 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

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

MONTH TO DATE	2006	2007
START OF MONTH FUND BALANCE: 5-1-07	\$12,713,467.25	\$16,695,804.15
<b>Revenues:</b>		
Earnings Tax Collections:	1,545,164.11	2,012,351.04
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>1,766,317.74</u>	<u>1,781,372.56</u>
= Total Monthly Receipts	3,311,481.85	3,793,723.60
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>2,595,716.25</u>	<u>4,361,854.56</u>
= Total Monthly Expenditures:	<u>-2,595,716.25</u>	<u>-4,361,854.56</u>
ENDING FUND BALANCE: 5-31-07	13,429,232.85	16,397,673.19
<b>YEAR TO DATE</b>	<b>2006</b>	<b>2007</b>
START OF YEAR FUND BALANCE:	12,916,635.98	17,286,456.32
<b>Revenues:</b>		
Earnings Tax Collections:	9,844,809.90	11,683,267.75
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>4,554,186.06</u>	<u>4,910,485.02</u>
= Total Monthly Receipts	14,398,995.96	16,593,752.77
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>13,886,399.09</u>	<u>17,482,535.90</u>
= Total YTD Expenditures:	<u>-13,886,399.09</u>	<u>-17,482,535.90</u>
YTD FUND BALANCE	13,429,232.85	16,397,673.19

100% of the fund balance was invested as of 5-31-07. Interest paid to date on matured investments: \$325,834.75. Receipt and expenditure figures do not include interfund transfers.

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

MONTH-TO-DATE STATUS	2006	2007
Business Net Profit	75,704.90	180,501.98
Resident Net Profit	20,763.89	32,038.91
Non-Resident Net Profit	4,789.43	6,660.43
Subcontractor Net Profit	<u>973.00</u>	<u>453.00</u>
Net Profit Total	102,231.22	219,654.32
Withholding	1,410,372.95	1,751,152.97
Subcontractor Withholding	<u>32,559.94</u>	<u>41,543.75</u>
Withholding Total	<u>1,442,932.89</u>	<u>1,792,696.72</u>
Monthly Collection Totals	1,545,164.11	2,012,351.04
<b>YEAR-TO-DATE STATUS</b>	<b>2006</b>	<b>2007</b>
Business Net Profit	1,883,927.10	1,427,475.24
Resident Net Profit	433,738.78	530,836.54
Non-Resident Net Profit	124,073.05	139,681.92
Subcontractor Net Profit	<u>17,040.26</u>	<u>45,555.72</u>
Net Profit Total	2,458,779.19	2,143,549.42
Withholding	7,249,163.72	9,312,676.17
Subcontractor Withholding	<u>136,866.99</u>	<u>227,042.16</u>
Withholding Total	<u>7,386,030.71</u>	<u>9,539,718.33</u>
YTD Collection Totals	9,844,809.90	11,683,267.75
YTD Refund Totals	<u>400,381.73</u>	<u>1,138,838.10</u>

**HEARINGS FROM CITIZENS**

Attorney Monica Kohnen addressed Council regarding the previous noise ordinance passed in April (changes to Chapter 509). Ms. Kohnen explained that her client has attempted to work with GroundMasters' residential neighbors on Cornell Woods Drive in alleviating the noise problems by installing a berm along with additional plantings. The restriction on the work hours is difficult for a landscaping/snow removal type of business -- especially the snow removal portion of the business, since no one can predict when it is going to snow. She asked Council to consider an exception to allow work associated with snow removal efforts to occur outside of those restricted hours. Her client fully intends to comply with the restricted hours in association with the landscaping portion of their business.

Chris Hayes introduced himself as a division manager for GroundMasters, a division of Brickman. Though he is not based at the Blue Ash site, he was recently brought up to date on the situation by the Blue Ash based manager (Mark). He is sympathetic with the Cornell Woods Drive neighbors' concerns and is confident that they can improve the situation by improving the buffer area, and has prepared a suggested design towards such efforts. Though he commented that he realizes this will not completely eliminate the noise, he expressed a desire to display good faith effort to work with Council and the neighbors to improve the situation. He explained that he believes GroundMasters will be able to comply within the hours of operations restrictions of the noise ordinance previously passed at least 90% of the time for nine to ten months of the year. However, with the snow removal portion of the business, it is a concern and would be a struggle. He noted that his company services a number of businesses in Blue Ash, and that they would work hard to be good neighbors. Mr. Hayes displayed a design idea that includes the addition of a six-foot high berm, an eight-foot high fence upon that berm, and the planting of good-sized Evergreen trees on the neighbor's side of that buffer. He believes such a plan will soften much of the noise now being experienced. He stressed that this business has been in Blue Ash for 26 years, and asked for Council's help in considering suggestions presented this evening.

In addressing questions from Mayor Buckman and Councilwoman Stoller, Mr. Hayes commented that he has not yet spoken directly with the neighbors as he felt it appropriate to discuss with Council first.

There being no other citizens who wished to address Council, Hearings from Citizens was closed at approximately 7:32PM.

**COMMITTEE REPORTS**

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

"The following offers a brief description of the topics included on the June 14th Council Agenda:

**11.a.1. Ordinance No. 2007-22 - Amending portions of Chapter 1167 (M-4 Light Industrial District) of the Blue Ash Code of Ordinances**

Ordinance No. 2007-22 amends portions of Chapter 1167 (M-4 Light Industrial District) relating to noise-related issues previously discussed by the Administration and Council. Changes to this chapter of the code represent the second of the two-prong approach previously discussed with Council, most extensively during the April 12<sup>th</sup> work session. Planning Commission considered the revisions at their May meeting, and recommends approval.

Please direct questions regarding this ordinance to the Assistant Community Development Director.

**11.a.2. Ordinance No. 2007-23 - Amending Section 1181.05 of the Blue Ash Code of Ordinances regarding commercial real estate signs**

Also discussed at the April 12<sup>th</sup> work session are the recommended Code changes addressed in Ordinance No. 2007-23 relating to temporary commercial real estate signs. In summary, the changes remove a permit requirement for temporary signs, set size limitations for such signs in various land uses/zones, and provide an additional size allocation for permanent signs for non-residential properties that are for lease. The most notable change expected upon passage of the new requirements is that the large and unattractive "for lease" signs often placed at commercial office buildings will no longer be permitted and that space on permanent signs will be allowed to provide the same information in a more attractive and aesthetically pleasing manner. The amendments require

that all non-conforming signs be removed or changed to comply with the new regulations within six months of passage of the ordinance. Conforming signs may remain in place. The Planning Commission reviewed these proposed changes at both their May and June meetings, and recommend approval to Council.

Please address questions regarding this ordinance to the Assistant Community Development Director.

**11.a.3. Resolution No. 2007-6 - Appointing a member to the Board of Site Arrangement/Zoning Appeals**

As directed by Council, Resolution No. 2007-6 formally appoints Tom Adamec of Woodlands Way to the Board of Site Arrangement/Zoning Appeals. Mr. Adamec currently serves on the Civil Service Commission, and his appointment to the Board of Sites will be effective June 15<sup>th</sup>.

**11.b.1. Ordinance No. 2007-32 - Authorizing purchase of pre-owned golf maintenance equipment**

The Golf Maintenance Division is requesting authority to purchase two pre-owned tri-plex mowers for use in maintaining the Golf Course. The mowers are available from Xenia Power at very reasonable prices, and the ordinance authorizes not-to-exceed amounts of \$14,500 each, for a total of \$29,000. Both mowers are about three years old and have less than 800 hours of use. The price is about half what the mowers would cost new. The Course has purchased used equipment in the past and experienced good luck with that equipment.

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

**11.c.1. Resolution No. 2007-7 - Appointing members to the Civil Service Commission and the Board of Tax Review**

As directed by Council, Resolution No. 2007-7 appoints Steve Richter of Lansford Drive and David Rachmiel of Carpenter's Ridge Drive to the Civil Service Commission and Board of Tax Review respectively.

**11.d.1. Resolution No. 2007-8 - Adopting the revised Hamilton County Natural Hazard Mitigation Plan**

A Federal act passed in the Year 2000 required local communities to develop a hazard mitigation plan outlining goals and objectives for mitigating natural disasters, such as flooding, severe storms, tornadoes, winter storms, etc. if those communities are to be eligible for Federal aid. In November 2002, Hamilton County received a grant from the Ohio Emergency Management Agency to support development of such a plan for the County and to invite participation with all 49 political jurisdictions within the County.

In order to qualify for pre- or post-disaster mitigation funding assistance, all local communities in the County are required to have a federally-approved natural hazard mitigation plan, and local jurisdictions have two options to assure access to this funding: they must either adopt their own plan meeting the federal requirements or they must adopt the county-wide plan designed to meet the federal requirements. To assist local jurisdictions, Hamilton County developed a county-wide plan during 2003, and Blue Ash formally adopted that plan in September 2004 via passed of Resolution No. 2004-21.

Changes to that initial plan have since been made, and in order to assure the continued project grant availability, formal adoption by Council is required. The Fire Chief has reviewed the revisions to the plan and is recommending Council approval. He is familiar with the history of the plan and also has a copy of this very long document if Council is interested in reviewing. Chief Brown is also anticipated to attend Thursday's meeting.

**11.d.2. Ordinance No. 2007-34 - Authorizing agreement for lease of Police impound lot**

Ordinance No. 2007-34 authorizes a contract related to the continued lease of the existing Police impound lot located off Carlyn Drive. The Department currently leases this property from PR Collins, LLC. The ordinance would authorize a monthly fee of \$3,500 for the August 1, 2007 through July 31, 2008 period and \$3,700 for the August 1, 2008 through July 31, 2009 period. This represents a \$200 per month increase over the previous contract period. The Police have been pleased with this impound arrangement and recommend approval of this contract. The Solicitor's Office has been involved with finalization of the lease agreement with Collins.

Please direct questions regarding this ordinance to Police Captain Jim Schaffer at 745-8459 or to the Treasurer.

**11.d.3. Resolution No. 2007-9 - Supporting the DARE program and authorizing filing of a grant request with the Ohio Attorney General's Office**

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 \$3,500 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.

**Miscellaneous Business**

As was discussed at the May 24<sup>th</sup> Council meeting, Council motion would be appropriate related to a request to place a memorial (engraved stone) at the historical Hunt House in memory of Betty Bell. The request was received from friends on Mrs. Bell's Bridge Club. As directed by Council at the May 24<sup>th</sup> Council meeting, the Parks & Recreation Director did ask the opinion of a member of the Hunt Family, and he expressed no objection to the stone if Council decided to grant approval. However, he did suggest, and the Administration agrees, that if Council approves the stone, that it not be placed in a prominent area near the home's entrance.

Also to be included under Miscellaneous Business will be the preliminary discussion with CDS Associates regarding their recommendations associated with the Plainfield Road Corridor Study."

"Earlier this week, the Administration was informed by the Police Department that the City received title to a 2006 Hummer H3 as the result of a forfeiture action.

The Police Department has requested permission to auction this surplus vehicle to assure the greatest value possible for its disposal. They plan to utilize Hamilton County's online auction program.

Since the value of this vehicle exceeds \$10,000, Council approval is necessary (as defined in Section 113.01 of the Code). Therefore, we added Ordinance No. 2007-34 to the Council agenda to address this issue.

Please let us know if you have any questions. Thank you."

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

Councilman Sumner asked the Deputy Clerk of Council to read Ordinance No. 2007-22 by title only (it having been read in its entirety during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-22

AMENDING PORTIONS OF CHAPTER 1167 (M-4 LIGHT INDUSTRIAL DISTRICT) OF THE BLUE ASH CODE OF ORDINANCES, INCLUDING AMENDMENTS TO SECTION 1167.01(a)(15) RELATING TO PERMITTED USES AND THE ADDITION OF SECTION 1167.08(p) RELATING TO SITE DESIGN REQUIREMENTS; AND DECLARING AN EMERGENCY

Councilman Sumner moved, Councilman Weber seconded to suspend the rules of Council requiring a second reading of the ordinance. The Deputy Clerk called the roll. Councilpersons Weber, Stacey, Bryan, Stoller, and Mayor Buckman voted yes. Councilman Sumner voted no. Councilman Czerwonka abstained. Five yeses; one no; one abstention. Motion carried.

Councilman Sumner expressed his continued concern with the proposed ordinance and suggested Council take more time in considering these changes. He suggested the notion of tabling the ordinance, and City Manager Waltz commented that there would be nothing inappropriate about tabling if Council so chooses.

Mr. Waltz clarified that the City did discuss the question of whether such changes to the Code would be considered a "taking," and it is his and the City Solicitor's office opinion that this is not a concern. The entire existing GroundMasters operation is grandfathered, and even another landscaper would be allowed to continue operation at this site. If GroundMasters were to stop operations and did not occupy the building for one year plus

one day, then in that case, the same business could not operate at this location. However, as long as the use is not discontinued for more than a year, the business may continue. He noted that there are many non-conforming uses in business zones throughout the City, and many have been in business for many years (citing the Blue Ash Road/Floral Avenue area as an example). In addressing the suggestion to reduce the outside storage “setback” from the proposed 300 feet, Mr. Waltz suggested that the City could look at this provision; however, he also stressed that this proposed Code change is not just about the specific GroundMasters site or issues with the Cornell Woods neighbors – the proposed Code changes address all M-4 zoned properties where they abut residentially-zoned properties. The changes are meant to assure an improved transition between business and residential zones where they do meet.

In addressing a question from Councilman Bryan, Councilman Sumner commented that Planning Commission did recommend approval of these changes to the Code, and he did not recall extensive discussion.

Deputy Solicitor Pacheco commented that the decision as to whether or not to table is a legislative call, not a legal one.

Councilman Sumner moved, Councilwoman Stoller seconded to table consideration of this ordinance to allow further consideration of the concerns brought forth, including the length of setback and other items discussed this evening. The Deputy Clerk called the roll. Councilpersons Stacey, Bryan, and Weber voted no. Councilpersons Stoller, Sumner, and Mayor Buckman voted yes. Councilman Czerwonka abstained. Three no’s; three yeses; one abstention. Motion failed.

After a brief discussion, Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2007-22. The Deputy Clerk called the roll. Councilpersons Stacey, Bryan, Weber, and Mayor Buckman voted yes. Councilpersons Stoller and Sumner voted no. Councilman Czerwonka abstained. Four yeses; two no’s; one abstention. At this point in the meeting, after brief discussion, it was determined that Ordinance No. 2007-22 did not pass as an emergency and would be presented for a second reading at the next regular meeting.

Councilman Sumner moved, Councilwoman Stoller seconded to have a second reading of this ordinance at the next regular meeting (July 12<sup>th</sup>). The Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Motion carried.

Councilman Sumner asked the Deputy Clerk of Council to read Ordinance No. 2007-23 by title only (it having been read in its entirety during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-23

AMENDING SECTION 1181.05 (SIGN REGULATIONS) OF  
CHAPTER 1181 OF THE BLUE ASH CODE OF ORDINANCES AS  
SHOWN IN THE ATTACHMENT TO THIS ORDINANCE; AND  
DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-23. There being no discussion, the Deputy Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2007-23 passed.

Councilman Sumner asked the Deputy Clerk of Council to read Resolution No. 2007-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2007-6

APPOINTING THOMAS C. ADAMEC TO THE BOARD OF SITE  
ARRANGEMENT AND BOARD OF ZONING APPEALS OF THE  
CITY OF BLUE ASH

Councilman Sumner moved, Councilman Czerwonka seconded to adopt Resolution No. 2007-6. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2007-6 passed. Mayor Buckman administered the Oath of Office to Mr. Adamec who was present at the meeting.

**Parks & Recreation Committee, Lee Czerwonka, Chairperson**

Councilman Czerwonka asked the Deputy Clerk to read Ordinance No. 2007-32 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-32

AUTHORIZING PURCHASE OF TWO PRE-OWNED TRI-  
PLEX MOWERS FOR THE GOLF MAINTENANCE DIVISION  
FOR AN AMOUNT NOT TO EXCEED \$14,500 EACH; AND  
DECLARING AN EMERGENCY

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

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2007-32. There being no discussion, the Deputy Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2007-32 passed.

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

Councilman Bryan asked the Deputy Clerk of Council to read Resolution No. 2007-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2007-7

PROVIDING FOR THE APPOINTMENTS OF STEVEN  
RICHTER TO THE CIVIL SERVICE COMMISSION AND  
DAVID RACHMIEL TO THE BOARD OF TAX REVIEW

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Resolution No. 2007-7. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2007-7 passed. Mayor Buckman administered the Oath of Office to both Mr. Richter and Mr. Rachmiel who were both present at the Council meeting.

**Public Safety Committee, Stephanie Stoller, Chairperson**

Councilwoman Stoller asked the Deputy Clerk to read Resolution No. 2007-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2007-8

AUTHORIZING THE CITY MANAGER TO ADOPT THE  
REVISED HAMILTON COUNTY NATURAL HAZARD  
MITIGATION PLAN

Councilwoman Stoller moved, Councilman Stacey seconded to adopt Resolution No. 2007-8. There being no discussion, the Deputy Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Seven yeses. Resolution No. 2007-8 passed.

Councilwoman Stoller asked the Deputy Clerk to read Ordinance No. 2007-33 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-33

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PR COLLINS INVESTMENT, LLC FOR LEASE OF PROPERTY UTILIZED FOR THE POLICE IMPOUND LOT FOR A TWO YEAR PERIOD (AUGUST 1, 2007 THROUGH JULY 31, 2009); AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Ordinance No. 2007-33. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2007-33 passed.

Councilwoman Stoller asked the Deputy Clerk to read Resolution No. 2007-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2007-9

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

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Resolution No. 2007-9. There being no discussion, the Deputy Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Resolution No. 2007-9 passed.

Councilwoman Stoller asked the Deputy Clerk to read Ordinance No. 2007-34 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-34

AUTHORIZING THE DISPOSAL OF CITY-OWNED SURPLUS FORFEITED EQUIPMENT; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Sumner seconded to adopt Ordinance No. 2007-34. There being no discussion, the Deputy Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2007-34 passed.

**MISCELLANEOUS BUSINESS**

Service Director Denny Albrinck gave a brief update on the Blue Ash Road Cincinnati Water Works (CWW) project. He explained that recent work was originally intended to close the road for two days to allow the contractor time to place pipe under the culvert. However, the contractor soon realized that this part of the project would be much more extensive as they now will have to hand dig 17 feet through bad rock in order to get this portion of the project accomplished. Access to homes in the closed area will remain available at all times for residents, emergency vehicles, buses, and for waste pickup. To date, his office has received no complaints relating to this roadwork.

Mr. Albrinck also updated Council on the upcoming Hunt Road Water Works project between Plainfield and Bluewing Terrace. CWW has expedited the project for replacement of this main, with bids scheduled to go out next week. Work is expected to start no later than July 9<sup>th</sup>, and to be finished by the end of August.

Parks & Recreation Director Chuck Funk commented that bids for Phase I of the Recreation Center expansion project were finalized this week and the goal is to present a recommended bid award to Council at the next meeting. Phase I includes construction of the new gymnasium. Phase II of the project will be bid this fall.

Public Information Officer/Deputy Clerk Sue Bennett explained to Council an issue affecting Council meetings in September. The second and fourth Thursdays of this month this year occur on September 13<sup>th</sup> and 27<sup>th</sup>. September 13<sup>th</sup> happens to be Rosh Hashanah – one of the holiest days of the Jewish religion. September 27<sup>th</sup> falls on the day immediately before several Council members will be traveling to our Sister City. After some discussion, Councilman Czerwonka moved, Councilman Sumner to set Tuesday, September 11, 2007 as a regular Council meeting, and to cancel the regular meetings of September 13<sup>th</sup> and 27<sup>th</sup>. A voice vote was taken. All members except for Councilwoman Stoller voted yes. Councilwoman Stoller voted no (since she will not be able to attend September 11). Motion carried.

City Manager Waltz introduced Miss Regan Harrel who will be a Junior at Ursuline Academy. Regan lives in Blue Ash and job “shadowed” Mr. Waltz earlier this week, as she is interested in exploring a potential public service career.

Mr. Waltz commented that the project team associated with the Recreation Center expansion project is close to finalizing the layout of the Phase II portion of the project (work planned for the Cooper Road side). He anticipates presenting that layout for Council at their August meeting.

Mr. Waltz reminded Council of discussion that took place at the May 24<sup>th</sup> meeting regarding a request to place a memorial stone for Betty Bell at the City-owned Hunt House. This request, received from the members of Mrs. Bell’s Bridge Club, would fall within the “major” memorial category as defined in the most recent policy and would require Council approval. Mr. Funk added that at the May 24<sup>th</sup> meeting, Council requested that he talk with the Bell family to gather their opinion, and he did do that via discussion with Tom Bell, Betty’s son. Mr. Funk reported that Tom understood that this is a Council decision and the need for such a Citywide memorial policy, and that the Family would not have an objection to this engraved boulder being placed at the home. However, Tom did also comment that if Council did approve the request, he suggested that the boulder not be placed in a conspicuous location, as he believed that would have been the wish of his Mother. After some discussion, it was the consensus of Council that perhaps there may be a more appropriate way to honor the Bell/Hunt Family on the property. Councilman Sumner moved, Councilman Czerwonka seconded to respectfully decline the request from Mary Dufek (on behalf of the Bridge Club) for placement of the engraved memorial “boulder” at the Hunt Home. A voice vote was taken. All members voted yes. Motion carried.

Some discussion was had regarding previous dialogue under Hearings from Citizens regarding a request from the GroundMasters legal counsel to consider an amendment to the noise ordinance change (Chapter 509) as it relates to snow events. Mr. Pacheco commented that if Council were so inclined, they could accept snow removal as an “emergency.”

Councilman Sumner urged the City to take advantage of the offers made previously by the GroundMasters representative. He suggested the City facilitate discussion between the abutting residents and GroundMasters.

Councilman Bryan commented that it appears the issues between GroundMasters lies with the business' wintertime work activities since the business agrees to follow the hours of operation limitations for its landscaping portion of its business. He also noted their offer to remedy some of the problems in the form of an enhanced buffer.

After brief discussion, no Council member expressed objection to further discussions regarding these proposed changes.

### **CDS PRESENTATION RE: PLAINFIELD ROAD**

City Manager Waltz commented that CDS has been asked to look at the Hunt/Plainfield corridor in terms of traffic impact, including projections five to 20 years in the future. The next step in this process will be to consider a variety of solutions to address issues of this important corridor.

City Engineer John Eisenmann introduced associates John Pagano and Jay Korros, also with CDS Associates.

A summary of the engineers' PowerPoint presentation follows. The presentation included traffic simulation of various conditions at the various intersections being discussed.

Mr. Eisenmann explained that the team studied the Plainfield Road corridor from Blue Ash's southern corporate limit north to Carver Road. Current conditions along the corridor include significant rush hour congestion at the Plainfield intersections with the Ronald Reagan eastbound ramp, Hunt, Georgetown, and Reed Hartman/Peppermill; and at the Hunt intersection with the Ronald Reagan westbound ramp. Expected growth affecting traffic along this corridor is expected as a result of both new and redevelopment opportunities, resulting in a projected growth in peak traffic expected to be 40% to 50%.

Suggested improvements, which could be implemented within the next five years, include:

- Implement traffic improvements south of Ronald Reagan as required by any approved retail or other redevelopment.
- Reconfigure southbound lanes and existing pavement area, via modification of pavement markings, between Georgetown and Hunt to a southbound right-turn only, two southbound through lanes, and a southbound left lane. Plans are to include this pavement marking with the 2007 Paving Program project.
- Add a southbound lane on Plainfield from Peppermill to Georgetown.
- Lengthen northbound left vehicle storage between Georgetown and Peppermill.
- Lengthen the northbound left-turn lane from Reed Hartman onto Malsbary.
- Construct four-lane section on Malsbary, between Carver and Reed Hartman (two inbound and two outbound) and modify the Malsbary/Carver intersection from four-way stop to a three-way stop intersection.
- Construct a southbound right-turn lane on Reed Hartman at Carver.
- Install a traffic signal at Raymond Walters College south entrance when warranted.

Within the next 20 years, it should be expected that heavy congestion will expand beyond the current morning and evening rush hours, resulting in a need for increased capacity, and the need to raise and widen the Plainfield Road bridge over Ronald Reagan Highway. Additional options to be further evaluated include potential of conventional widening, alternative routing of traffic, intersection geometrics, and mass transit.

The recommended next steps include exploring creative ways to address the expected increase in peak hour traffic volumes, evaluate potential funding sources, and to seek citizen/business input on proposed actions.

Councilman Sumner encouraged that the City consider extending Malsbary Road eastward to intersect with Kenwood Road. Councilman Bryan commented that he does not believe that putting more cars onto already busy Kenwood Road will help the situation, and Mr. Eisenmann added that extension of Malsbary may have negative impact on what the City is trying to accomplish with downtown.

In addressing a question from Councilman Weber, Mr. Eisenmann commented that they do have an idea of how much of the Plainfield Road southbound traffic generally travels towards westbound Ronald Reagan and how much travels to eastbound Ronald Reagan. Mr. Eisenmann added that there is always the danger that by adding more lanes, the alleviation of congestion may only be temporarily addressed due to the possible “if you build it, they will come” affect. Overall, the congestion being discussed is of a three- to four-hour duration each weekday.

In addressing a comment from Councilman Czerwonka, Mr. Eisenmann agreed that consolidation of curb cuts and other modes of access management along the corridor will also likely be suggested.

In addressing a question from Councilwoman Stoller, Mr. Eisenmann commented that currently there are four different co-loop traffic signal systems that operate independently of each other. He commented that current signal technology is available and may also likely be a part of the suggestions.

Mr. Waltz commented that the Administration and engineering team believe it well worth the time in considering alternative options in lieu of just adding lanes.

Mr. Waltz asked Council their thoughts on the idea of putting in place various TIF's on small projects in the corridor, with the dollars from those TIF's paying for some of the short-term improvements. He stressed that he is not suggesting an aggressive TIF; however, perhaps to direct funds towards expense associated with lane improvements, signal improvements, etc. He also commented that such a TIF would not be intended to redirect funding away from the Sycamore Schools.

In addressing a question from Mayor Buckman, Mr. Eisenmann commented that funding for future improvements are possible from the State and perhaps also from the Federal level.

Councilman Stacey commented that he likes Mr. Waltz's idea of the TIF tool to redirect tax revenues towards road improvements. Mr. Waltz commented that the Administration would begin this by talking with Kroger to measure their level of interest. A TIF would not increase the total property taxes paid by Kroger, only redirect the tax funds towards road improvements.

#### **ADDITIONAL MISCELLANEOUS BUSINESS ITEMS**

Councilman Sumner conveyed that he has twice been invited to talk with groups about Blue Ash, in particular in discussing its success and experience with planning, beginning with Blue Ash's founding fathers. Discussions were recently enjoyed with a group from West Chester, as well as a group from Dearborn County, Indiana. He commented that both communities have put Blue Ash “on a pedestal” in regards to its success.

Councilman Sumner commented on a proclamation to be presented Saturday evening by the Mayor in recognition of the Blue Ash Presbyterian Church's 100<sup>th</sup> Anniversary celebration. He noted that at least six Blue Ash Mayors have attended the Church over the years and also fondly remembered being the Baby Jesus at a Church function.

Councilman Czerwonka complimented the Parks & Recreation Department/Park Maintenance Division on the flowers in downtown.

Mayor Buckman complimented Parks & Recreation on a successful SummerBration event in early June.

Fire Chief Rick Brown introduced Blue Ash's newest Fire Captain – Mr. Chris Theders. Captain Theders commented that he is grateful for this opportunity with the Blue Ash Fire Department and mentioned that he has been on the job for about two weeks.

**EXECUTIVE SESSION**

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

After matters pertaining to property acquisition and personnel matters were discussed, Councilman Sumner moved, Councilman Weber 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 Weber moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 10:10 PM.

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Robert J. Buckman, Jr., Mayor

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council